Administrative Register of Kentucky

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 4, NUMBER 2

THURSDAY, SEPTEMBER 1, 1977

IN THIS ISSUE:

SECTION ONE—WHITE PAGES

SECTION TWO—GREEN PAGES

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

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

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Public Hearings Scheduled

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Natural Resources
Division of Reclamation

A public hearing will be held at 10 a.m. EDT on September 1, 1977 at the State Office Building Auditorium, Frankfort, Kentucky on the following proposed regulation, published in this issue [4 Ky.R. 29]:

402 KAR 1:012. Reclamation of lands disturbed by underground mining.

PUBLIC PROTECTION AND REGULATION CABINET

A public hearing will be held at 9 a.m. on September 6, 1977 in Room 213, Capital Plaza Tower, Frankfort, Kentucky on the following proposed regulation [4 Ky.R. 96]:

806 KAR 9:012. Temporary licensing privilege requirements.

Emergency Regulations Now In Effect

JULIAN M. CARROLL, GOVERNOR
Executive Order 77-652
July 25, 1977

EMERGENCY REGULATION
Kentucky Board of Dentistry

WHEREAS, the present State Board of Dentistry's regulation controlling the passing score necessary for a candidate to successfully complete the clinical examination for licensure as a dentist is in direct conflict with the requirements of the Southern Regional Testing Agency, Inc. have failed the examination; and

WHEREAS, the conflict results in the State Board of Dentistry being required under its own regulations to license dentists who under the Southern Regional Testing Agency, Inc.'s grading requirements have failed the examination; and

WHEREAS, the Kentucky Board of Dentistry has determined and finds that an emergency exists and that it is an immediate necessity to amend its regulation to bring it into compliance with the Southern Regional Testing Agency, Inc.'s grading requirements; and

WHEREAS, the Kentucky Board of Dentistry, pursuant to KRS 313.220, has promulgated the regulation hereinabove described:

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the State Board of Dentistry 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

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(As Amended)

201 KAR 8:220E. Clinical examination.

RELATES TO: KRS 313.050
PURSUANT TO: KRS 13.082, 313.220
EFFECTIVE: July 26, 1977
EXPIRES: November 23, 1977
NECESSITY AND FUNCTION: Sets forth requirements of the clinical examination, grade to be attained and permits the board to dismiss a candidate for gross malperformance.

Section 1. (1) Clinical examination: The requirements of the clinical examination shall be within the discretion of the board as to subject matter but these requirements shall be agreed upon one (1) year prior to the examination, and must remain within the subjects contained in the regular curriculum of accredited dental schools.

(2) Successful completion of the [clinical] examination *adopted for use* [conducted] by the Kentucky Board of Dentistry requires that a candidate *successfully pass the examination of the Southern Regional Testing Agency, Inc.* [receive an average of not less than seventy-five percent (75%) on each of three (3) of the four (4) sections of the examination administered. In addition to the aforementioned, an overall average of the four (4) sections of the clinical examination shall be not less than seventy-five percent (75%).]

(3) A candidate may be dismissed during the course of the examination for gross malperformance *or misconduct.* [as defined in the instructions to applicants. This dismissal

requires the approval of two-thirds (⅔) of the board members present and administering the examination.]

PAUL H. WEBB, DMD, Acting Secretary-Treasurer
ADOPTED: July 9, 1977
RECEIVED BY LRC: July 26, 1977 at 2:05 p.m.

JULIAN M. CARROLL, GOVERNOR
Executive Order 77-678
July 29, 1977

EMERGENCY REGULATION
Department for Human Resources
Bureau for Social Insurance

WHEREAS, the Department for Human Resources has been administering the program of Aid to Families with Dependent Children-Unemployed Fathers; and

WHEREAS, Section 205.223 of the Kentucky Revised Statutes requires that such program become inoperative when the statewide rate of unemployment drops below 5.5 percent based on a four month moving average; and

WHEREAS, The Department for Human Resources has determined that the unemployment rate reached 5.2 percent as of June, 1977 and that there is an immediate need to repeal 904 KAR 2:012;

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 repealer 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 Social Insurance

904 KAR 2:014E. Repeal of 904 KAR 2:012.

RELATES TO: KRS 205.222, 205.223
PURSUANT TO: KRS 13.082, 194.050
EFFECTIVE: August 1, 1977
EXPIRES: November 28, 1977

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer public assistance programs under Title IV-A of the Social Security Act. Title IV-A provides for inclusion of children of unemployed fathers within the AFDC category at the option of the state. KRS 205.223 provides that such assistance shall be provided upon a determination by the Secretary of the Department for Human Resources that the statewide rate of unemployment exceeded six (6) percent based upon the previous four (4) months moving average. Such a finding was made as of July 1975 and the program was implemented as of that month.

KRS 205.223 further provides that such program shall become inoperative when the statewide rate of unemployment drops below 5.5 percent based upon the previous four (4) months moving average. As of June, 1977, the statewide rate of unemployment reached 5.2 percent based upon the four (4) months moving average. The program therefore becomes inoperative as of July, 1977.

Section 1. 904 KAR 2:012 is hereby repealed.

GAIL S. HUECKER, Commissioner
PETER D. CONN, Secretary
ADOPTED: July 29, 1977
RECEIVED BY LRC: August 1, 1977 at 10:05 a.m.

Amended Regulations Now in Effect

(The folowing regulations, as proposed to be amended, were published originally in Volume 3 of the *Administrative Register.* They were approved by the Administrative Regulation Review Subcommittee at its August 3, 1977 meeting and becamne effective on that date. They are republished here as a convenience to subscribers.)

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

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)
EFFECTIVE: August 3, 1977

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 *three (3) families* [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 obtains 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 tive 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) *Guidance.* [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, which ever 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 purusant 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 Seciton 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 (C10H10C18-Technical Chlorinated Camphene, 67-69 percent chlorine).	0.005
Chlorophenoxys:	
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 chlorophenozy group shall be in accordance with the "Methods for Chlorinated Phenozy 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 pimary 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 regulations) 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 by 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
H2S	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
SO4	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.

DEPARTMENT OF JUSTICE
Kentucky Law Enforcement
Foundation Program Fund
As Amended

503 KAR 5:030. Training and educational eligibility requirements.

RELATES TO: KRS 15.440
PURSUANT TO: KRS 15.450, 15A.160
EFFECTIVE: August 3, 1977
NECESSITY AND FUNCTION: KRS 15.450 and 15A.160 provide that the Secretary of the Department of Justice may adopt such regulations as are necessary to properly administer the law enforcement foundation program fund. KRS 15.440 requires police officers participating in the fund to complete a specific number of hours of basic training and in-service training. This regulation establishes general basic training and in-service training requirements for participating police officers and local units of government.

Section 1. The bureau shall review the qualifications of police officers employed by local units after the effective date of this regulation, to determine the basic training, if any, which the police officer may be required to successfully complete prior to being eligible to participate in the fund.

Section 2. Any police officer employed prior to July 1, 1972, shall be deemed to have met the basic training requirements.

Section 3. Any police officer employed by a participating local unit who possesses a high school degree or its equivalent and training equivalent to the basic training requirements established by the council may be eligible to participate in the fund by successfully passing the basic training final examination.

Section 4. Any police officer employed by a participating local unit who does not possess training equivalent to the basic training requirements established by the council must attend those sections of the basic training course recommended by the bureau and successfully complete the basic training final examination.

Section 5. A police officer shall not be eligible to participate in the fund until such time as he successfully completes the basic training course or successfully passes the basic training final examination pursuant to these regulations.

Section *6.* [5.] Any police officer who attends the basic training course [or takes the basic training final examination] and fails to successfully complete the course [or fails the basic training final examination] shall *not* be *allowed* [ineligible] to *repeat that course for a period of at least twelve (12) calendar months following the date of that failure. [and, furthermore, shall not be allowed to serve as a police officer until the basic training requirement is fulfilled.]* [participate in the fund until such time as he successfully completes the basic training course or successfully passes the basic training final examination, as the case may be.] Provided, however, that the failure to successfully complete the course or failure to successfully pass the basic training final examination under circumstances beyond the police officer's control, such as injury or serious illness, shall not disqualify the police officer's participation in the fund if the department is notified of these circumstances and those requirements are satisfactorily completed within a reasonable period of time.

Section *7.* [6.] Any police officer who attends a certified or recognized in-service training course and fails to successfully complete the course shall *not* be *allowed* [ineligible] to participate in the fund *for the twelve (12) calendar months following the date of that failure and* until such time as the officer successfully completes a certified or recognized in-service training program. Provided, however, that the failure to successfully complete the course under circumstances beyond the police officer's control, such as injury or serious illness, shall not disqualify the police officer's participation in the fund if the department is notified of these circumstances and those requirements are satisfactorily completed within a reasonable period of time.

Section *8.* [7.] Any police officer who successfully completes the basic training course during any calendar year shall be considered as having fulfilled the in-service training requirements for that year.

Section *9.* [8.] The local unit must provide at least five (5) days training leave with pay not chargeable to the police officer's annual leave record for each police officer receiving in-service training.

Section *10.* [9.] Each local unit employing forty (40) or more police officers shall establish a crime prevention team.

Section *11.* [10.] Any police officer who does not possess a high school degree or its equivalent and who has been deemed eligible to participate in the fund pursuant to KRS 15.440(3) who terminates police service forfeits such eligibility and must meet the minimum educational requirement to reparticipate in the fund.

[Section 11. No police officer shall receive payments from the fund until the officer meets the basic training requirements.]

Section 12. Any police officer who does not possess training equivalent to the basic training requirements established by the council and who has been deemed eligible to participate in the fund pursuant to KRS 15.440(4) and who terminates police service forfeits such eligibility and must meet the minimum training requirement to reparticipate in the fund.

Section *13.* [12.] A copy of the high school diploma or GED certificate for each officer where required must be maintained by the local unit and must be available for review by appropriate departmental personnel.

Section 14. After having successfully completed a certified basic training course, if a police officer transfers from one participating local unit to another, he shall not be eligible to receive payments from the fund for a period of one (1) year from the date on which the respective basic training course was completed.

JOHN L. SMITH, Secretary
ADOPTED: May 2, 1977
RECEIVED BY LRC: June 6, 1977 at 9:15 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Banking and Securities
As Amended

808 KAR 2:016. Care, maintenance, and embellishment defined.

RELATES TO: KRS 307.130(1)
PURSUANT TO: KRS 307.130, 307.150
EFFECTIVE: August 3, 1977
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, statues 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: July 17, 1977
APPROVED: JAMES E. GRAY, Secretary
RECEIVED BY LRC: July 20, 1977 at 3:00 p.m.

Proposed Amendments

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(Proposed Amendment)

201 KAR 8:220. Clinical examination.

RELATES TO: KRS 313.050
PURSUANT TO: KRS 13.082, 313.220
NECESSITY AND FUNCTION: Sets forth requirements of the clinical examination, grade to be attained and permits the board to dismiss a candidate for gross malperformance.

Section 1. (1) Clinical examination: The requirements of the clinical examination shall be within the discretion of the board as to subject matter but these requirements shall be agreed upon one (1) year prior to the examination, and must remain within the subjects contained in the regular curriculum of accredited dental schools.

(2) Successful completion of the [clinical] examination *adopted for use* [conducted] by the Kentucky Board of Dentistry requires that a candidate *successfully pass the examination of the Southern Regional Testing Agency, Inc.* [receive an average of not less than seventy-five percent (75%) on each of three (3) of the four (4) sections of the examination administered. In addition to the aforementioned, an overall average of the four (4) sections of the clinical examination shall be not less than seventy-five percent (75%).]

(3) A candidate may be dismissed during the course of the examination for gross malperformance *or misconduct.* [as defined in the instructions to applicants. This dismissal requires the approval of two-thirds (⅔) of the board members present and administering the examination.]

PAUL H. WEBB, DMD, Acting Secretary-Treasurer
ADOPTED: July 9, 1977
RECEIVED BY LRC: July 26, 1977 at 2:05 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

DEVELOPMENT CABINET
Department of Agriculture
(Proposed Amendment)

302 KAR 20:010. Definitions.

RELATES TO: KRS Chapters 246, 257
PURSUANT TO: KRS Chapter 257, 13.082
NECESSITY AND FUNCTION: Definitions and terms to clarify interpretation of regulations relating to the Division of Livestock Sanitation.

Section 1. Definitions and terms: (1) "Commissioner" means the Commissioner of the Department of Agriculture.

(2) "Department" means the Department of Agriculture.

(3) "Board" means the State Board of Agriculture.

(4) "Persons" shall include any individual, firm, association, partnership or corporation.

(5) "Stockyards" means any livestock yard, concentration point, packing plant or any other public place where livestock is regularly assembled for sale or exchange and is bought, sold or exchanged at auction or upon a commission or other basis.

(6) "Posted stockyards" means stockyards regulated by the United States Secretary of Agriculture under the Packers and Stockyards Act, 1921 (42 Stat. 159).

(7) "Premises" means any portion of land or any structure erected on land or any vehicle or vessel used in the transportation of passengers, goods or livestock.

(8) "Communicable disease" includes hog cholera, coccidiosis, brucellosis, anaplasmosis, leptospirosis, encephalomelitis, anthrax, blackleg, salmonellosis, catarrhal influenza of cattle, contagious pleuropneumonia, foot and mouth disease or apthous fever, glanders, hemorrhagic septicaemia maladie du coit or dourine, mange of cattle, necrobacillosis and foot rot in sheep, hydrophobia, rinderpest, scabies in cattle, Texas tick or southern cattle fever, tuberculosis, *paratuberculosis or Johnes disease, pseudorabies, velogenic visceraltrophic Newcastle disease* or

any other disease proclaimed by the board to be of a transmissible character.

(9) "Garbage" means waste consisting entirely or in part of animal waste resulting from handling, preparing, cooking, and consuming of food including the offal from animal carcasses or parts thereof, but excluding such waste from ordinary household operations which is fed directly to swine on the same premises.

(10) "Interstate" means movement into or through any other state.

(11) "Intrastate" means movement solely within the boundaries of the Commonwealth of Kentucky.

(12) "Concentration" or "assembly point" means any place where livestock or animals are assembled, moved, gathered, combined, collected or brought together by any person using any method or vehicle for sale, resale or barter.

(13) "Recognized slaughtering center" means a slaughtering establishment approved in accordance with state and federal regulations where slaughtering facilities are provided and to which animals are regularly shipped and slaughtered.

(14) "Chief livestock sanitary official" means State Veterinarian of the Division of Livestock Sanitation, Department of Agriculture, or his authorized representative.

(15) "Livestock" means animals used or raised on a premises of the bovine, caprine, equine, porcine, avian, ovine and lapin species.

(16) "Feeder cattle" means steers of any breed, spayed heifers or open heifers of the beef breed only under twenty-four (24) months of age which are primarily intended for slaughter after having reached the desired feeding stage.

(17) "Official brucellosis vaccinate" means a female bovine animal vaccinated against brucellosis with an approved Brucella vaccine while three (3) through six (6) months of age by a licensed, accredited veterinarian or authorized representative of the department permanently identified and tattooed as a vaccinate and reported at the time of vaccination to the appropriate state or federal agency on official forms as provided.

(18) "Health certificate" means a legible record covering the requirements of the state of destination accomplished on an official form of a standard size from the state of origin or an equivalent form of the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, that is prepared and issued by a licensed, accredited veterinarian.

(19) "Approved health certificate" means an official health certificate approved by the chief livestock sanitary official of the state of origin.

(20) "Virulent hog cholera virus" means the living agent capable of causing hog cholera that is found in the clear serum, plasma, defibrinated blood, whole blood or other tissue derived from pigs sick of hog cholera; or in any material used as a vehicle for perpetuating such living agent.

(21) "Farm of origin" means a farm where livestock to be moved interstate were born and which has not been used in the past six (6) months to assemble, buy or sell livestock brought in from other sources.

(22) "Infectious" or "contagious disease" means any disease condition that can be transmitted from one animal to another either directly or indirectly.

(23) "Owner" or "operator" means a person, firm, corporation or company responsible for the operation of a stockyard, sale, public stockyard, farm or ranch.

(24) "State-Federal approved stockyard" means a stockyard that has complied with state and federal requirements for specific movements of livestock and has been approved by the chief livestock sanitary official and federal area veterinarian in charge of the area where the stockyard does business.

(25) "Licensed, accredited veterinarian" means a graduate veterinarian who is qualified by a state examining board and is approved by the federal government and Commonwealth of Kentucky.

(26) "Area veterinarian in charge" means *federal* [area] veterinarian in charge of [area seven (7) of] the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture *in Kentucky*.

(27) "Move" or "movement" means the act of moving, shipping or transporting livestock by any means, method or vehicle; delivering, receiving or collecting livestock by any means, method or vehicle by any person by land, water or air for sale, resale or barter.

(28) "Assembled cattle" are animals without a common owner, consignor or herd of origin brought together during transportation to market and commingled in a common enclosure.

TOM S. MADDOX, D.V.M., State Veterinarian
APPROVED: WILLIAM L. SHORT, Secretary
ADOPTED: June 1, 1977
RECEIVED BY LRC: July 20, 1977 at 8:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dr. Tom S. Maddox, State Veterinarian, Division of Livestock Sanitation, 635 Comanche Trail, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET
Department of Agriculture
(Proposed Amendment)

302 KAR 20:040. Entry into state.

RELATES TO: KRS Chapter 257
PURSUANT TO: KRS Chapter 257, 13.082
NECESSITY AND FUNCTION: To specify health requirements for admission of all livestock and animals into Kentucky.

Section 1. General Provisions. (1) All animals, except as noted, shall be accompanied by an approved health certificate. Health certificates shall be void thirty (30) days after issuance. A health certificate means a legible record covering the requirements of the state of destination accomplished on an official form of a standard size from the state of origin or an equivalent form of the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, that is prepared and issued by a licensed, accredited veterinarian. An approved health certificate means an official health certificate approved by the chief livestock sanitary official of the state of origin.

(2) If animals are from tuberculosis accredited or brucellosis certified herds, health certificates shall show accreditation and certification number with date of last herd test for tuberculosis and brucellosis.

Section 2. Cattle. (1) Brucellosis:

(a) No titer resulting from the standard tube test shall be accepted unless the animal or animals to be imported are negative to an official card test. Titer of 1-50 is accepted provided it is negative to the card test.

(b) Official vaccinate: A female bovine animal vaccinated with an approved Brucella vaccine while three (3) through eight (8) months of age permanently identified as a vaccinate. Date of birth and date of vaccination shall be recorded on the health certificate.

(c) Modified certified state: Thirty (30) day tube or card test of individual. Cattle six (6) months of age or older for dairy and breeding purposes, except official vaccinates of the beef breeds under twenty-four (24) months of age and dairy breeds under twenty (20) months of age may be imported into the Commonwealth of Kentucky provided they have passed a negative brucellosis tube or card test within thirty (30) days of date of entry, or originate directly and immediately from a certified herd provided the animals to be imported have qualified as negative members of the certified herd on the last annual certification test.

(d) Bison six (6) months of age or older except official vaccinates twenty-four (24) months and under shall be negative to tube or card test within thirty (30) days of date of entry.

(e) State not modified certified: Permit shall be obtained prior to movement for all cattle for breeding and dairy purposes. These cattle must comply with federal regulations.

(2) Tuberculosis:

(a) Cattle six (6) months of age or older for dairy and breeding purposes shall be negative to an official tuberculin test within thirty (30) days of date of entry, or originate directly and immediately from: 1. Accredited herd, or 2. Eradicated free state.

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

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

(d) Bison six (6) months of age or older negative within thirty (30) days of entry.

(3) Other disease requirements:

(a) Scabies: No cattle affected with or exposed to scabies or from an area quarantined because of scabies shall be imported, shipped, driven or otherwise moved into Kentucky except in accordance with regulations of the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, and only then after first securing written permit from the chief livestock sanitary official or his authorized representative.

(b) Ticks: No cattle infested with ticks (Margarophus Annulatus) or exposed to tick infestation shall be shipped, trailed, driven or otherwise moved into Kentucky for any purpose.

(c) No cattle from a state-federal tick quarantined area shall be shipped, trailed, driven or otherwise moved into Kentucky except in accordance with regulations of the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, and only then after first securing written permit from the chief livestock sanitary official or his authorized representative.

(d) Cattle infected with warts, ringworm or any infectious or communicable disease are not eligible for entry.

(4) Other Movements:

(a) Feeder cattle: Feeder cattle as defined (nonpregnant heifers, steers and bulls under two (2) years of age) may be imported without brucellosis and tuberculosis tests from herds or areas not under quarantine if accompanied by approved health certificate or written permit or both for movement to a feed lot with valid feeding permit or to a state-federal approved stockyard or public stockyard for reconsignment to a valid feeding permit where they shall be maintained separately and apart from all dairy and breeding cattle. Feeder cattle from non-modified certified areas are not eligible for entry except from qualified herds.

(b) Slaughter cattle: Cattle consigned for immediate slaughter may be imported without official test for brucellosis or tuberculosis provided such cattle are consigned for immediate slaughter to a recognized slaughtering center under state, federal or municipal inspection or to an approved state-federal stockyard or federal stockyard for reconsignment directly to a recognized slaughtering center. Any animal or animals diverted enroute will be in violation of this regulation.

(c) Calves six (6) months of age and under: No restriction if accompanied by an approved health certificate provided such imports are in compliance to general provisions as specified. Exception: Calves from nonmodified certified area must originate from a herd known not to be infected with brucellosis.

(5) Exhibition:

(a) Brucellosis: 1. Breeding cattle six (6) months of age or older, except official female brucellosis vaccinates of the beef breeds under twenty-four (24) months of age and dairy breeds under twenty (20) months of age, shall be negative to an official tube or card test for brucellosis within thirty (30) days of entry or originate directly and immediately from a certified herd, provided cattle for exhibition have qualified as negative members of certified herd on last annual certification test. 2. Steers and heifers for carcass classes shall be positively identified but shall not be required to be brucellosis tested if accompanied by an approved health certificate.

(b) Tuberculosis: 1. Cattle six (6) months of age or older shall be negative to an official tuberculin test within thirty (30) days of entry or originate directly and immediately from an accredited herd or a tuberculosis eradicated free state. 2. Reciprocal agreements with adjoining states may be effective in lieu of specific requirements. 3. Steers and heifers for carcass classes shall be positively identified but shall not be required to be tuberculosis tested if accompanied by approved health certificate.

Section 3. Horses. (1) All horses entering Kentucky, except unweaned foals, and other equidae, for any purpose other than for immediate slaughter shall be accompanied by an official health certificate of state of ori-

gin issued by a state, federal or licensed accredited veterinarian and such certificate shall include:

(a) Veterinarian's statement that examination was made within the past thirty (30) days and revealed the animal to be free from symptoms of any infectious disease or exposure thereto, and

(b) Have attached thereto a copy of certificate of report from a laboratory approved by the USDA showing the animal(s) to be negative to AGID test for equine infectious anemia within the past six (6) months.

(2) All horses past six (6) months of age and other equidae offered for public sale [and racing] shall be negative to AGID test within past six (6) months. Only horses offered for sale for slaughter only shall be exempt from this requirement.

(3) All horses and other equidae offered for entry into fairgrounds, livestock show grounds, public boarding stables and for trail rides *or racing* shall be negative to test for AGID within twelve (12) months and shall be accompanied by certificate of report from a laboratory approved by the USDA.

(4) All reactors to AGID test for equine infectious anemia shall be officially, permanently identified using numbers and letter 61A with a brand on left neck region.

(5) All reactors not slaughtered or euthanized shall be isolated and quarantined. This isolation shall include stabling in a stall that is screened to preclude entry and exit of mosquitoes, stable flies and horse flies during those seasons of the year when such insects are prevalent. These animals will also be kept at least two hundred (200) yards from all other horses.

(6) The movement of any quarantined reactor shall be done only on permission of representative of the Department of Agriculture.

(7) All horses in a herd in which a reactor is found shall be quarantined pending a negative test of all horses.

Section 4. Swine. (1) Specific diseases:

(a) Garbage fed swine: Swine fed raw garbage shall not be imported for any purpose. Swine fed properly cooked garbage are eligible for import directly to a state or federal inspected slaughtering establishment only.

(b) Brucellosis: All swine for breeding purposes six (6) months of age or older shall be negative to an official test for brucellosis within thirty (30) days of date of entry or originate directly and immediately from a validated herd provided animals to be imported were tested on last validation herd test. No agglutination in dilution of 1-50 shall be accepted unless the individual or individuals to be imported are negative to an official card test.

(c) Hog cholera: 1. No treatment required or allowed. 2. Permit: A permit is required from the state veterinarian's office before entry on breeding and feeding swine in the event of an emergency disease outbreak. 3. All feeding and breeding swine to be held in isolation and under quarantine for a minimum of thirty (30) days. 4. All swine for feeding and breeding purposes must be identified by ear tag or ear notch to the farm of origin.

(d) Pseudorabies: All swine imported for feeding and breeding purposes six (6) months of age or older shall be negative to the serum neutralization test within thirty (30) days of date of entry and originate from a farm free of pseudorabies for the past six (6) months as evidenced on the health certificate.

(2) Other movements:

(a) Registered feedlots: Not applicable.

(b) Salesyards and markets: No vaccination or treatment if consigned to recognized slaughtering center or to public stockyard or approved stockyard for reconsignment to recognized slaughtering center within ten (10) days of date of entry.

(c) Farm premises: Identity to the farm of origin must be maintained on all breeding and feeding swine imported from farm premises to an approved stockyard or farm of destination.

(d) Exhibition: Approved health certificate in last thirty (30) days of entry. See Section 4(1)(b), [and] (c), *(d).*

Section 5. Sheep. (1) Specific diseases:

(a) Scrapie: No sheep or lambs shall be imported that originated from or are known to be exposed to flocks under surveillance for scrapie.

(b) Scabies: All sheep or lambs for breeding or feeding purposes imported from a farm, ranch or like premises shall be accompanied by an approved health certificate indicating such sheep and lambs originated directly and immediately from an official scabies eradicated free area.

(c) Sore mouth: Any sheep or lambs showing lesions of contagious exythma shall not be imported.

(2) Other movements:

(a) Apparently healthy sheep and lambs may be imported into Kentucky for immediate slaughter when consigned directly to a recognized slaughtering center approved by the chief livestock sanitary official of Kentucky or to a public stockyards, a state-federal approved stockyard, concentration point or public stockyard when reconsigned from that point direct to immediate slaughter.

(b) Exhibitions and shows: All sheep and lambs for exhibition shall be in compliance to requirements noted above as specified for sheep and in addition shall be identified individually by ear tattoo or ear tag. Such identification shall be entered on an approved health certificate.

Section 6. Goats. (1) Specific diseases:

(a) Scabies: All goats must originate from a scab free area.

(b) Scrapie: No goats from a herd under surveillance for scrapie or those that are known to have been exposed to or that are progeny shall be imported.

(2) Exhibition and sale:

(a) Brucellosis: Animals six (6) months of age or older shall have negative tube or card test in last thirty (30) days or originate directly and immediately from a certified herd.

(b) Tuberculosis: Animals six (6) months of age or older shall have negative tuberculin test in last thirty (30) days or originate directly and immediately from accredited herd.

Section 7. Poultry. (1) Specific Diseases:

(a) Poultry five (5) months of age or older for breeding purposes must have standard intradermic tuberculin test within thirty (30) days of entry.

(b) Pullorum: Negative agglutination test within thirty (30) days of date of entry.

(c) Chicks and hatching eggs shall originate from a flock under the National Poultry and/or National Turkey

Improvement Plan.

(2) Exhibition: Approved health certificate stating compliance with above requirements and in addition thereto all poultry shall be inspected prior to exhibition for evidence of any infectious, contagious or communicable disease of poultry. Any evidence of any communicable, infectious or contagious disease shall be justification for the elimination of said poultry from exhibition and/or sale at no expense to the Commonwealth of Kentucky.

Section 8. Psittacine birds. As regulated by Title 9, Part 82, Code of Federal Regulations, filed herein by reference.

Section 9. Dogs and Cats. (1) Dogs: All dogs to be imported into the Commonwealth of Kentucky for any purpose shall be admitted only when accompanied by health certificate signed by a licensed, accredited veterinarian stating that they are free from all infectious diseases, did not originate within an area under quarantine for rabies or from an area where rabies is known to exist and has not been exposed to rabies. All dogs over four (4) months of age shall be vaccinated against rabies not more than twelve (12) months prior to date of entry if killed virus vaccine is used, [or] not more than two (2) years prior to date of entry if modified live virus vaccine is used *or any vaccine approved for three (3) years immunity by the "Compendium of Animal Rabies Vaccines" prepared by the Association of State pu blic Health Veterinarians, (Inc.);* provided, show or performing dogs to be within the state temporarily for a period of ten (10) days shall not be required to furnish a health certificate.

(2) Cats: All cats shall be in compliance to above requirements for dogs provided the animals are vaccinated for rabies if four (4) months of age or older not more than twelve (12) months prior to date of entry with a vaccine approved by the state veterinarian and the Bureau for Health Services, Kentucky Department for Human Resources.

Section 10. Furbearing Animals, Domesticated Wild Animals and Zoo Animals: Wild and semi-wild animals under domestication or in custody may be imported into the state if accompanied by a permit and health certificate and provided that a report of the number of animals is made to the chief livestock sanitary official of Kentucky within ten (10) days and that immediate opportunity for examination is afforded a representative of the Division of Livestock Sanitation, Kentucky Department of Agriculture, to determine the health status of such animal or animals and the imports are presented for the administration of all laboratory procedures and tests deemed necessary by the chief livestock sanitary official of Kentucky. Transportation permit required on wild, game animals, birds and fish. Permit to be obtained from Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601 (telephone 502-564-4406).

TOM S. MADDOX, D.V.M., State Veterinarian
WILLIAM L. SHORT, Secretary
ADOPTED: June 1, 1977
RECEIVED BY LRC: July 20, 1977 at 8:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dr. Tom S. Maddox, State Veterinarian, Division of Sivestock Sanitation, 635 Comanche Trail, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET
Department of Agriculture
(Proposed Amendment)

302 KAR 20:060. Sales and exhibition.

RELATES TO: KRS Chapter 257
PURSUANT TO: KRS Chapter 257, 13.082
NECESSITY AND FUNCTION: To specify general sanitary and health requirements in relation to the sale and exhibition of livestock in Kentucky.

Section 1. Cattle. (1) General requirements:

(a) All animals, except as noted, shall be accompanied by an approved health certificate. Health certificates shall be void thirty (30) days after issuance and must be reapproved by the state office.

(b) If animals are from tuberculosis accredited or brucellosis certified herds, health certificates shall show accreditation and certification number with date of last herd test for tuberculosis and brucellosis.

(c) Blood tests for brucellosis must be conducted in a state-federal laboratory and be negative according to recommended procedures of the Uniform Methods and Rules published by APHIS, VS, USDA.

(2) Brucellosis:

(a) All breeding cattle moving from one premise to another premise on the change of ownership must be negative to the brucellosis test within thirty (30) days prior to movement.

(b) Animals six (6) months of age or over that originate from a modified certified area shall be negative to an official blood test for brucellosis within 120 days of date of exhibition, unless exempt by one of the following:

1. Originate directly from a certified herd.
2. Originate directly from a certified free area.
3. Official vaccinates under twenty (20) months of age for the dairy breeds and twenty-four (24) months of age for the beef breeds.
4. Steers: No brucellosis test required.

(c) Animals that do not originate from a modified certified area shall be negative to two (2) consecutive brucellosis tests not less than thirty (30) nor more than sixty (60) days intervening and the second within thirty (30) days of date of exhibition.

(3) Tuberculosis:

(a) Effective November 1, 1968, native Kentucky cattle will not be required to pass a negative tuberculosis test to enter shows and fairs in Kentucky. This change does not apply to out-of-state cattle coming into Kentucky for shows.

(b) Animals six (6) months of age or older that originate from a modified accredited area shall be negative to an official test within ninety (90) days of date of exhibition, unless exempt by one of the following:

1. Originate directly from an accredited herd.
2. Originate directly from a herd in which all animals six

(6) months of age or older are negative to an official tuberculin test within last twelve (12) months of date of show.

(c) Animals that do not originate from a modified accredited area shall be negative to two (2) consecutive tuberculin tests not less than sixty (60) days intervening nor more than 120 days of date of exhibition.

Section 2. Performance Bull Testing Program. (1) All animals shall be accompanied by approved health certificates.

(2) Brucellosis: Animals entered in this program shall, if six (6) months of age or older, be negative to an official brucellosis test within thirty (30) days of date of entry or originate directly and immediately from a certified herd.

(3) Tuberculosis: All animals six (6) months of age or older shall be negative to an official tuberculin test within thirty (30) days of entry or originate directly and immediately from one of the following:

(a) Tuberculosis accredited herd.

(b) Negative herd in modified accredited area in which all animals six (6) months of age or older were negative to an official tuberculin test within twelve (12) months of date of entry with any subsequent test also negative.

Section 3. Horses. (1) All horses entering Kentucky, except unweaned foals, and other equidae, for any purpose other than for immediate slaughter shall be accompanied by an official health certificate of state of origin issued by a state, federal or licensed accredited veterinarian and such certificate shall include:

(a) Veterinarian's statement that examination was made within the past thirty (30) days and revealed the animal to be free from symptoms of any infectious disease or exposure thereto, and

(b) Have attached thereto a copy of certificate of report from a laboratory approved by the USDA showing the animal(s) to be negative to AGID test for equine infectious anemia within the past six (6) months.

(2) All horses past six (6) months of age and other equidae offered for public sale shall be negative to AGID test within past six (6) months. Only horses offered for sale for slaughter only shall be exempt from this requirement.

(3) All horses and other equidae offered for entry into fairgrounds, livestock show grounds, public boarding stables and for trail rides or racing shall be negative to test for AGID within twelve (12) months and shall be accompanied by certificate of report from a laboratory approved by the USDA.

(4) All reactors to AGID test for equine infectious anemia shall be officially, permanently identified using numbers and letter 61A with a brand on left neck region.

(5) All reactors not slaughtered or euthanized shall be isolated and quarantined. This isolation shall include stabling in a stall that is screened to preclude entry and exit of mosquitoes, stable flies and horse flies during those seasons of the year when such insects are prevalent. These animals will also be kept at least 200 yards from all other horses.

(6) The movement of any quarantined reactor shall be done only on permission of representative of the Department of Agriculture.

(7) All horses in a herd in which a reactor is found shall be quarantined pending a negative test of all horses.

Section 4. Swine. (1) All swine for exhibition must be accompanied by an approved health certificate. Certificates shall be void after thirty (30) days unless reapproved by the state office.

(2) Brucellosis:

(a) Kentucky swine: All swine except barrows six (6) months of age or older shall have negative ninety (90) day test in accordance with the Uniform Methods and Rules published by APHIS, VS, USDA, or originate directly and immediately from a validated herd. Validation number and date of last herd test must be shown on health certificate.

(b) Out-of-state: All swine except barrows six (6) months of age or older shall have negative thirty (30) day test in accordance with the Uniform Methods and Rules published by APHIS, VS, USDA, or originate directly and immediately from a validated herd. Validation number and date of last herd test must be shown on the approved health certificate.

(3) Identification: All swine must have permanent means of identification.

(4) Pseudorabies:

(a) All swine imported for exhibition must be negative to the serum neutralization test within thirty (30) days of the date of entry and originate from a farm free of pseudorabies for the past six (6) months as evidenced on the health certificate.

(b) All native Kentucky swine must be negative to the serum neutralization test within 120 days of consignment for exhibition and originate from a farm free of pseudorabies for the past six (6) months as evidenced on the health certificate.

Section 5. Sheep. (1) Scrapie: No sheep or lambs shall be consigned that originated from or are known to be exposed to flocks under surveillance for scrapie.

(2) Scabies: All sheep or lambs for breeding and feeding purposes consigned from a farm, ranch or like premises shall be accompanied by an approved health certificate indicating such sheep and lambs originated directly and immediately from an official scabies eradicated free area or have been dipped at point of origin within fifteen (15) days of date of entry.

(3) Sore mouth: Any sheep or lambs showing lesions of contagious exythma shall not be consigned.

(4) All sheep and lambs consigned shall be identified individually by ear tattoo or ear tag. Such identification shall be entered on an approved health certificate.

Section 6. Goats. (1) Scabies: All goats must originate from a scab free area or be dipped at point of origin within fifteen (15) days prior to date of sale or exhibition.

(2) Scrapie: No goats from a herd under surveillance for scrapie or those that are known to have been exposed to or that are progeny shall be considered.

(3) Brucellosis: Animals six (6) months of age or older shall have negative thirty (30) day test in accordance with the Uniform Methods and Rules published by APHIS, VS, USDA, as applies to the bovine test.

(4) Tuberculosis: Animals six (6) months of age or older shall have negative tuberculin test in last thirty (30) days or originate directly and immediately from accredited herd.

Section 7. Poultry. (1) Poultry five (5) months of age or older for breeding purposes must have standard intradermic tuberculin test within thirty (30) days of consignment.

(2) Pullorum: Negative agglutination test within thirty (30) days of date of consignment.

(3) Out-of-state: Approved health certificate stating compliance with above requirements and in addition

thereto all poultry shall be inspected prior to exhibition for evidence of any infectious, contagious or communicable disease of poultry. Any evidence of any communicable, infectious or contagious disease shall be justification for the elimination of said poultry from exhibition and/or sale at no expense to the Commonwealth of Kentucky.

Section 8. Dogs and Cats. (1) All dogs over four (4) months of age to be consigned for any purpose shall be admitted only when accompanied by health certificate signed by a licensed, accredited veterinarian stating that they are free from all infectious diseases, did not originate within an area under quarantine for rabies or from an area where rabies is known to exist and has not been exposed to rabies. All dogs over four (4) months of age shall be vaccinated against rabies not less than fourteen (14) days nor more than twelve (12) months prior to date of consignment if killed virus vaccine is used, [or] not less than fourteen (14) days nor more than two (2) years prior to date of consignment if modified live virus vaccine is used *or any vaccine approved for three (3) year immunity by the "Compendium of Animal Rabies Vaccines" prepared by the Association of State Public Health Veterinarians, (Inc.);* provided, show or performing dogs to be within the state temporarily for a period of ten (10) days shall not be required to furnish an approved health certificate.

(2) All cats shall be in compliance to above requirements for dogs provided the animals are vaccinated for rabies if four (4) months of age or older not less than fourteen (14) days nor more than twelve (12) months prior to date of consignment with a vaccine approved by the state veterinarian and the Bureau for Health Services, Kentucky Department for Human Resources.

TOM S. MADDOX, D. V. M., State Veterinarian
APPROVED: WILLIAM L. SHORT, Secretary
ADOPTED: June 1, 1977
RECEIVED BY LRC: July 20, 1977 at 8:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dr. Tom Maddox, State Veterinarian, Division of Livestock Sanitation, 635 Comanche Trail, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET
Department of Agriculture
(Proposed Amendment)

302 KAR 20:070. Stockyards.

RELATES TO: KRS Chapter 257
PURSUANT TO: KRS Chapter 257, 13.082
NECESSITY AND FUNCTION: To designate sanitary requirements, and operational procedures in all stockyards relative to disease control.

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

(2) The person operating a stockyard shall provide separate pens or a yarded division for isolating animals classed as reactors to brucellosis or any communicable disease.

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

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

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

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

Section 2. General Requirements. (1) All stockyards shall be maintained in a workable and sanitary condition. Stockyards shall be inspected as required by a representative of the board.

(2) After an occurrence of any infectious, contagious, parasitic or communicable disease of livestock in a stockyard, exposed facilities capable of transmitting disease shall be cleaned and disinfected with approved disinfectants in a manner approved by the chief livestock sanitary official.

(3) Livestock found to be infected and showing clinical or diagnostic symptoms of an infectious, contagious, parasitic or communicable disease shall upon recommendation of stockyard veterinarian or authorized representative of the chief livestock sanitary official be quarantined in an isolated portion of the yards for treatment, additional diagnostic laboratory procedures, disposition to slaughter or other disposition pursuant to accepted methods of disease prevention and control.

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

(5) The card test shall be the official test for brucellosis at stockyards. All animals showing positive reaction must be identified and sold for immediate slaughter only. Indemnity will be paid for reactors disclosed by stockyard test as long as state-federal funds are available.

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

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

Section 3. Veterinary Compensation. Accredited veterinarians shall receive for any services rendered a fee that has been agreed on by the stockyard operators and the accredited veterinarians. Such fees shall be deducted from

the seller's or buyer's check, depending upon conditions of sale and shall be paid to the accredited veterinarian, except for those services reimbursed pursuant to a state-federal cooperative program.

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

(2) Conduct required tests of livestock.

(3) Inspect all livestock for clinical evidence of infectious, contagious, or parasitic diseases.

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

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

(6) Report the presence of any communicable disease condition to chief livestock sanitary official.

Section 5. Cattle Requirements. (1) Tuberculosis:

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

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

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

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

(2) Brucellosis:

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

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

2. Cattle from a certified herd.

(b) Backtagged cattle:

1. All mature cattle eighteen (18) months or older, as indicated by the presence of the first pair of permanent incisor teeth, except steers and spayed heifers, consigned to any stockyard, or purchased direct by any slaughtering establishment shall be backtagged in a routine manner prescribed by the department.

2. All backtagged cattle shall be negative to a brucellosis test within eight (8) days of sale.

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

4. Backtagged cattle shall proceed directly to a recognized slaughtering center with no diversion whatever enroute except to another approved stockyard for reconsignment to slaughter.

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

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

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

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

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

(3) Breeding swine: All [breeding] swine six (6) months of age or older shall [in addition] be negative to *both* an official blood test for brucellosis *and the serum neutralization test for pseudorabies* at time of sale [or have originated directly from a validated herd]. *Swine shall be deemed negative at the time of sale to an official test if accompanied by proof of a negative test result within thirty (30) days of sale. Swine originating from a validated brucellosis free herd shall be exempt from a stockyard test for brucellosis.*

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

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

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

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

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

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

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

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

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

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

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

(k) Permit no garbage fed swine to enter market unless

provisions are made to handle and pen such swine separate and apart from all other swine to avoid contact with other marketable swine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DR. TOM S. MADDOX, D. V. M., State Veterinarian
APPROVED: WILLIAM L. SHORT, Secretary
ADOPTED: June 1, 1977
RECEIVED BY LRC: July 20, 1977 at 8:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dr. Tom S. Maddox, State Veterinarian, Division of Livestock Sanitation, 635 Comanche Trail, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET
Department of Agriculture
(Proposed Amendment)

302 KAR 20:080. Swine.

RELATES TO: KRS Chapter 257
PURSUANT TO: KRS Chapter 257, 13.082
NECESSITY AND FUNCTION: Inspection and treatment of assembled swine for the control and eradication of hog cholera and other infectious swine diseases.

Section 1. Discontinuance of Hog Cholera Vaccine in Kentucky The use of hog cholera vaccines is prohibited.

Section 2. Requirements for Movement or Sale. Swine not known to be affected with or exposed to a contagious, infectious or communicable disease of swine may be moved for feeding and breeding purposes provided:

(1) Identification is maintained to the farm of origin by an official ear tag supplied by the Department of Agriculture and reported to the state veterinarian's office.

(2) All swine six (6) months of age or older sold for *feeding and* breeding purposes shall comply with provisions of *Chapter 20 of Title 302* [this section] and shall be negative to an official blood test for brucellosis *and pseudorabies* within thirty (30) days of date of movement [or originate directly and immediately from a validated herd]. *Swine originating from a validated brucellosis free herd shall be exempt from a brucellosis test.*

(3) Swine of the slaughter class if, after inspection, are found to be free from hog cholera or clinical symptoms of any contagious or infectious disease of swine, may be moved from a public stockyard, approved stockyard, restricted livestock market or premises for farm slaughter without official vaccination or treatment if the number of such swine does not exceed five (5) and such swine are moved on a permit and affidavit issued by the state veterinarian or his official representative. Said permit shall require isolation under quarantine for a period not to exceed ten (10) days. The affidavit will be returned to the state veterinarian confirming date and place of slaughter.

Section 3. Importation of Swine into Kentucky. Importation of swine into Kentucky except for immediate slaughter must comply with 302 KAR 20:040 and requirements and provisions of Title 9, Part 76, CFR, herein filed by reference. All imports must be accompanied by official health certificate. All swine imported are to be maintained in isolation and held under quarantine for a minimum of thirty (30) days.

Section 4. Reporting Hog Cholera, Compulsory. When a licensed, graduate veterinarian or his authorized representative of the department determines that suspicion of hog cholera exists on any premise, he will report immediately to the state veterinarian or federal veterinarian in charge by telephone, collect. The report will include the following: Name and address of the owner of the premise or caretaker of the swine, location of the premises by county, adequate geographical description, and the name

and address of attending veterinarian.

Section 5. Garbage Feeding Operations and Movement of Swine Which Have Been Fed Garbage. All garbage feeding operations shall comply with 302 KAR 20:100.

Section 6. Eradication Program Providing Indemnity. (1) All swine affected with or exposed to or suspected of being affected with or exposed to hog cholera shall be quarantined to premises.

(2) A complete epidemiological investigation will be conducted and report rendered by qualified state or federal veterinarians in cooperation with local veterinary practitioner. Tissue specimens will be submitted to approved laboratory. Clinical symptoms, post-mortem lesions and laboratory report shall be used to establish diagnosis.

(3) The infected herd and all other exposed animals will be promptly destroyed and animals disposed of under state or federal supervision by burial, complete burning or rendering plant service.

(4) Indemnity will be paid jointly by state and federal governments to owners whose animals are destroyed or die as a result of cholera provided appraisal has been made prior to destruction or death. Dead animals will not be appraised.

(5) An accurate detailed inventory and appraisal shall be conducted by a state and federal veterinarian at time of first visit to premises. This inventory shall be reported immediately to the state veterinarian on forms provided to be used as a basis for cooperative state and federal indemnity payments.

(6) Infected swine shall be appraised in groups of similar size, weight and type.

(7) Each premise appraisal shall be made jointly by a state or federal veterinarian, owner and market representative of owner's choice if he desires.

(8) The county extension service shall be notified by a state or federal veterinarian of premises quarantined and epidemiological study resulting.

(9) After an affirmative laboratory report all premises within a three (3) mile radius or logical exposure area shall be visited and recommendations made to protect said owner and local community from spread of hog cholera infection.

(10) A field report of premises by owner visited shall be rendered to the state veterinarian on forms provided.

(11) All infected premises shall be completely cleaned and disinfected under supervision of a state or federal employee or accredited veterinarian prior to swine replacement following depopulation. Repopulation of premises shall be done only on permission of the state veterinarian.

TOM S. MADDOX, D.V.M., State Veterinarian
APPROVED: WILLIAM L. SHORT, Secretary
ADOPTED: June 1, 1977
RECEIVED BY LRC: July 20, 1977 at 8:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dr. Tom S. Maddox, State Veterinarian, Division of Livestock Sanitation, 635 Comanche Trail, Frankfort, Kentucky 40601.

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

401 KAR 1:080. Traps and cleanouts.

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.010, 318.130
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 the quality, location and the placing of traps and clean-outs to prevent harmful gases and odors from entering buildings and homes that are served by plumbing systems.

Section 1. Traps, Kind and Minimum Size. Every trap shall be self-cleaning. Traps for bathtubs, lavatories, sinks and other similar fixtures shall either be tubular brass, tubular ABS or PVC conforming to ASTM F-409, cast brass, cast iron, lead or schedule 40 PVC (polyvinyl chloride) or ABS (acrylonitrile-butadiene-styrene) traps. Tubular or schedule 40 PVC or ABS p-traps may be either the union-joint or solvent welded type. Tubular brass traps shall be seventeen (17) gauge [with ground joints]. No tubular brass, tubular PVC or ABS or Schedule 40 [PVC or] ABS traps shall be installed below the finished floor serving a fixture. Traps shall have a full-bore, smooth interior waterway. The threads in cast brass and cast iron traps shall be tapped out of solid metal. Lead traps shall be extra heavy.

Section 2. Traps, Prohibited. A trap which depends upon the action of movable parts or concealed interior partitions for its seal shall not be used.

Section 3. Traps, Where Required. Each fixture shall be separately trapped by a water-seal trap placed as near to the fixture as possible not to exceed ten (10) inches from the bottom of the fixture to dip of the seal. In no case shall the waste from a bathtub or other fixture discharge into a water closet bend. No fixture shall be double trapped.

Section 4. Water Seal. A fixture trap shall have a water seal of not less than two (2) inches nor more than four (4) inches.

Section 5. Trap Clean-Outs. Trap clean-outs are optional.

Section 6. Trap Levels and Protection. All traps shall be set true with respect to their water seals and shall be protected from frost and evaporation.

Section 7. Pipe Clean-Outs. The bodies of clean-out ferrules shall be made in standard pipe sizes, conforming in thickness to that of pipe and fittings and shall extend not less than one-quarter (1/4) inch above the hub in which it is placed. The clean-out cap, or plug shall be heavy red brass not less than one-eighth (1/8) inch thick and shall have a raised nut or recessed pocket for removal.

Section 8. Pipe, Clean-Outs, Where Required. A clean-out easily accessible, shall be provided at the base

of each vertical waste or soil stack. There shall be at least two (2) clean-outs in the house drain, one (1) at or near the base of the stack and the other with full size Y branch inside the wall or outside the building at a point not beyond two (2) feet from the foundation wall. Clean-outs shall be of the same nominal size as the pipe it serves up to four (4) inches, and not less than four (4) inches for larger pipe.

Section 9. Manholes. All underground clean-outs in a building, except where clean-outs are flush with the floor or wall, shall be made accessible by a manhole or with a proper cover.

Section 10. Clean-Outs (Equivalents). Any floor or wall connection of a fixture trap whether bolted or screwed to the floor or wall, shall be regarded as a clean-out with the exception of the clean-out where the house drain enters a building.

Section 11. Grease Traps. When a grease trap is installed, it shall be placed as near as possible to the fixture it serves and shall be approved by the department. All grease traps used inside a building shall have a sealed cover and shall be properly vented. Grease traps may be installed whenever a private sewage disposal system is used but must be installed to serve restaurants and food handling establishments.

Section 12. Sand Traps. Sand traps shall be designed and located so as to be readily accessible and shall meet the requirements of the department.

Section 13. Basement Floor Drains. A basement floor drain shall connect into a trap so constructed that it can be readily cleaned and of a size to serve efficiently the purpose for which it is intended. When subject to back flow or back pressure, such drains shall be equipped with an adequate back-water valve. The trap seal shall be at least four (4) inches above the flow line of the house drain.

Section 14. Back Water Valves. A back water valve shall be of non-corrosive metals and so constructed as to insure a positive mechanical seal except when discharging wastes.

Section 15. Utility Room Floor Drains. A utility room floor drain with an individual waste shall be provided with a two (2) inch vent increased to three (3) inches before passing through the roof of a building.

Section 16. Directional Flow Fittings and Continuous-Waste. Kitchen sink units, or fixtures with more than one (1) unit may be connected with a continuous-waste, provided a directional flow fitting is used. Continuous-waste shall be either seventeen (17) gauge tubular brass or schedule 40 ABS or PVC or tubular ABS or PVC material.

ROBERT D. BELL, Secretary
ADOPTED: August 10, 1977
RECEIVED BY LRC: August 11, 1977 at 3:25 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Eugene Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 5th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

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

401 KAR 1:100. House sewers and storm water piping; methods of installation.

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, [211.090,] 318.130 [, 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 outlining the materials that may be used in the construction of house sewers, storm water piping as well as the methods of installation.

Section 1. Independent System. The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from, and independent of, that of any other building except as provided below, and every building shall have an independent connection with either a public or private sewer or sewer system.

Section 2. Exception. Where a building stands in the rear of another building or on an interior lot, and a sewer connection cannot be made available to the rear building through an adjoining alley, court, yard or driveway, the sewer from the front building may be extended to the rear building and it will be considered as one (1) sewer. This exception does not apply to corner lots where a sewer connection is available from the street or alley nor to a new or existing building which abuts a street or alley.

Section 3. Connection with Private Sewage Disposal System. When a sewer is not available, the house drain from a building shall connect with an approved private sewage disposal system.

Section 4. Excavations. All excavations made for the installations of a house sewer shall be open trench work. All such trenches shall be kept open until the piping has been inspected and/or tested and approved.

Section 5. Depth of Sewer at the Property Line. (1) Where possible the sewer at the property line shall be at a sufficient depth to properly serve any plumbing connection that may be installed in the basement of any building unless restricted by anothers authority.

(2) House sewers shall be laid on a grade of not less than one-eighth (1/8) inch nor more than one-fourth (1/4) inch per foot. All sewers must have at least an eighteen (18) inch cover. Sewer piping under a superimposed load condition shall have at least a three (3) feet cover unless constructed of cast iron piping. Sewers shall be backfilled by hand and tamped six (6) inches above the piping, or in lieu thereof may be filled with six (6) inches grillage above the piping. All joints in cast iron, bituminous fiber, vitrified clay pipe and cement asbestos pipe

shall be made in a manner to conform to other sections of this code.

Section 6. New House Sewer Connections. House sewers installed where a private sewerage system has been discarded may connect to the house drain, provided in the opinion of the department the existing plumbing system meets this code or a previous one.

Section 7. Materials for House Sewers. House sewers or combined sewers, beginning two (2) feet outside the foundation wall of a building shall be made of either extra heavy cast iron pipe, service weight cast iron, vitrified clay, concrete, bituminous fiber, cement asbestos, PVC or ABS plastic pipe schedules 40 and 80, truss pipe and extra heavy SDR 35 pipe.

Section 8. Material for Storm Sewers Inside Buildings. Material for storm sewers inside of buildings to a point two (2) feet outside a building in sizes eight (8) inches and smaller shall be cast iron pipe. Storm sewers in sizes of ten (10) inches and larger may be either cast iron, vitrified clay or concrete conforming to appropriate commercial standards with approved joints.

Section 9. Change of Direction. Change in direction of a sewer shall be made with long curves, one-eighth (1/8) bends or Y's.

Section 10. Size of House Sewers and Horizontal Branches. The minimum size of a house sewer shall not be less than four (4) inches nor less than that of the house drain. House sewers receiving branches shall be sized in the same manner as house drains. (See 401 KAR 1:060.)

Section 11. Size of Storm Systems. The required sizes of storm sewers shall be determined on the basis of the total drained areas in horizontal projection in accordance with the following table. No storm sewer shall be laid parallel to or within two (2) feet of any bearing wall. The storm sewer shall be laid at a sufficient depth to protect it from freezing.

Diameter of pipe inches	Maximum drained roof area square feet*		Diameter of pipe inches	Maximum drained roof area square feet*	
	Slope, 1/8 in. fall to 1 ft.	Slope, 1/4 in. fall to 1 ft.		Slope, 1/8 in. fall to 1 ft.	Slope, 1/4 in. fall to 1 ft.
3	865	1,230	8	11,115	15,745
4	1,860	2,610	10	19,530	27,575
5	3,325	4,715	12	31,200	44,115
6	5,315	7,515	13	42,600	60,000

The calculations in this table are based on a rate of rainfall of four (4) inches per hour.

Section 12. Combined Storm and Sanitary Sewer System. Whenever a combined sewer system is used, the required size of the house drain or house sewer shall be determined by multiplying the total number of fixture units carried by the drain or sewer by the conversion factor corresponding to the drained area and the total fixture units, adding the product to the drained area and applying the sum to the preceding table for storm-water sewers. No combined house drain or house sewer shall be less than five (5) inches in diameter, and no combined house drain or house sewer shall be smaller in size than that required for the same number of fixture units or for the same roof area in separate systems.

CONVERSION FACTORS FOR COMBINED STORM AND SANITARY SYSTEM

Number of fixture units on sanitary system

Drained roof area in square feet	Up to 6	7 to 18	19 to 36	37 to 60	61 to 96	97 to 144	145 to 216	217 to 324
Up to 120	180	105	60	45	30	22	18	15
121 to 240	160	98	57	43	29	21	17.6	14.7
241 to 480	120	75	50	39	27	20	16.9	14.3
481 to 720	75	62	42	35	24	18	15.4	13.2
721 to 1080	54	42	33	29	20	15	13.6	12.1
1081 to 1620	30	18	16	15	12	11.5	11.1	10.4
1621 to 2430	15	12	11	10.5	9.1	8.8	8.6	8.3
2431 to 3645	7.5	7.2	7.0	6.9	6.6	6.5	6.4	6.3
3646 to 5460	2.0	2.4	3.0	3.3	4.1	4.2	4.3	4.4
5461 to 8190	0	2.0	2.1	2.2	2.3	2.4	2.5	2 6
8191 to 12,285	0	0	2.0	2.1	2.1	2.2	2.3	2.3
12286 to 18,420	0	0	0	2.0	2.1	2.1	2.2	2.2
18421 to 27,630	0	0	0	0	2.0	2.1	2.2	2.2
27631 to 40,945	0	0	0	0	0	2.0	2.1	2.2
40946 to 61,520	0	0	0	0	0	0	2 0	2.1
Over 61,520	0	0	0	0	0	0	0	2.0

Number of fixture units on sanitary system

Drained roof area in square feet	325 to 486	487 to 732	733 to 1098	1099 to 1644	1645 to 2466	2467 to 3702	3703 to 5556	Over to
Up to 120	12	10.2	9.2	8.4	8.2	8.0	7.9	7.8
121 to 240	11.8	9.9	9.1	8.3	8.1	8.0	7.9	7.8
241 to 480	11.5	9.7	8.8	8.2	8.0	7.9	7.8	7.7
481 to 720	10.8	9.2	8.6	8.1	7.9	7.9	7.8	7.7
721 to 1080	10.1	8.7	8.3	8.0	7.8	7.8	7.7	7.6
1081 to 1620	9.8	8.4	8.1	7.9	7.7	7.7	7.6	7.5
1621 to 2430	8.0	7.9	7.8	7.7	7.6	7.5	7.4	7.4
2431 to 3645	6.2	6.3	6.4	6.4	6.8	7.0	7.1	7.2
3646 to 5460	4.5	4.7	5.0	5.1	6.1	6.4	6.9	6.9
5461 to 8190	2.6	3.2	3.7	4.6	5.0	5.6	6.2	6.4
8191 to 12,285	2.4	2.5	2.6	2.7	3.5	4.5	5.2	5.6
12286 to 18,420	2.3	2.3	2.4	2.4	2.6	3.2	4.2	4.7
18421 to 27,630	2.2	2.3	2.3	2.3	2.4	2.5	2.8	3.1
27631 to 40,945	2.2	2.2	2.2	2.2	2.2	2.2	2.3	2.4
40946 to 61,520	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1
Over 61,520	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0

Section 13. House Sewer in Undisturbed or Made Ground. House sewers laid in undisturbed ground must be laid on at least four (4) inches of pea gravel, sand or other approved grillage. House sewers laid in made or filled ground shall be embedded to the lower quadrant with at least a four (4) inch concrete pad below the invert, or other support that may be approved by the department. Supports in filled or made ground shall be on ten (10) feet centers to a solid footing, either undisturbed earth or rock. House sewers construced of flexible thermoplastic sewer piping must be installed with at least six (6) inches of gravel on the bottom, top and sides of the piping.

Section 14. Storm Sewers in Undisturbed or Made Ground. Storm sewers laid in undisturbed ground will not require grillage. Storm sewers laid in made or filled grounds shall be embedded to the lower quadrant with at least a four (4) inch concrete pad below the invert or other support that may be approved by the department. Supports in filled or made ground shall be on ten (10) feet centers to a solid footing, either undisturbed earth or rock.

Section 15. Drainage Below Sewer Level. In buildings, in which the whole or part of the house drain and plumbing system thereof lies below the level or the main sewer, sewage and waste shall be lifted by an approved artificial means and discharged into the house sewer.

Section 16. Drainage Below Sewer Level (Residential). In homes where the house sewer level is above the basement floor, waste water shall be lifted by means of an approved sump pump. The sump pit shall be provided with a two (2) inch vent which may also act as a waste and vent for a laundry tray. The pump shall discharge into a two (2) inch cast iron pipe extended inside the building at least twelve (12) inches above the outside grade. The sump well shall be provided with a tight-fitting concrete cover. On the outside of the building this connection shall be provided with a four (4) inch by two (2) inch soil tee extended to the grade, with a vent cap and a four (4) inch trap properly connected to the house sewer.

Section 17. Sumps and Receiving Tanks. All subsoil drains shall discharge into an air tight sump or receiving tank so located as to receive the sewage by gravity. The sewage shall be lifted and discharged into the house sewer by a pump, ejector or any equally efficient method. Such sumps shall automatically discharge.

Section 18. Ejectors, Vented. All ejectors shall be vented with a three (3) inch vent. Fixtures or appliances connected thereto shall be vented in accordance with other sections of this code.

Section 19. Ejector Power: Motors, Compressors, Etc. All motors, air compressors and air tanks shall be located where they are open for inspection and repair at all times. The air tanks shall be proportioned so as to furnish sufficient air at suitable pressure to the ejector to completely empty the sump or storage tank with the compressor not operating. The end pressure in the tank shall be not less than two (2) pounds for each foot of height through which sewage is raised.

Section 20. Ejectors for Sub-Soil Drainage. When sub-soil catch basins are installed below the sewer level, automatic ejectors, of an approved type, may be used. Such ejectors or any device raising sub-soil water shall discharge into a properly trapped fixture or into a storm-water drain.

Section 21. Drainage of Yards, Areas and Roofs. All roofs, paved areas, courts, and courtyards shall be drained into a storm water system or a combined sewerage system, but not into sewers intended for sewage only. When drains are connected to a combined sewerage system, they shall be trapped. If roof leaders, conductors, or gutter openings are located more than ten (10) feet from a window, scuttle, or air shaft, a trap shall not be required. Traps shall be set below the frost line or on the inside of the building. Where there is no storm or combined sewer available, it may discharge into a drainage area unless otherwise prohibited by the proper authorities. When such drains are not connected to a combined sewer a trap is not required.

Section 22. Size of Rain Water Leader. No inside leader shall be less size than the following:

AREA OF ROOF (In Square Feet)	Leader, Diameter (Inches)
Up to 90	1 1/2
91 to 270	2
271 to 810	3
811 to 1,800	3 1/2
1,801 to 3,600	4
3,601 to 5,500	5
5,501 to 9,600	6

Section 23. Inside Conductors or Roof Leaders. When conductors and roof leaders are placed within the walls of any building, or in an interior court or ventilating pipe shaft they shall be constructed of cast iron pipe, galvanized wrought iron, galvanized steel, [or] copper pipe [.] *or PVC, schedule 40 piping. The vertical distance of PVC conductors shall not exceed thirty (30) feet from the base through the terminus through the roof.*

Section 24. Outside Conductors. When outside sheet metal conductors or downspouts are connected to a house drain, they shall be connected by means of a cast-iron pipe extending vertically at least one (1) foot above the grade line. Along public driveways, without sidewalks, they shall be placed in niches in the walls, protected by wheel guards, or enter the building through the wall at a forty-five (45) degree slope at least twelve (12) inches above the grade.

Section 25. Defective Conductor Pipes. When an existing sheet metal conductor pipe within the walls of any building becomes defective, such a conductor shall be replaced by one which conforms to this code.

Section 26. Vent Connections with Conductors Prohibited. A conductor pipe shall not be used as a soil, waste or vent pipe, nor shall any soil, waste, or vent pipe be used as a conductor.

Section 27. Overflow Pipes. Overflow pipes from cisterns, supply tanks, expansion tanks, or drip pans shall connect only indirectly with any house sewer, house drain, soil or waste pipe.

Section 28. Subsoil Drains, Below Sewer Level. Subsoil drains shall discharge into a sump or receiving tank.

It shall be automatically lifted and discharged into the storm drainage system or upon the ground outside the building that it serves.

ROBERT D. BELL, Secretary
ADOPTED: August 10, 1977
RECEIVED BY LRC: August 11, 1977 at 3:25 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 5th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
(Proposed Amendment)

803 KAR 1:010. Registration of apprenticeship programs.

RELATES TO: KRS Chapter 343
PURSUANT TO: KRS 13.082, 343.020
NECESSITY AND FUNCTION: KRS 343.020 authorizes the Commissioner with the aid of the Council to make regulations to carry out the provisions and purposes of KRS Chapter 343. The function of this regulation is to set forth labor standards to safeguard the welfare of apprentices, and to extend the application of such standards by prescribing policies and procedures concerning the registration of acceptable apprenticeship programs with the Kentucky Department of Labor, Division of Labor Standards, Supervisor of Apprenticeship and Training. These labor standards cover the registration, *cancellation and deregistration* of apprenticeship programs *and of apprenticeship agreements.*

Section 1. As used in these regulations, unless the context clearly requires otherwise:
(1) "Apprentice" means a person at least sixteen (16) years of age who has entered into an apprenticeship agreement with an employer or an association of employers or an organization of employes;
(2) "Apprenticeship agreement" means a voluntary written agreement entered into by the apprentice or through his parent or guardian with an employer, or an apprenticeship and training committee acting as agent for an employer, which agreement contains the terms and conditions of the employment and training of the apprentice to enable the apprentice to learn the trade, craft or business of the employer;
(3) "Commissioner" means commissioner of labor or any authorized person to act in his behalf, having jurisdiction over laws or regulations governing wages and hours of employes working in this state;
(4) "Council" means apprenticeship and training council;
(5) "Supervisor" means supervisor of apprenticeship and training;
(6) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including such matters as the requirements for a written apprenticeship agreement;
(7) "Sponsor" means any person, association, committee, or organization in whose name or title the program is or is to be registered, irrespective of whether such entity is an employer;
(8) "Employer" means any person or organization employing an apprentice whether or not such person or organization is a party to an apprenticeship agreement with the apprentice;
(9) "Related instruction" means an organized and systematic form of instruction designed to provide the apprenctice with knowledge of the theoretical and technical subjects related to his trade;
(10) "Registration of an apprenticeship program" means the acceptance and recording of such program by the supervisor, as meeting the basic standards and requirements for approval of such program. Approval is evidenced by written indicia;
(11) "Joint apprenticeship committee" means a committee, composed of an equal number of representatives of employers and employes, which has been established by an employer or group of employers and a bona fide collective bargaining agent or agents to conduct, operate, or administer an apprenticeship program and enter into apprenticeship agreements with apprentices selected for employment under the particular program;
(12) "Nonjoint apprenticeship sponsor" means an apprenticeship program sponsor in which a bona fide collective bargaining agent does not participate; it includes an individual nonjoint sponsor (apprenticeship program sponsored by one employer without the participation of a union) and a group nonjoint sponsor (apprenticeship program sponsored by two or more employers without the participation of a union);
(13) "Bureau" means the Bureau of Apprenticeship and Training, *Employment and Training* [Manpower] Administration, U. S. Department of Labor.

Section 2. (1) No apprenticeship program shall be eligible for registration unless (i) it is in conformity with the requirements of this regulation and the training is in an apprenticeable occupation approved by the Bureau, and (ii) it is in conformity with the regulations on "Equal Employment Opportunity in Apprenticeship and Training" set forth in 29 CFR part 30, as amended, and Kentucky law on "Equal Employment Opportunity in Apprenticeship and Training" set forth in KRS Chapter 344.
(2) Approved apprenticeship programs shall be accorded registration, evidenced by a certificate of registration or other written indicia.
(3) Any modification or change to a registered program shall be promptly submitted to the registration office and, if approved, shall be recorded and acknowledged as an amendment to such program.
(4) The request for registration of an apprenticeship program, together with all documents and data required by this regulation, shall be submitted in three (3) copies.
(5) Under a program proposed for registration by an employer or employers' association, where the standards, collective bargaining agreement or other instrument, provides for participation by a union in any manner in the operation of the substantive matters of the apprenticeship program, and such participation is exercised, written acknowledgement of union agreement or "no objection" to the registration is required. Where no such participation is evidenced and practiced, the employer or employers' association shall simultaneously furnish to the union, if any, which is the collective bargaining agent of the

employes to be trained, a copy of its application for registration and of the apprenticeship program. The supervisor shall provide a reasonable time period of not less than thirty (30) days nor more than sixty (60) days for receipt of union comments, if any, before final action on the approval.

(6) Where the employes to be trained have no collective bargaining agent, an apprenticeship program may be proposed for registration by an employer or group of employers.

Section 3. The following standards are prescribed for an apprenticeship program:

(1) The program must be an organized, written plan embodying the terms and conditions of qualification, recruitment, selection, employment, training and supervision of one or more apprentices in an apprenticeable occupation and subscribed to by a sponsor who has undertaken to carry out the apprentice training program.

(2) The standards must contain the equal opportunity pledge prescribed in the Kentucky State Plan for equal employment opportunity in apprenticeship and, when applicable, an affirmative action plan and a selection method in accordance with the Kentucky State Plan for equal employment opportunity in apprenticeship, and provisions concerning the following:

(a) The employment and training of the apprentice in a skilled trade;

(b) A term of apprenticeship, not less than *2,000* [two (2) years or 4,000] hours *of work experience,* consistent with training requirements as established by industry practices;

(c) An outline of the work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate time to be spent in each major process;

(d) Provision for organized related and supplemental instruction in technical subjects related to the trade. A minimum of 144 hours for each year of apprenticeship is required. Such instruction may be given in a classroom, through trade, industrial, or correspondence courses of equivalent value, or other forms of approved self-study;

(e) A progressively increasing schedule of wages to be paid the apprentice consistent with the skill acquired and whether the required school time shall be compensated. The entry wage shall not be less than forty (40) percent of the established journeyman rate or not less than the minimum wage prescribed by federal or state law, whichever is greater. On projects where the wage rate has been established by law, the apprentice's rate of pay shall be based upon the established journeyman rate;

(f) Periodic review and evaluation of the apprentices's progress in job performance and related instruction; and maintenance of appropriate progress records;

(g) The ratio of apprentices to journeymen consistent with proper supervision, training, and continuity of employment, and applicable provisions in collective bargaining agreements, but in a ratio of not more than one (1) apprentice for the first journeyman; and one (1) apprentice for each additional three (3) journeymen; unless approval is granted by the supervisor in cooperation with the commissioner and Apprenticeship and Training Council;

(h) A probationary period of not more than four (4) months during which the apprenticeship agreement may be terminated by either party, with full credit for such period toward completion of apprenticeship;

(i) Adequate and safe equipment and facilities for training and supervision, and safety training for apprentices on the job and in related instruction;

(j) Grant of advance standing or credit for previously acquired experience, training skills, or aptitude for all applicants equally, with commensurate wages for any accorded progression step;

(k) Transfer of employer's training obligation to another employer, where warranted, with full credit to apprentice for satisfactory time and training earned;

(l) Assurance of qualified training personnel;

(m) The placement of an apprentice under an apprenticeship agreement as required by the state apprenticeship law and regulations. The agreement shall directly, or by reference, incorporate the standards of the program as part of the agreement;

(n) The required minimum qualifications for persons entering an apprenticeship program, with an eligible starting age to be not less than sixteen (16) years;

(o) Recognition for successful completion of apprenticeship evidenced by an appropriate certificate;

(p) Identification of the registration agency;

(q) Name and address of the appropriate authority under the program to receive, process and make disposition of complaints;

(r) Recording and maintenance of all records concerning apprenticeship as may be required by the state apprenticeship agency or other applicable law;

(s) Provision that all controversies or differences concerning the apprenticeship agreement which cannot be adjusted by the parties to be submitted to the supervisor for determination as required by law.

Section 4. The apprenticeship agreement shall contain explicitly or by reference:

(1) Names and signatures of the contracting parties (apprentice, and the program sponsor or employer), and the signature of a parent or guardian if the apprentice is a minor;

(2) The date of birth of apprentice;

(3) Name and address of the program sponsor and registration agency;

(4) A statement of the trade, craft or business in which the apprentice is to be trained, and the beginning date and term of apprenticeship;

(5) A statement showing the number of hours to be spent by the apprentice in work on the job, and the number of hours to be spent in related and supplemental instruction;

(6) A statement setting forth a schedule of the work processes in the trade or industry divisions in which the apprentice is to be trained and the approximate time to be spent at each process;

(7) A statement of the graduated scale of wages to be paid the apprentice and whether or not the required school time shall be compensated;

(8) A statement providing for a period of probation of not more than four (4) months during which the apprenticeship agreement may be terminated by either party to the agreement upon written notice to the registration agency, and that after the probationary period, the agreement may be suspended, cancelled, or terminated by the supervisor by mutual agreement of the parties, or by the supervisor for good and sufficient reason, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and to the sponsor of the final action taken;

(9) A reference incorporating as part of the agreement

the standards of the apprenticeship program as it exists on the date of the agreement and as it may be amended during the period of the agreement;

(10) A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, religion, national origin, sex, or age between forty (40) and sixty-five (65).

Section 5. Deregistration of a program may be effected upon the voluntary action of the sponsor by request for cancellation of the registration, or upon reasonable cause, by the supervisor instituting formal deregistration proceedings in accordance with the provisions of this section.

(1) Request by sponsor. The supervisor may cancel the registration of an apprenticeship program by written acknowledgement of such request stating, but not limited to, the following matters:

(a) The registration is cancelled at sponsor's request, and effective date thereof;

(b) That, within fifteen (15) days of the date of the acknowledgement, the sponsor shall notify all apprentices of such cancellation and the effective date; that such cancellation automatically deprives the apprentice of his/her individual registration; and that the deregistration of the program removes the apprentice from coverage for state and federal purposes.

(2) Formal deregistration. Deregistration proceedings may be undertaken when the apprenticeship program is not conducted, operated, and administered in accordance with the registered provisions or the requirements of this regulation, except that deregistration proceedings for violation of equal opportunity requiremtns shall be processed in accordance with the provisions in the Kentucky State Plan for equal employment opportunity in apprenticeship.

(a) Where it appears the program is not being operated in accordance with the registered standards or this regulation, the supervisor shall so notify the program sponsor in writing. The notice shall be sent by certified mail, with return receipt requested. The notice shall state the violations and the remedy required, and that a determination of reasonable cause for deregistration will be made unless corrective action is effected within fifteen (15) days. Upon request by the sponsor for good cause, the fifteen (15) day term may extended by the supervisor. During the period for correction, the sponsor shall be assisted in every reasonable way to achieve conformity. If the required correction is not effected within the allotted time, the supervisor shall send a notice to the sponsor, by certified mail, return receipt requested, stating the following:

1. The notice is sent pursuant to this section;

2. Certain deficiencies (stating them) were called to sponsor's attention and remedial measures requested, with dates of such occasions and letters; and that the sponsor has failed or refused to effect correction;

3. Based upon the stated deficiencies and failure of remedy, a determination of reasonable cause has been made and the program may be deregistered unless, within fifteen (15) days of the receipt of this notice, the sponsor requests a hearing.

(b) If a request for a hearing is not made, the supervisor will issue a determination with respect to deregistration of the program;

(c) If the sponsor has not requested a hearing, the supervisor will file his determination with the commissioner. This determination shall contain all pertinent facts and circumstances concerning the nonconformity, including the findings and copies of all relevant documents and records;

(d) If no appeal is filed with the commissioner within fifteen (15) days of the receipt of the supervisor's determination, the determination of the supervisor shall become final;

(e) If the sponsor requests a hearing, the commissioner will convene a hearing after due notice to the parties and shall make a final decision on the basis of the record before him;

(f) Any party to the dispute aggrieved by the order or decision of the commissioner may appeal in accordance with KRS 343.070.

Section 6. Any apprenticeship programs and standards of employers and unions in other than the building and construction industry, which jointly form a sponsoring entity on any recognized state apprenticeship agency or by the bureau, shall be accorded registration any recognized state apprenticeship agentcy or by the bureau, shall be accorded registration or approval reciprocity by the supervisor if such reciprocity is requested by the sponsoring entity.

JAMES R. YOCOM, Commissioner
ADOPTED: July 22, 1977
APPROVED: JOHN C. ROBERTS, Secretary
RECEIVED BY LRC: July 26, 1977 at 9:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Director, Department of Labor, Division of Labor Standards, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(Proposed Amendment)

804 KAR 9:010. Retail liquor license limit.

RELATES TO: KRS 241.060, 241.065, 241.075, 243.030
PURSUANT TO: KRS 13.082, 241.060
NECESSITY AND FUNCTION: The express provision of KRS 241.060(2) enables the ABC Board to limit the number of licenses to be issued in any county of the Commonwealth. This regulation establishes the basis of such a limitation and establishes the manner in which the population of a county is to be ascertained for purposes of the number of licenses in that county. *Since 1964, in order to have a fixed and approved standard of population upon which to base the license quota, this Board has used the population estimates for Kentucky counties prepared by the Agricultural Experiment Station, University of Kentucky, Lexington, Kentucky. the Agricultural Experiment Station no longer publishes these population estimates,*

and these population estimates are now prepared by the College of Agriculture, University of Kentucky, Lexington, Kentucky. Since the quota has been used by this Board for the last thirteen (13) years and has been predicated upon these population estimates, it is necessary for continuity that the same source of the population estimates be used.

Section 1. The number of retail package liquor licenses issued by the Alcoholic Beverage Control Board in counties of the Commonwealth shall not exceed a number equal to one (1) for every 2,500 persons resident in such county.

Section 2. The number of retail drink liquor licenses issued by the Alcoholic Beverage Control Board in counties of the Commonwealth shall not exceed a number equal to one (1) for every 2,500 persons resident in such county; provided, however, that in its discretion the Alcoholic Beverage Control Board may issue retail drink licenses in excess of the number herein provided where the license is for an outlet in a hotel, inn or motel for accommodation of the traveling public, and is designed primarily to serve such transient patrons, and any applicant for such license shall submit to the board satisfactory proof that the facilities will accommodate sufficient patrons to sustain the operation of a retail drink outlet, which shall contain not less than fifty (50) sleeping units, dining facilities for not less than 150 persons and not less than 25,000 square feet of parking space; provided, further, however, that in its discretion the Alcoholic Beverage Control Board may issue retail drink licenses in excess of the number herein provided where the license is for an outlet in an airport terminal where commercial flights are made in or near cities of the first, second, or third class except in dry counties. Licenses issued under these exceptions are not subject to transfer to other premises.

Section 3. (1) In order that a fixed and approved standard of population as prescribed in Sections 1 and 2 of this regulation may be adopted, the estimates of population for Kentucky counties propared by the College of Agriculture, University of Kentucky, Lexington, Kentucky, shall be used in every year except a census year. The United States Government census figures of population shall be used in a census year.

(2) On or before July 1 and January 1 of each year, the Alcoholic Beverage Control Board shall request from the College of Agriculture, population estimates as of those dates for those counties in which license quotas may need to be reviewed by the board. Upon receipt of these estimates from the College of Agriculture, the Alcoholic Beverage Control Board, shall, within ten (10) days, send a specific notice to the newspaper with the largest circulation in each county where the estimate justifies a change in that county's quota, and issue a release of this information to the general press.

[Section 3. In order that a fixed and approved standard of population as prescribed in Sections 1 and 2 of this regulation may be adopted, the annual estimates of population estimates for Kentucky counties prepared by the Agricultural Experiment Station, University of Kentucky, Lexington, Kentucky, shall be used in every year except a census year. The United States Government census figures of population shall be used in a census year.]

Section 4. This regulation shall not prohibit renewal of licenses. The present quota shall be reduced, in conformance with this regulation, as licenses are revoked or surrendered.

BERNARD KEENE, Chairman
ADOPTED: August 5, 1977
APPROVED: JOHN C. ROBERTS, Secretary
RECEIVED BY LRC: August 12, 1977 at 9 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

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

902 KAR 1:030. Erythromycin.

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 Erythromycin pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent. This regulation relates to *three (3)* [four (4)] separate entities of erythromycins, viz: erythromycin base; erythromycin sterate; erythromycin ethyl succinate.

[Section 1. Erythromycin Estolate Pharmaceutical Products. The following Erythromycin estolate pharmaceutical product is not interchangeable with any other Erythromycin product:]
[(1) Ilosone: Eli Lilly & Company.]
[Note: No other current product is considered therapeutically equivalent.]

Section *1.* [2.] Erythromycin Base Pharmaceutical Products. The following Erythromycin base pharmaceutical products, 250 mg. solid oral dosage form, are considered to be therapeutically equivalent: Erythromycin Base 250 mg. Solid Oral Dosage Form:
(1) EMycin: Upjohn Company;
(2) Erythromycin Base: Abbott Laboratories, Bocan Drug Company, I.L.I. Atlanta, Murray Drug Corporation, Richie Pharmacal;
(3) Ilotycin: Eli Lilly & Company;
(4) KessoMycin: McKesson Laboratories;
(5) Robimycin: A. H. Robins Company;
(6) RPmycin: Reid Provident Laboratories.

Section *2.* [3.] Erythromycin Stearate Pharmaceutical Products. The following Erythromycin sterate pharmaceutical products; 125 mg., 250mg., and 500 mg., solid oral dosage form, are considered to be therapeutically equivalent, in each respective dosage:
(1) Bristamycin: Bristol Laboratories;
(2) [(1)] Erypar: Parke Davis & Company;
(3) [(2)] Erythrocin Stearate Filmtab: Abbott Laboratories;
(4) [(3)] Erythromycin Stearate: Alliance Laboratories, *Barr Laboratories,* Bell Pharmacal, *Bioline Laboratories,*

Columbia Medical Company, *Cooper Drug Company, Generix Drug Corporation, Geneva Generics, H. L. Moore Drug Exchange,* Lederle Laboratories, *McKesson Laboratories,* Murray Drug Corporation, Mylan Pharmaceuticals, Paramount Surgical Supply Corporation, *Parmed Pharmaceuticals, Pharmacon, Inc.,* Purepac Pharmaceuticals, Rexall Drug Company, Richie Pharmacal, Rondex Laboratories, *Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories, Walgreens,* Wyeth Laboratories, Zenith Laboratories;

(5) Ethril: E. R. Squibb & Sons;

(6) [(4)] Pfizer-E: Pfizer Laboratories;

(7) [(5)] QIDmycin: Mallinckrodt Chemical Works;

(8) [(6)] Ronvet: Genava Drugs, Ltd;

(9) [(7)] SK-Erythromycin: Smith, Kline & French Laboratories;

(10) [(8)] V-Mycin: Vangard Laboratories.

(All manufacturers may not produce the products listed above in all dosage forms.)

Section 4. Erythromycin Ethyl Succinate Pharmaceutical Products. The following Erythromycin ethyl succinate pharmaceutical products: oral suspension; chewable tablets; drops 100 mg/2.5 ml; and granules 200 mg/5 ml are considered to be therapeutically equivalent within the respective dosage form:

(1) Erythromycin Oral Suspension 200 mg/5 ml Form:
(a) Erythrocin Liquid: Abbott Laboratories;
(b) Pediamycin: Ross Laboratories.
(2) Erythromycin Chewable Tablet Form:
(a) Erythrocin: Abbott Laboratories;
(b) Pediamycin: Ross Laboratories.
(3) Erythromycin Drops 100 mg/2.5 ml Form:
(a) Erythrocin: Abbott Laboratories;
(b) Pediamycin: Ross Laboratories.

THOMAS S. FOSTER, Chairperson
ADOPTED: June 24, 1977
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DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:090. Trisulfapyrimidine.

RELATES TO: KRS 217.814 to 217.826 and 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 Trisulfapyrimidine pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

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

(1) Neotrizine: Eli Lilly & Company;
(2) Sulfose: Wyeth Laboratories, Inc.;
(3) Terfonyl: E. R. Squibb & Sons, Inc.;
(4) Triple Sulfa # 2: Vangard Laboratories;
(5) Trisem: Beecham-Massengill Pharmaceuticals;
(6) Trisulfapyrimidine: Geneva Drugs, Ltd., Lederle Laboratories, Murray Drug Corporation, Paramount Surgical Supply Corp., Richie Pharmacal, Zenith Laboratories;
(7) Trisulfazine: The Central Pharmacal Company.

Section 2. Trisulfapyrimidine Liquid Suspension Pharmaceutical Products. The following trisulfapyrimidine liquid suspension pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Trisulfapyrimidine 500 mg/5ml Liquid Suspension Form:

(1) Neotrizine: Eli Lilly & Company;
(2) Sulfose: Wyeth Laboratories;
(3) Terfonyl: E. R. Squibb & Sons, Inc.;
(4) Triple Sulfa Liquid: *Henry Schein, Inc.,* National Pharmaceutical Company, Richie Pharmacal Company;
(5) Triple Sulfa Suspension: *Pharmecon, Inc.,* Vangard Laboratories;
(6) Trisem: Beecham-Massenggill Pharmaceuticals;
(7) Trisulfapyrimidine: Murray Drug Corporation.

THOMAS S. FOSTER, Chairperson
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DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:100. Reserpine.

RELATES TO: KRS 217.814 to 217.826 and 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 Reserpine pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Reserpine Tablet Pharmaceutical Products. The following reserpine tablet pharmaceutical products are

determined to be therapeutically equivalent, in each respective dosage:

(1) Reserpine 0.1 mg. Tablet Form:

(a) Reserpine: *Bell Pharmacal,* Geneva Drugs, Ltd., Geneva Generics, Lederle Laboratories, Murray Drug Corp., Paramount Surgical Corp., Pharmecon, Inc., Purepac Pharmaceuticals, Rexall Drug Company, Richie Pharmacal, Rondex Laboratories, Zenith Laboratories;

(b) Reserpoid: Upjohn Company;

(c) Serpasil: Ciba Pharmaceutical Company;

(d) V-serp: Vangard Laboratories.

(2) Reserpine 0.25 mg. Table Form:

(a) Rau-sed: E. R. Squibb & Sons;

(b) Rausingle: Phillips-Roxane Laboratories;

(c) Resercen: The Central Pharmacal Company;

(d) Reserpine: Alliance Laboratories, *Bell Pharmacal,* Geneva Drugs, Ltd., Geneva Generics, *Halsey Drug Company,* Kasar Laboratories, Lederle Laboratories, Murray Drug Corp., Paramount Surgical Supply Corp., *Pharmecon, Inc.,* Purepac Pharmaceutical Co., Rexall Drug Company, Richie Pharmacal Company, Rondex Laboratories, Inc., Zenith Laboratories;

(e) Reserpoid: Upjohn Company;

(f) Serpasil: Ciba Pharmaceutical Company;

(g) V-serp: Vangard Laboratories.

(3) Reserpine 1.0 mg. Tablet Form:

(a) Reserpoid: Upjohn Company;

(b) Serpasil: Ciba Pharmaceutical Company.

Section 2. Reserpine Elixir Pharmaceutical Products. The following Reserpine elixir pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Reserpine 0.25 mg/5 ml Elixir Form:

(1) Reserpoid: Upjohn Company;

(2) Serpasil: Ciba Pharmaceutical Company.

THOMAS S. FOSTER, Chairperson
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DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:125. Trihexyphenidyl Hydrochloride.

RELATES TO: KRS 217.814 to 217.826 and 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 Trihexyphenidyl Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

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

(1) Trihexyphenidyl Hydrochloride 2 mg. Tablet Form:

(a) Artane: Lederle Laboratories;

(b) Trihexyphenidyl Hydrochloride: *Bolar Pharmaceuticals, Cooper Drug Company, H. L. Moore Drug Exchange, McKesson Laboratories,* Midway Medical Company, *Parmed Pharmaceuticals, Pharmecon, Inc., Rugby Laboratories, Vangard Laboratories.*

(2) Trihexyphenidyl Hydrochloride 5 mg. Tablet Form:

(a) Artane: Lederle Laboratories;

(b) Trihexyphenidyl Hydrochloride: *Bolar Pharmaceuticals, Cooper Drug Company, H. L. Moore Drug Exchange, McKesson Laboratories,* Midway Medical Company, *Parmed Pharmaceuticals, Pharmecon, Inc. Rugby Laboratories, Vangard Laboratories.*

THOMAS S. FOSTER, Chairperson
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DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:140. Sulfisoxazole Tablet.

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

PURSUANT TO: KRS 13.082

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

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

(1) Gantrisin: Roche Laboratories;

(2) SK-soxazole: Smith, Kline and French, Laboratories;

(3) Sosol: McKesson Laboratories;

(4) [(3)]Sulfalar: Parke, Davis and Company;

(5) [(4)]Sulfisoxazole: Barr Laboratories, Geneva Generics, Kasar Laboratories, Lederle Laboratories, Murray Drug Corporation, Mylan Pharmaceuticals, Parmed Pharmaceuticals, Philips-Roxane Labs., Purepac Pharmaceuticals, Richie Pharmacal Company, Rondex

Laboratories, *Theda Corporation,* United Research Laboratories;
(6) [(5)] Vsul: Vangard Laboratories.

THOMAS S. FOSTER, Chairperson
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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;
(d) Tetracycline Hydrochloride: H. L. Moore Drug Exchange, Mylan Pharmaceuticals, [Richie Pharmacal] *Rugby Laboratories.*
(2) Tetracycline Hydrochloride 500 mg. Tablet Form:
(a) Panmycin: Upjohn Company;
(b) Sumycin: E. R. Squibb & Sons;
(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) Kesso-Tetra: McKesson Laboratories;
(e) Ranmycin: Upjohn Company;
(f) OID-Tet: Mallinckrodt Chemical;
(g) Retet-250: Reid-Provident;
(h) Robitet: A. H. Robins Company;
(i) SK-Tetracycline: Smith, Kline & French;
(j) Sumycin: E. R. Squibb & Sons;
(k) Tetrachel: Rachelle Laboratories;
(l) 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, *Pharmecon, Inc.,* Philips-Roxane Laboratories, Purepac Pharmaceuticals, Rexall Drug Company, *Richie Pharmacal,* Spencer-Mead, Inc., Theda Corporation, Thrift Drug Company, United Research Laboratories, Walgreens, Wyeth Laboratories, Zenith Laboratories;
(m)Tetracyn: Pfizer Laboratories;
(n) V-Tet: Vangard 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) Robintet: 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, *Pharmecon, Inc.,* Philips-Roxane Laboratories, Purepac Pharmaceuticals, Rexall Drugs, *Richie Pharmacal,* Spencer-Mead, Inc., Theda Corporation, Thrift Drug Company, United Research Laboratories, Walgreens, Zenith Laboratories;
(l) Tetracyn: Pfizer Laboratories;
(m)V-Tet: Vangard Laboratories.

Section 3. Tetracycline Hydrochloride Syrups and Pediatric Drops. The following Tetracycline Hydrochloride 125 mg/5 ml and 100 mg/ml 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) Biocyline: 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, *Generix Drug Corporation,* H. L. Moore Drug Exchange, Henry Schein, Inc., Purepac Pharmaceuticals, Rexall Drug Company, Richie Pharmacal, Rugby Laboratories, Spencer-Mead, Inc., United Research Laboratories;
(k) V-Tet: Vangard Laboratories.
(2) Tetracycline Hydrochloride 100 mg/ ml Pediatric Drops:
(a) Achromycin V: Lederle Laboratories;

(b) Panmycin: Upjohn Company;
(c) Tetrachel: Rachelle Laboratories.

THOMAS S. FOSTER, Chairperson
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DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:190. Meprobamate Tablet.

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

Section 1. Meprobamate Tablet Pharmaceutical Products. The following meprobamate tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:
(1) Meprobamate 200 mg. Tablet Form:
(a) Equanil: Wyeth Laboratories;
(b) *Meprobamate: *Bell Pharmacal,* International Laboratories, Inc., Midway Medical Company, *Murray Drug Corporation,* Philips-Roxane Laboratories, *Theda Corporation;*
(c) Miltown: Wallace Laboratories;
(d) SK-Bamate: Smith, Kline & French Laboratories;
(2) Meprobamate 400 mg. Tablet Form:
(a) Equanil: Wyeth Laboratories;
(b) *Meprobamate: *Bell Pharmacal,* Bocan Drug Company, International Laboratories, Midway Medical Company, *Murray Drug Corporation,* Philips-Roxane Laboratories, Rexall Drug Company, *Theda Corporation,* Vangard Laboratories;
(c) Miltown: Wallace Laboratories;
(d) QID-Bamate: Mallinckrodt Chemical Corp.;
(e) SK-Bamate: Smith, Kline & French Laboratories;
(f) Tranmep: Reid-Provident Laboratories, Inc.
*Therapeutic equivalence is determined for Midway Medical Company and Vangard Laboratories only if manufactured by Barr Laboratories.

THOMAS S. FOSTER, Chairperson
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DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:200. Phenazopyridine Hydrochloride Tablet.

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

Section 1. Phenazopyridine Hydrochloride Tablet Pharmaceutical Products. The following phenazopyridine hydrochloride tablet pharmaceutical products are determined to be therapeutically equivalent in each respective dosage: Phenazopyridine Hydrochloride 100 mg. Tablet Form:
(2) [(1)] Phen Azo: Vangard Laboratories;
(3) [(2)] *Phenazopyridine Hydrochloride: Midway Medical Company, *Parmed Pharmaceuticals;*
*(4) *Pyridate: H. L. Moore Drug Exchange, Richie Pharmacal, Rugby Laboratories;*
(5) [(3)] Pyridium: Warner/Chilcott.

**Note: Therapeutic equivalence is determined for Pharmecon, Inc., Parmed Pharmaceuticals, H. L. Moore Drug Exchange, Richie Pharmacal and Rugby Laboratories only if manufactured by Richlyn Laboratories.*

THOMAS S. FOSTER, Chairperson
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DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:280. Chloral Hydrate Capsules.

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

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

Section 1. Chloral Hydrate Capsule Pharmaceutical Products. The following chloral hydrate capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Chloral Hydrate 500 mg. Capsule Form:

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

(2) Kessodrate: McKesson Laboratories;

(3) Noctec: E. R. Squibb & Sons;

(4) SK-Chloral Hydrate: *Smith, Kline & French;*

(5) Somnos: Merck, Sharp & Dohme;

(6) V-Clor: Vangard Laboratories.

Section 2. Chloral Hydrate Syrup Pharmaceutical Products. The following chloral hydrate syrup pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage (Cautionary Note: Sugar content not determined.): Chloral Hydrate Syrup 500 mg/5ml Form:

(1) Chloral Hydrate Syrup: Henry Schein, Inc., Lederle Laboratories, Midway Medical Company, Murray Drug Corporation, National Pharmaceuticals, Pharmecon, Inc., Richie Pharmacal, Spencer-Mead, Inc., Theda Corporation;

(2) Kessodrate: McKesson Laboratories;

(3) Noctec Syrup: E. R. Squibb & Sons;

(4) V-Clor Syrup: Vangard Laboratories.

THOMAS S. FOSTER, Chairperson
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DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:322. Triprolidine and Pseudoephedrine Hydrochloride Syrups.

RELATES TO: KRS 217.814 to 217.826 and 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 Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride Syrup Pharmaceutical Products. The following triprolidine hydrochloride and pseudoephedrine hydrochloride syrup pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Triprolidine Hydrochloride 1.25 mg. and Pseudoephedrine Hydrochloride 30 mg. Syrup Form:

(2) Actagen: Generix Drug Corporation;

(3) Actamine: H. L. Moore Drug Exchange;

(4) Allerfin: Rugby Laboratories;

(5) Allerphed: Spencer-Mead, Inc.;

(6) [(1)] Actifed: Burroughs Wellcome;

(7) Actipar: Parmed Pharmaceuticals;

(8) Isocap: Cooper Drug Company;

(9) [(2)] Pseudodine: Bay Laboratories;

(10) [(3)] Suda-Prol: Columbia Medical Company;

(11) [(4)] Triacin: *Murray Drug Corporation,* Richie Pharmacal Company, National Pharmaceutical Mfg. Co.;

(12) Triafed: Henry Schein, Inc.

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) Donnatal: A. H. Robins Company;
(3) Don-A-Spas: Richie Pharmacal;
(4) Sedacord: Cooper Drug Company Division, Chromalloy Pharmaceuticals;
(5) Relaxadon: Geneva Generics;
(6) Spalix: Reid-Provident;
(7) Spasmolin: Murray Drug Corporation;
(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;
(2) Vanatal: Vangard Laboratories.

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

THOMAS S. FOSTER, Chairperson
ADOPTED: June 24, 1977
APPROVED: PETER D. CONN, Secretary
RECEIVED BY LRC: August 15, 1977 at 10 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: 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 1:326. Glutethimide Tablet and Elixirs.

RELATES TO: KRS 217.814 to 217.826 and 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 Glutethimide pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

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

(1) Doriden: USV Pharmaceuticals;
(2) Glutethimide: *Cooper Drug Company,* Geneva Generics, *H. L. Moore Drug Exchange,* Midway Medical Company, *Murray Drug Corporation, Pace-Bond Drug Company, Paramount Surgical Supply Corporation, Vangard Laboratories, Zenith Laboratories.*

THOMAS S. FOSTER, Chairperson
ADOPTED: June 24, 1977
APPROVED: PETER D. CONN, Secretary
RECEIVED BY LRC: August 15, 1977 at 10 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 406001.

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 deter-

mined 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, *McKesson 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, Vangard Laboratories;

(b) Librium: Roche Laboratories.

(c) C.D.P.: Generix Drug Corporation;

(d) SK-Lygen: Smith, Kline & French Laboratories.

(2) Chlordiazepoxide Hydrochloride 10 mg. Capsule Form:

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

(b) Librium: Roche Laboratories.

(c) C.D.P.,: Generix Drug Corporation;

(d) SK-Lygen: Smith, Kline & French Laboratories.

(3) Chlordiazepoxide Hydrochloride 25 mg. Capsule Form:

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

(b) Librium: Roche Laboratories.

(c) C.D.P.,:Generix Drug Corporation;

(d) SK-Lygen: Smith, Kline & French Laboratories.

THOMAS S. FOSTER, Chairperson

ADOPTED: June 24, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: August 15, 1977 at 10 a.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
Certificate of Need and Licensure Board
(Proposed Amendment)

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

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

PURSUANT TO: KRS 13.082, 216.425

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

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

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

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

(3) The institution shall maintain inpatient beds.

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

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

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

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

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

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

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

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

(12) Food served to patients shall meet their nutri-

tional requirements, and special diets shall be regularly available.

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

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

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

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

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

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

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

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

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

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

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

(1) Policies regarding nursing and medical care:

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

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

(b) The group of professional personnel responsible for patient care policies shall include health personnel such as social workers, dieticians, pharmacists, speech pathologists and audiologists, physical and occupational therapists, and mental health personnel. Pharmacy policies and procedures shall be developed with the advice of a subgroup of physicians and pharmacists, serving as a pharmacy and therapeutics committee.

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

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

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

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

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

(1) Medical findings and physician's orders. There shall be made available to the facility, prior to or at the time of admission, patient information which includes

current medical findings, diagnoses, rehabilitation potential, a summary of the course of treatment followed in the hospital, and orders from a physician for the immediate care of the patient.

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

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

(c) A current hospital discharge summary containing the above information shall not be acceptable.

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

(a) The medical evaluation of the patient shall be based on a physical examination done within forty eight (48) hours of admission unless such examination was performed within five (5) days prior to admission.

(b) The charge nurse and other appropriate personnel involved in the care of the patient shall assist in planning his total program of care.

(c) The patient's total program of care shall be reviewed and revised at intervals appropriate to his needs. Attention shall be given to special needs of patients such as foot, sight, speech, and hearing problems.

(d) Orders concerning medications and treatments shall be in effect for the specified number of days indicated by the physician but in no case exceed a period of thirty (30) days unless recorded in writing by the physician.

(e) Telephone orders shall be accepted only when necessary and only by licensed nurses. Telephone orders shall be written into the appropriate clinical record by the nurse receiving them and shall be countersigned by the physician within forty eight (48) hours.

(f) Patients shall be seen by a physician at least once every thirty (30) days. There shall be evidence in the clinical record of the physician's visits to the patient at appropriate intervals.

(g) There shall be evidence in the clinical record that the physician has made arrangements for the medical care of the patient in the physician's absence.

(h) To the extent feasible, each patient or his sponsor shall designate a personal physician.

(3) Availability of physicians for emergency care. The facility shall provide for having one (1) or more physicians available to furnish necessary medical care in case of emergency if the physician responsible for the care of the patient is not immediately available. A schedule listing the names and telephone numbers of these physicians and the specific days each shall be on call shall be posted in each nursing station. There shall be established procedures to be followed in an emergency, which cover immediate care of the patient, persons to be notified, and reports to be prepared.

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

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

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

(a) Developing and/or maintaining nursing service objectives, standards of nursing practice, nursing procedures manuals, and written job descriptions for each level of nursing personnel;

(b) Recommending to the administrator the number and level of nursing personnel to be employed, participating in their recruitment and selection, and recommending termination of employment when necessary;

(c) Assigning and supervising all levels of nursing personnel;

(d) Participating in planning and budgeting for nursing care;

(e) Participating in the development and implementation of patient care policies and bringing patient care problems requiring changes in policy to the attention of the professional policy advisory groups;

(f) Coordinating nursing services with other patient care services such as physician, physical therapy, occupational therapy, and dietary;

(g) Planning and conducting orientation programs for new nursing personnel, and continuing inservice education for all nursing personnel;

(h) Participating in the selection of prospective patients in terms of nursing services they need and nursing competencies available;

(i) Assuring that a nursing care plan shall be established for each patient and that his plan shall be reviewed and modified as necessary.

(j) Assuring that registered professional nurses, licensed practical nurses, nurses' aides and orderlies are assigned duties consistent with their training and experience.

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

each patient, reviewing clinical records, medication cards, patient care plans, and staff assignments, and to the greatest degree possible accompanying physicians when visiting patients.

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

(a) A state approved school of practical nursing shall be one whose standards of education meet those set by the appropriate state nurse licensing authority.

(b) It shall be desirable that the nurse in charge of each tour of duty be trained or experienced in areas such as nursing administration and supervision, rehabilitation nursing, psychiatric or geriatric nursing.

(c) The charge nurse shall have the ability to recognize significant changes in the condition of patients and to take necessary action.

(d) The charge nurse shall be responsible for the total nursing care of patients during her tour of duty.

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

(a) Shall receive treatments, medications and diets as prescribed;

(b) Shall receive proper care to prevent decubiti and shall be kept comfortable, clean and well-groomed;

(c) Shall be protected from accident and injury by the adoption of indicated safety measures;

(d) Shall be treated with kindness and respect.

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

(a) Restorative nursing care initiated in the hospital shall be continued immediately upon admission to the extended care facility.

(b) Nursing personnel shall be taught restorative nursing measures and shall practice them in their daily care of patients. These measures shall include:

1. Maintaining good body alignment and proper positioning of bedfast patients;

2. Encouraging and assisting bedfast patients to change positions at least every two (2) hours, day and night to stimulate circulation and prevent decubiti and deformities;

3. Making every effort to keep patients active and out of bed for reasonable periods of time, except when contraindicated by physician's orders, and encouraging patients to achieve independence in activities of daily living by teaching self care, transfer and ambulation activities;

4. Assisting patients to adjust to their disabilities, to use their prosthetic devices, and to redirect their interests if necessary;

5. Assisting patients to carry out prescribed physical therapy exercises between visits of the physical therapist.

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

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

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

(a) The nursing care plan shall be a personalized, daily plan for individual patients. It shall indicate what nursing care is needed, how it can best be accomplished for each patient, how the patient likes things done, what methods and approaches are most successful, and what modifications are necessary to insure best results.

(b) Nursing care plans shall be available for use by all nursing personnel.

(c) Nursing care plans shall be reviewed and revised as needed.

(d) Relevant nursing information from the nursing care plan shall be included with other medical information when patients are transferred.

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

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

(1) Dietary supervision. A person designated by the administrator shall be responsible for the total food service of the facility. If this person is not a professional dietician, regularly scheduled consultation from a profes-

sional dietician or other person with suitable training shall be obtained. A professional dietician shall meet the American Dietetic Association's qualification standards. Other persons with suitable training shall be graduates of baccalaureate degree programs with major studies in food and nutrition. The person in charge of the dietary service shall participate in regular conferences with the administrator and other supervisors of patient services. This person shall make recommendations concerning the quantity, quality and variety of food purchased. This person shall be responsible for the orientation, training and supervision of food service employees, and shall participate in their selection and in the formulation of pertinent personnel policies. Consultation obtained from self-employed dieticians or dieticians employed in voluntary or official agencies shall be acceptable if provided on a frequent and regularly scheduled basis.

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

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

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

(a) Milk: Two (2) or more cups.

(b) Meat group: Two (2) or more servings of beef, veal, port, lamb, poultry, fish, eggs. Occasionally dry beans, nuts, or dry peas may be served as alternates.

(c) Vegetable and fruit group: Four (4) or more servings. A citrus fruit or other fruit and vegetable important for Vitamin C; a dark green or deep yellow vegetable for Vitamin A, at least every other day; other fruits and vegetables including potatoes.

(d) Bread and cereal group: Four (4) or more servings of whole grain, enriched or restored.

(e) Other foods to round out meals and snacks, to satisfy individual appetites and provide additional calories.

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

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

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

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

(9) Maintenance of sanitary conditions. Sanitary conditions shall be maintained in the storage, preparation and distribution of food. Effective procedures for cleaning all equipment and work areas shall be followed consistently. Dishwashing procedures and techniques shall be well developed, understood and carried out in compliance with state and local health codes. Written reports of inspections by state or local health authorities shall be on file at the facility with notation made of action taken by the facility to comply with any recommendations. Waste which is not disposed of by mechanical means shall be kept in leak proof nonabsorbent containers with close fitting covers and shall be disposed of daily in a manner that will prevent transmission of disease, a nuisance, a breeding place for flies, or a feeding place for rodents. Containers shall be thoroughly cleaned inside and out each time emptied. Dry or staple food

items shall be stored off the floor in a ventilated room not subject to sewage or waste water backflow, or contamination by condensation, leakage, rodents, or vermin. Handwashing facilities including hot and cold water, soap, individual towels, preferably paper towels, shall be provided in kitchen areas.

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

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

(3) Therapy services. If restorative services beyond restorative nursing care are offered, whether directly or through cooperative arrangements with appropriate agencies such as hospitals, rehabilitation centers, state or local health departments, or independently practicing therapists, these services shall be given or supervised by therapists, meeting the qualification set out below. When supervision is less than full time, it shall be provided on a planned basis and shall be frequent enough, in relation to the staff therapist's training and experience to assure sufficient review of individual treatment plans and progress.

(a) Physical therapy shall be given or supervised by a therapist who is licensed in the Commonwealth of Kentucky.

(b) Physical therapy shall include such services as:

1. Assisting the physician in his evaluation of patients by applying muscle, nerve, joint, and functional ability tests;

2. Treating patients to relieve pain, develop or restore functions, and maintain maximum performance, using physical means such as exercise, massage, heat, water, light, and electricity.

(c) Speech therapy shall be given or supervised by a therapist who meet one (1) of the following requirements:

1. Has been granted a certificate of clinical competence in the appropriate area (Speech Pathology or Audiology) by the American Speech and Hearing Association; or

2. Meets the equivalent educational requirements and work experience necessary for such certificate; or

3. Has completed the academic and practicum requirements for certification and shall be in the process of accumulating the necessary supervised work experience required for certification; or

4. Has a basic certificate or provisional basic certification and is in the process of acquiring four (4) years of sponsored professional experience.

(d) Speech therapy shall be service in speech, pathology or audiology, and may include:

1. Cooperation in the evaluation of patients with speech, hearing, or language disorders;

2. Determination and recommendation of appropriate speech and hearing services;

3. Provision of necessary rehabilitative services for patients with speech, hearing, and language disabilities.

(e) Occupational therapy shall be given or supervised by a therapist who is registered by the American Occupational Therapy Association or is a graduate of a program approved by the Council on Medical Education of the American Medical Association in collaboration with the American Occupational Therapy Association and is in the process of accumulating supervised clinical experience required for registration.

(f) Occupational therapy shall include duties such as:

1. Assisting the physician in his evaluation of the patients level of function by applying diagnostic and prognostic tests.

2. Guiding the patient in his use of therapeutic creative and self care activities for improving function.

(g) Other personnel providing restorative services shall be trained and work under professional supervision in accordance with accepted professional practices. For example, an occupational therapy assistant shall have successfully completed a training course approved by the American Occupational Therapy Association, shall be certified by that body as a certified occupational therapy assistant, and shall receive supervision from a qualified occupational therapist.

(h) In a facility with an organized rehabilitation service using a multi-disciplinary team approach to all the needs of the patient, and where all therapists' services are administered under the direct supervision of a physician qualified in physical medicine who will determine the goals and limits of the therapists' work, and prescribes modalities and frequency of therapy, persons with qualifications other than those described in subsection (3)(a), (c) and (e) of this section could be assigned duties appropriate to their training and experience.

(i) Therapists shall collaborate with the facility's medical and nursing staff in developing the patient's total plan of care.

(j) Therapists shall participate in the facility's inservice education programs.

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

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

(1) Procedures for administration of pharmaceutical services. The facility shall provide appropriate methods and procedures for the obtaining, dispensing and administering of drugs and biologicals, developed with the ad-

vice of a staff pharmacist, a consultant pharmacist, or a pharmaceutical advisory committee which includes one or more licensed pharmacists.

(a) If the facility has a pharmacy department, a licensed pharmacist shall be employed to administer the pharmacy department.

(b) If the facility does not have a pharmacy department, it shall have provisions for promptly and conveniently obtaining prescribed drugs and biologicals from community or institutional pharmacists.

(c) If the facility does not have a pharmacy department, but does maintain a supply of drugs:

1. The consultant pharmacist shall be responsible for the control of all bulk drugs and maintains records of their receipt and disposition.

2. The consultant pharmacist shall dispense drugs from the drug supply, properly label them and makes them available to appropriate licensed nursing personnel. Wherever possible, the pharmacist in dispensing drugs shall work from the prescriber's original order or direct copy.

3. Provisions shall be made for emergency withdrawal of medications from the drug supply.

(d) An emergency medication kit approved by the facility's group of professional personnel shall be kept readily available.

(e) The facility shall have written policies covering pharmaceutical services which shall be developed with the advice of a group of professional personnel and which shall be reviewed at least annually. Pharmacy policies and procedures shall be preferably developed with the advice of a subgroup of physicians and pharmacists serving as a pharmacy and therapeutic's committee.

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

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

(a) The nursing station shall have readily available items necessary for the proper administration of medications.

(b) In administering medications, medication cards or other state approved systems, shall be used and checked against the physician's orders.

(c) Medications prescribed for one patient shall not be administered to any other patient.

(d) Self administration of medications by patients shall not be permitted except for emergency drugs on special order of the patient's physician or in a predischarge program under the supervision of a licensed nurse.

(e) Medication errors and and drug reactions shall be immediately reported to the patient's physician and an entry thereof made in the patient's clinical record as well as on an incident report.

(f) Up to date medication reference texts and sources of information shall be provided, such as the American Hospital Formulary Service of the American Society of Hospital Pharmacists or other suitable references.

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

(a) The label of each patient's individual medication container clearly indicates the patient's full name, physician's name, prescription number, name and strength of drug, date of issue, expiration date of all time dated drugs and name and address and telephone number of pharmacy issuing the drug. It is advisable that the manufacturer's name and the lot or control number of the medication also appear on the label.

(b) Medication containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist or pharmacy for relabeling or disposal. Containers having no labels shall be destroyed in accordance with state and federal laws.

(c) The medications of each patient shall be kept and stored in their originally received containers and transferring between containers shall be forbidden.

(d) Separately locked, securely fastened boxes (or drawers) within the medicine cabinet shall be provided for storage of controlled substances, barbiturates, amphetamines and other dangerous drugs subject to the Controlled Substances Act (KRS Chapter 218A).

(e) Cabinets shall be well lighted and of sufficient size to permit storage without crowding.

(f) Medications requiring refrigeration shall be kept in a separate locked box within a refrigerator at or near the nursing station.

(g) Poisons and medications for "external use only" shall be kept in a locked cabinet and separate from other medications.

(h) Medications no longer in use shall be disposed of or destroyed in accordance with federal and state laws and regulations.

(i) Medications having an expiration date shall be removed from usage and properly disposed of after such date.

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

Section 10. Diagnostic Services: The facility shall have provisions for obtaining required clinical labora-

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

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

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

(a) As a part of the process of evaluating a patient's need for services in a facility and whether the facility can offer appropriate care, emotional and social factors shall be considered in relation to medical and nursing requirements.

(b) As soon as possible after admission, there shall be evaluation, based on medical, nursing and social factors, of the probable duration of the patient's need for care and a plan shall be formulated and recorded for providing such care.

(c) Where there are indications that financial help will be needed, arrangements shall be made promptly for referral to an appropriate agency.

(d) Social and emotional factors related to the patient's illness, to his response to treatment and to his adjustment to care in the facility shall be recognized and appropriate action shall be taken when necessary to obtain casework services to assist in resolving problems in these areas.

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

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

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

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

(a) The staff member responsible for social services shall participate in clinical staff conferences and/or confers with the attending physician prior to admission of the patient, at intervals during the patient's stay in the facility, and prior to discharge of the patient, and there shall be evidence in the record of such conferences.

(b) The staff member and nurses responsible for the patient's care confer frequently and there shall be evidence of effective working relationships between them.

(c) Records of pertinent social information and of action taken to meet social needs shall be maintained for each patient; signed social service summaries shall be entered promptly in the patient's clinical record for the benefit of all staff involved in the care of the patient.

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

(1) An individual shall be designated as being in charge of patient activities. This individual shall have experience and/or training in directing group activities.

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

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

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

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

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

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

Section 14. Clinical Records: A clinical record shall be maintained for each patient admitted, in accordance with accepted professional principles. (1) Maintenance of clinical records. The facility shall maintain a separate clinical record for each patient admitted with all entries kept current, dated and signed.

(a) Identification and summary sheet(s) including patient's name, social security number, marital status, age, sex, home address, and religion; names, addresses, and telephone numbers of referral agency (including hospital from which admitted), personal physician, dentist, and next of kin or other responsible person; admitting diagnosis, final diagnosis, condition on discharge and disposition and any other information needed to meet state requirements;

(b) Initial medical evaluation including medical history, physical examination, diagnosis, and estimation of restorative potential;

(c) Authentication of hospital diagnoses, in the form of a hospital summary discharge sheet or a report from the physician who attended the patient in the hospital or a transfer form used under a transfer agreement;

(d) Physician's orders, including all medications, treatment, diet, restorative and special medical procedures required for the safety and well being of the patient;

(e) Physician's progress notes describing significant changes in the patient's condition, written at the time of each visit;

(f) Nurse's notes containing observations made by the nursing personnel;

(g) Medication and treatment record including all medications, treatments, and special procedures performed for the safety and well being of the patient;

(h) Laboratory and x-ray reports;

(i) Consultation reports;

(j) Dental report;

(k) Social service notes;

(l) Patient care referral reports.

(2) Retention of records. All clinical records of discharged patients shall be completed promptly and filed and retained and such additional information as is deemed necessary by the governing body of the facility for five (5) years. The facility shall have policies providing for the retention and safekeeping of patient's clinical records by the governing body for the required period of time in the event that the facility discontinues operation. If the patient is transferred to another health care facility, a copy of the patient's clinical record or an abstract thereof shall accompany the patient.

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

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

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

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

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

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

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

pertinent administrative and social information.

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

(3) Execution of agreement. The transfer agreement shall be in writing and signed by the individuals authorized to execute such agreement on behalf of the institutions, or, in case the two (2) institutions are under common control, there shall be a written policy or order signed by the person or body which controls them. When the hospital and facility are not under common control, the terms of the transfer agreement shall be established jointly by both institutions. Each institution participating in the agreement shall maintain a copy of the agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

at least three (3) times a year. The plan shall be posted throughout the facility.

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

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

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

(a) The organization and composition of the committee(s) which will be responsible for the utilization review function;

(b) Frequency of meetings (at least monthly);

(c) The type of records to be kept;

(d) The method to be used in selecting cases on a sample or other basis;

(e) The definition of what constitutes the period or periods of extended duration;

(f) Arrangements for committee reports and their dissemination;

(g) Responsibilities of the facility's administrative staff.

(3) Conduct of function by committees. The utilization review function shall be conducted by one (1) or a combination of the following:

(a) 1. By a staff committee or committees of the facility, each of which is composed of three (3) or more physicians, with or without the inclusion of other professional personnel; or

2. By a committee(s) or group(s) outside the facility composed as in subparagraph 1. above which is established by the local medical society and some or all of the facilities in the locality; or

3. Where a committee(s) or group(s) as described in subparagraphs 1. or 2. above has not been established to carry out all the utilization review functions by a committee(s) or group(s) composed as in subsection (1) above, and sponsored and organized in such manner as approved by the licensing board.

(b) 1. The medical care appraisal and educational aspects of review on a sample or other basis, and the review of long stay cases need not be done by the same committee or group.

2. Existing staff committees may assume the review responsibility stipulated in the plan. In smaller facilities, all of these functions may be carried out by a committee of the whole or a medical care appraisal committee.

3. The committee(s) shall be broadly representative of the medical staff and no member shall have a direct financial interest in the institution.

(4) Reviews:

(a) Reviews shall be made, on a sample or other basis, of admissions, duration of stays, and professional services furnished, with respect to the medical necessity of the services and for the purpose of promoting the most efficient use of available health facilities and services. Such reviews emphasize identification and analysis of patterns of patient care in order to maintain consistent high quality. The review shall be accomplished by considering date obtained by any one (1) or any combination of the following:

1. By use of services and facilities of external organizations which compile statistics, design profiles, and produce other comparative data; or

2. By internal studies of medical records.

(b) 1. Review of cases may be based on diagnostic categories.

2. These review functions are carried out on a continuing basis.

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

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

(a) The facility administration shall study and act upon administrative recommendations made by the committee.

(b) A summary of the number and types of cases reviewed, and the findings shall be part of the records.

(c) Minutes of each committee meeting shall be maintained.

(d) Committee action in extended stay cases shall be recorded, with cases identified only by case number.

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

(a) With respect to each of these activities, an individual or department shall be designated as being responsible for the particular service.

(b) In order to encourage the most efficient use of available health services and facilities, assistance to the physician in timely planning for post extended care shall be initiated as promptly as possible, either by facility staff, or by arrangement with other agencies. For this purpose, the facility shall make available to the attending physician current information on resources available for continued nonappropriate medical and nursing information in order to assure continuity of care upon discharge of a patient.]

MASON C. RUDD, Chairman
ADOPTED: August 2, 1977
RECEIVED BY LRC: August 5, 1977 at 11:30 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mason C. Rudd, Chairman, Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40601.

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

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 afffixed 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.

(7) When any accompanying literature includes or bears any directions for use (by printed word, picture, design, or combination thereof), such literature including any placard, pamphlet, booklet, book, sign, or other graphic visual device shall bear all the information required by KRS 217.670.

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 borderlined 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 accidential 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 work "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 work "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 (H2SO4) in a concentration of ten (10) percent or more;

(c) Nitric acid or any preparation containing free or chemically unneutralized nitric acid (HNO3) 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 (H2C204) 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 (HC2H2O2) 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 (AgNO3) 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 *"hartshorn,"* ["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 RANSDELL, JR., Deputy Commissioner
PETER D. CONN, Secretary
ADOPTED: August 12, 1977
RECEIVED BY LRC: August 15, 1977 at 10 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

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

902 KAR 50:070. Standards of identity.

RELATES TO: KRS 217C.010 to 217C.990
PURSUANT TO: KRS 13.082, 194.050, 211.090
NECESSITY AND FUNCTION: The Department for Human Resources is directed by KRS Chapter 217C to set standards of identity and labeling requirements for milk and milk products. This regulation adopts, by reference the applicable rules and regulations of the United States Food and Drug Administration relating to definitions, product standards of identity and labeling requirements for milk and cream; sour cream and related products; cheeses, processed cheeses, cheese foods, cheese spreads, and related foods; and frozen desserts for the State of Kentucky.

Section 1. Milk and Milk Products Standards of Identity and Labeling Requirements. The standards of identity and labeling requirements as set forth in the *March 15, 1977* [April 1, 1974] edition of the *Federal Register* ["Code of Federal Regulations"], Title 21, Food and Drugs, Chapter 1, Subchapter B-*Foods for Human Consumption* [Food and Food Products]: (i) Part *131* [18] - milk and cream, pages *14360-14366* [48-54]; (ii) Part *133* [19] - *cheese and related cheese products, pages 14366-14393* [cheeses, processed cheeses, cheese foods, cheese spreads, and related foods, pages 54-110]; *and* (iii) Part *135* [20] - frozen desserts, pages *14393-14400;* [110-122; and] [(iv) Part 18 - A supplement - sour cream and related products as published in the May 7, 1974 Federal Register, Volume 39, Number 89, pages 15993 to 15995;] are hereby adopted by reference for the Commonwealth of Kentucky. These publications are published by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D. C., 20408. Copies of these publications shall be on file in the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky, 40601, and are open for public inspection. Copies are available from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C., 20402.

BURNICE RANSDELL, JR., Deputy Commissioner
ADOPTED: August 12, 1977
APPROVED: PETER D. CONN, Secretary
RECEIVED BY LRC: August 15, 1977 at 10 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

Proposed Regulations

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Division of Occupations and Professions
Board for Licensing Hearing Aid Dealers

201 KAR 7:010. Definitions.

RELATES TO: KRS 334.010, 334.020, 334.040, 334.050(9), 334.100, 334.190
PURSUANT TO: KRS 13.082, 334.150
NECESSITY AND FUNCTION: To define terms related to the practice of fitting and selling hearing aids and the regulation of such by the Board for Licensing Hearing Aid Dealers.

Section 1. In addition to the definitions in KRS 334.010, and, unless the context otherwise requires:
(1) "Fitter" means one who performs the testing and measurement of human hearing by means of an audiometer or other means devised for purposes of making, selecting and adapting of hearing aids to compensate for hearing loss or defects; the making of ear mold impressions; the physical acts of adjusting the hearing aid to the individual; the taking and interpreting of audiograms; as well as counseling, advising and assisting the purchaser of the selection of a suitable aid. It shall not include the one who dispenses such accessories as cords, batteries, standard ear plugs or similar items.
(2) "Place of business" means an established address at a fixed location where goods or services are offered or exhibited for sale and where the client can have personal contact and counsel with the fitter and/or seller of hearing aids and obtain service during normal business hours.
(3) "Citizen resident" means an individual, who has a legal residence within the Commonwealth of Kentucky which is his official address as used on personal, federal or state income tax returns or a voting residence address.
(4) "Dealer" means any individual who fits and sells hearing aids or who is the owner of any business which employs one or more employees and/or a partner in any partnership and/or a stockholder in any corporation which dispenses or sells hearing aid instruments and who individually holds a license from this board.

ROBERT C. STOCKLER, Chairman
ADOPTED: May 21, 1977
APPROVED: RUSSELL McCLURE, Secretary
RECEIVED BY LRC: July 27, 1977 at 11:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board for Licensing Hearing Aid Dealers, P. O. Box 456, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Division of Occupations and Professions
Board for Licensing Hearing Aid Dealers

201 KAR 7:020. Educational and health qualifications of applicants.

RELATES TO: KRS 334.050, 334.080, 334.090, 334.160(3)
PURSUANT TO: KRS 13.082, 334.150
NECESSITY AND FUNCTION: To delineate and clarify the procedures required of all applicants and to specify the requirements of compliance with the educational and health qualifications of applicants.

Section 1. Applications. The following principles and procedures shall govern all applicants:
(1) Applications shall be made directly to the board office on forms supplied by the board and shall be accompanied by a recent photograph of the applicant and payment of the required fee.
(2) Fees required with applications are application fees and are not refundable.
(3) The board may require letters of reference, physician's statement that applicant is free of infectious or contagious disease, verification of age or other supporting information or documents as may be required or necessary in determining an applicant's fitness and qualification.

Section 2. Health Requirements. Affliction with a contagious or infectious disease, which renders the practice of fitting hearing aids by the licensee, trainee or applicant dangerous to the public health or safety shall be cause for denial, non-renewal, suspension or revocation of a permit, license or certificate of endorsement.

Section 3. Request for Hearing. The board shall hold a hearing upon request of any person directly affected by the board's decision to deny an application for licensure or a trainee permit.

ROBERT C. STOCKLER, Chairman
ADOPTED: May 21, 1977
APPROVED: RUSSELL McCLURE, Chairman
RECEIVED BY LRC: July 27, 1977 at 11:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board for Licensing Hearing Aid Dealers, P. O. Box 456, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Divisions of Occupations and Professions
Board for Licensing Hearing Aid Dealers

201 KAR 7:030. Trainee apprenticeship.

RELATES TO: KRS 334.090
PURSUANT TO: KRS 13.082, 334.150
NECESSITY AND FUNCTION: To explain the six (6) months trainee apprenticeship and to delineate the responsibilities of trainees, sponsoring licensees, and the board relative to trainee apprenticeship.

Section 1. The six (6) months trainee apprenticeship is interpreted as being a tempory permit to be employed in the practice of fitting and dealing in hearing aids, in a limited way and under the restrictions established by statute and regulation, while a candidate acquires the education, training and practical experience necessary to successfully pass the qualifying examination for licensure.

Section 2. Responsibilities of Trainees. It is the responsibility of the trainee to prepare himself to successfully pass the qualifying examination for licensure as soon as possible, and no later than the next examination held subsequent to six (6) months after the date of issuance of his trainee permit.

Section 3. Responsibilities of Sponsoring Licensees. (1) The sponsoring licensee shall provide trainees with a program of instruction and training sufficient to prepare a trainee to successfully pass the qualifying examination for licensure as soon as possible, and no later than the next examination held subsequent to six (6) months after the issuance of his trainee permit.

(2) Licensees sponsoring trainees are responsible for the acts of their trainees made in the practice of fitting and dealing in hearing aids while holding a temporary trainee permit under such sponsorship, and may be held accountable for them as though they were committed by the licensee himself.

(3) Sponsoring licensees are responsible for notifying the board promptly of any change in the status of any trainee under their sponsorship and especially concerning termination of the sponsor-trainee relationship, and for the prompt return of any expired trainee permits or trainee permits which should be cancelled because of termination of the sponsor-trainee relationship. Sponsors continue to be responsible for the acts of trainees in the practice of fitting and dealing of hearing aids until the board is so advised of the termination of the relationship.

Section 4. It is the responsibility of the board to issue temporary trainee permits immediately on receipt of proper applications, completed in full, and on their face in compliance with the statute and the regulations of the board. However, no application is officially accepted by the board until acted upon formally in official meeting of the board. Notice of official board acceptance of applications will be mailed to trainees and sponsors, and the board may recall any trainee permit issued to an applicant whose application is later formally denied, without hearing but with right of appeal to the board.

Section 5. A trainee, having held a trainee permit for over six (6) months shall be required to take the next qualifying examination offered by the board. Failing to pass this examination, the trainee is required to apply for renewal of his trainee permit within ten (10) days after he is notified of such failure. An application fee of twenty-five dollars ($25) must accompany the renewal application, and any renewal of such trainee permit shall be effective only until ten (10) days after the next qualifying examination offered by the board.

ROBERT C. STOCKLER, Chairman
ADOPTED: May 21, 1977
APPROVED: RUSSELL McCLURE, Secretary
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Division of Occupations and Professions
Board for Licensing Hearing Aid Dealers

201 KAR 7:040. Examinations and grading.

RELATES TO: KRS 334.060, 334.070, 334.080, 334.090, 334.150
PURSUANT TO: KRS 13.082, 334.150
NECESSITY AND FUNCTION: To clarify and delineate the procedures, times, and places for administering and grading of applicants' examinations.

Section 1. The board or its designee will administer a qualifying examination, prepared, graded and classified by the board, to all qualifying applicants in accordance with the following rules:

(1) Examinations shall be conducted in such manner that the result shall be entirely fair and impartial, the applicants being known by numbers only, so that no member of the board shall be able to identify the written examination of any applicant until it has been graded. All applicants examined at the same time shall have the same written questions asked them.

(2) The examination shall consist of one (1) written, and one (1) or more practical sections. A passing grade shall consist of a composite score of seventy percent (70%), with not less than a minimum score of seventy percent (70%) on any section.

(3) A notification of examination results will be issued by the board to all persons who take the qualifying examination.

(4) A trainee shall take the next qualifying examination held subsequent to six (6) months after the effective date of his trainee permit.

(5) If an applicant fails to pass the examination twice, he shall not be permitted to take the examination again without proof of further adequate study. Until such proof is given and the examination passed, the applicant may not deal in hearing aids.

(6) Examinations will be held regularly on the third Saturday of May each year and at such other times as the board shall determine.

(7) If an applicant is required to be re-examined the board shall designate those sections to be retaken.

ROBERT C. STOCKLER, Chairman
ADOPTED: May 21, 1977
APPROVED: RUSSELL McCLURE, Secretary
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Division of Occupations and Professions
Board for Licensing Hearing Aid Dealers

201 KAR 7:050. Identification, proof of licensure.

RELATES TO: KRS 334.020
PURSUANT TO: KRS 13.082, 334.150
NECESSITY AND FUNCTION: This regulation is promulgated in order to originate compliance with the regulation that an individual shall show proof of licensure while engaging in the selling or fitting of hearing aids.

Section 1. (1) An identification card will be issued to each holder of a license, certificate of endorsement, or temporary trainee permit, which lists the name of the holder, along with the address of the office where his license, certificate, or trainee permit is displayed, and which he shall be required to keep in his possession at all times during the performance of his duties.
(2) Upon request of any client or prospective client, a board member, or any peace officer, he shall permit the identification card to be inspected for purpose of identification.

ROBERT C. STOCKLER, Chairman
ADOPTED: May 21, 1977
APPROVED: RUSSELL McCLURE, Secretary
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Divisions of Occupations and Professions
Board for Licensing Hearing Aid Dealers

201 KAR 7:060. Display of licenses, duplicates.

RELATES TO: KRS 334.020
PURSUANT TO: KRS 13.082, 334.150
NECESSITY AND FUNCTION: Whereas KRS 334.020 requires individuals licensed as hearing aid dealers to display licenses in their places of business. This regulation enables a licensee to secure a duplicate license.

Section 1. A licensee must obtain duplicate licenses for each place of business where he deals in hearing aids by making application to the board and paying a fee of seven dollars and fifty cents ($7.50) for each duplicate.

ROBERT C. STOCKLER, Chairman
ADOPTED: May 21, 1977
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Division of Occupations and Professions
Board for Licensing Hearing Aid Dealers

201 KAR 7:070. License renewal.

RELATES TO: KRS 334.110
PURSUANT TO: KRS 13.082, 334.150
NECESSITY AND FUNCTION: To enumerate certain requirements for renewals.

Section 1. Responsibility for filing for renewal of licenses, permits or certificates and for paying fees shall rest with the individual holder. The board is not responsible for sending a letter of reminder.

Section 2. For renewal of a license or certificate the holder shall send the board, with his renewal application, a copy of a certificate of calibration for his audiometric testing equipment completed within the last twelve (12) months.

ROBERT C. STOCKLER, Chairman
ADOPTED: May 21, 1977
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Division of Occupations And Professions
Board for Licensing Hearing Aid Dealers

201 KAR 7:080. Buyer's receipt.

RELATES TO: KRS 334.030
PURSUANT TO: KRS 13.082, 334.150
NECESSITY AND FUNCTION: To further delineate the requirements of the buyer's receipt

Section 1. At such time as a buyer incurs a financial obligation with respect to the purchase of a hearing aid device the licensee must obtain a written and dated agreement, offer to purchase, or receipt signed by the buyer and including the following information:

(1) The client's receipt must bear the licensee's full signature as it appears on his license. In addition to the requirements specified in KRS 334.030, the receipt must also contain the name, address, and telephone number of his business.

(2) Express notice of the buyer's thirty (30) day right of cancellation and explanation of charges provided by KRS 334.210(5)(b).

ROBERT C. STOCKLER, Chairman
ADOPTED: MAY 21, 1977
APPROVED: RUSSELL McCLURE, Secretary
RECEIVED BY LRC: July 27, 1977 at 11:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board for Licensing Hearing Aid Dealers, P. O. Box 456, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Division of Occupations And Professions
Board for Licensing Hearing Aid Dealers

201 KAR 7:090. Unethical conduct.

RELATES TO: KRS 334.120
PURSUANT TO: KRS 13.082, 334.150
NECESSITY AND FUNCTION: This regulation is for the purpose of further defining unethical conduct, as it might affect suspending or revoking the licenses of individuals in violation of regulations of federal agencies.

Section 1. Any violation of Federal Trade Commission regulations as pertains to the hearing aid industry, or Food and Drug Administration regulations, as pertains to hearing aids, by a holder of a license, trainee permit or certificate of endorsement may be considered unethical conduct in the practice of fitting and dealing in hearing aids.

ROBERT C. STOCKLER, Chairman
ADOPTED: MAY 21, 1977
APPROVED: RUSSELL McCLURE, Secretary
RECEIVED BY LRC: July 27, 1977 at 11:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board for Licensing Hearing Aid Dealers, P. O. Box 456, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Division of Occupations and Professions
Board for Licensing Hearing Aid Dealers

201 KAR 7:100. Procedure for denial, suspension, nonrenewal or revocation hearings.

RELATES TO: KRS 334.120, 334.150
PURSUANT TO: KRS 13.082, 334.150
NECESSITY AND FUNCTION: To outline the administrative adjudication procedure before the Board for Licensing Hearing Aid Dealers in trainee permit, license and certificate of endorsement denial, suspension, nonrenewal and revocation hearings.

Section 1. Scope and Definitions. (1) These regulations govern the procedure for the Kentucky Board for Licensing Hearing Aid Dealers in all proceedings before the board in which the legal rights, duties or privileges of any person is required by statute or by these rules to be determined after an opportunity for a hearing. These rules shall be construed to secure a just, speedy and inexpensive determination of every proceeding.

(2) For purposes of administrative adjudicatory procedure unless the context otherwise requires:

(a) "Party" means any person or agency named or admitted as a party, to any proceedings of the board and shall include only persons who have a real interest in a matter before the board.

(b) "Person" means any individual, partnership, corporation, association or public or private organization of any character other than an agency.

(c) "Order" means the whole or any part of a final disposition of an adjudication.

(d) "Contested case" means an adjudicatory proceeding before the board in which the legal rights, duties or privileges of any person are required by law to be determined after an opportunity for a hearing, without regard to whether the proceeding is instituted by the board or by some other person.

(e) "Board" means the Kentucky Board for Licensing Hearing Aid Dealers.

Section 2. Complaints and Investigations. (1) Complaints. A complaint may be made by any person against the holder of a permit, license or certificate of endorsement by the filing of written charges with the board's offices in Frankfort, Kentucky. The written complaint shall contain the name and address of any person making charges as well as the name and address of the person or persons against whom charges are being made and a clear and concise statement of the facts giving rise to the complaint. Any complaint or charge filed with the board will be forwarded to the dealer or licensee involved and the dealer or licensee will be given thirty (30) days to resolve the problem or to make a full satisfactory reply thereto. Any defamatory matter in a formal written complaint will be excised by the board prior to being forwarded to the dealer or licensee. The person filing the complaint or charge will be informed of the resolution or reply received from the dealer or licensee.

(2) Investigations. Upon the receipt of a complaint and following the expiration of the thirty (30) days provided for in subsection (1), the board or its appointed committee may cause an investigation to be made by an individual board member, by any investigation committee, by the full board or by any agent or representative appointed by the

board. Upon the completion of any investigation, the person or persons making such investigation shall submit a full written report to the board containing a succinct statement of the facts disclosed by the investigation.

Section 3. Commencement of Adjudicatory Proceedings. Upon the receipt of any investigative report referred to in Section 2 (2) or after the expiration of the thirty (30) day period referred to in Section 2(1) where an investigation is not made, the board may begin formal adjudicatory proceedings in accordance with the following procedure:

(1) If it is determined that the facts alleged in the complaint and/or investigative report could constitute grounds for the suspension, probation or revocation of a permit, license or certificate of endorsement a hearing shall be scheduled before the board on these allegations. In any case in which the board has denied an application for or failed to renew a permit, license or certificate of endorsement a hearing will only be scheduled upon receipt by the board of a written request submitted by or on behalf of the person whose application for permit, license or certificate of endorsement was denied or not renewed. Any required hearing will be held within three (3) months, or as soon thereafter as practicable, after the announcement of the proceedings by receipt of a complaint or after receipt of the investigation report, whichever is later, or within three (3) months, or as soon thereafter as practicable, after the board's receipt of a written request for a hearing. In any contested case, whether it be instituted by the board or by some other person, all the parties to the proceeding shall be given reasonable notice and an opportunity to be heard.

(2) Notice. The notice provided for shall be issued in the name of the board by the chairman thereof and shall state:

(a) The time, date, place and nature of the hearing;

(b) The legal authority and jurisdiction under which the hearing is to be held;

(c) The particular sections of the statutes or rules involved; and

(d) A short and plain statement of the complaint or charges which are being preferred and the remedy which is being sought.

The notice shall be personally served or mailed to the last known address of the party or parties not less than twenty (20) days before the date of the hearing.

(3) Appearance and service. In any contested case, the parties to the proceeding shall have the right to appear personally at the hearing and by counsel, and shall have the right to cross-examine witnesses appearing against them and to produce witnesses on their own behalf. When a party has appeared by an attorney, or otherwise designated an attorney as his representative, all communications, notices, orders or other correspondence shall be served on such attorney; service on the attorney will be considered as service on the party and the board shall be notified of any change in such attorney.

(4) Hearing tribunal. Any member or members of the board who were appointed as individuals or as a committee for investigation of a complaint or charge against a licensee or dealer will not sit on the board for adjudicatory purposes in connection with the same complaint or charge investigated. The remaining members of the board will constitute a hearing committee which will conduct all hearings before the board. The chairman of the board or his designate will preside over the hearing proceedings; if the chairman is unavailable or ineligible to preside at such hearing the vice-chairman of the board shall preside.

(5) Authority to administer oaths. In hearings before the board any oath or affirmation required may be administered by any person authorized to administer oaths by the laws of the Commonwealth of Kentucky.

(6) Presentation of evidence. The evidence against the licensee or dealer or other person concerning the pending complaint or charge will be presented by the individual member or committee of the board who conducted the investigation, if any, or by any other qualifying person or persons. Additionally or in the alternative, any witness or other evidence may be questioned or introduced by any member or members of the hearing committee of the board.

Section 4. Conduct of Hearings; Witnesses; Burden of Proof; Evidence. (1) The board may hear testimony of any person present at the hearing who has information to offer bearing on the subject matter of such hearings. The board may ask any witness questions as may be required for a full and true disclosure of the facts. The board shall have only one (1) witness before them at any one (1) time and other witnesses may be excluded from the hearing room while any one (1) witness is being questioned.

(2) The hearing in a contested case involving a suspension, probation or revocation of a license, permit or certificate of endorsement shall proceed in the following order, unless the board, for special reasons otherwise directs:

(a) The party filing the complaint or preferring the charges or the persons appointed or designated to present the evidence against the licensee must briefly state the substance of the charges and the evidence by which he expects to sustain them.

(b) The party against whom a complaint has been filed or charges otherwise preferred may briefly state the substance of his defense and the evidence which he expects to offer in support of it.

(c) The party filing the complaint or otherwise preferring the charges or the person(s) appointed or designated to present the evidence against the licensee or dealer shall have the burden of proof in the whole action, therefore he must produce his evidence first; the party against whom a complaint has been filed or charges preferred may then produce his evidence. The board, however, may regulate the order of proof in any proceeding to expedite the hearing and to enable the board to obtain a clear view of the whole evidence.

(d) The parties will then be confined to rebuttal evidence, unless the board, in its discretion, permits them to offer additional evidence in chief.

(e) The parties may then submit the matter to the board for decision, or present arguments on the issues involved. In the arguments, the party filing the complaint or otherwise perferring the charges or the person appointed or designated to present the evidence against the licensee or dealer shall have the conclusion and the party against whom the complaint was filed or charges otherwise preferred shall have the opening.

(3) In a hearing requested in writing by a person whose application for a permit, license of certificate of endorsement has been denied or not renewed the burden of proof and order of proceedings, delineated in Section 4(2), shall be reversed.

(4) In any contested case, the board will as far as practical, adhere to the following rules of evidence.

(a) Any evidence which would be admissable under the statutes of the Commonwealth of Kentucky, and under the rules of evidence followed by circuit courts of the Commonwealth of Kentucky, will be admitted in hearings

before the board; however, in the board's discretion, matter may be admitted if the board deems it necessary for a full and true disclosure of the facts and the matter will be of assistance to the board in determining the rights of the parties.

(b) Every party shall have the right to present such oral or documentary evidence exhibits and rebuttal evidence and conduct such cross-examination as may be required for a full and true disclosure of the facts. Documentary evidence may be introduced in the form of copies or excerpts, if the original is not readily available; provided that upon request the parties or the board shall be given an opportunity to compare the copy with the original.

(c) When a hearing will be expedited and the interests of the parties will not be substantially prejudiced thereby, all or part of the evidence may be received in written form by affidavit or prepared statement. Prepared statements shall not be read or made a part of the record until the party against whom the statement is offered has been given a reasonable time for review and objection.

(d) Irrelevant, immaterial or unduly repetitious evidence will be excluded and the board will give effect to the rules of privilege recognized by the laws of the Commonwealth of Kentucky.

(e) The board may take notice of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the board's specialized knowledge; provided, however, the parties shall be afforded an opportunity to contest the facts so noticed.

(f) Objections to evidentiary offers may be made and shall be noted in the record.

(g) When necessary to ascertain facts which cannot otherwise be proved, evidence not admissible under the foregoing rules may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs.

(5) The parties to any hearing may agree to waive any one or more of the procedural steps which would otherwise precede the reaching of a final decision by the board, but such waiver shall not be binding on the board.

Section 5. Deliberations; Records; Final Order.

(1) Deliberations. During any hearing and after the case has been submitted to the board for final decision, the deliberations of the board will be governed by the following principles:

(a) Ex-parte investigations. Members of the board shall make findings of fact and conclusions of law in a contested case or who shall render a decision in a contested case, shall not, once a hearing has commenced, consult with any person or party in connection with any issue of fact or law, except upon notice and opportunity for all parties to participate; provided, however, that any board member may consult with other members of the board, and may have the aid and advice of one or more personal assistants, including the assistance of counsel.

(b) Separation of functions. No member, officer or employee of the board who is engaged in the performance of investigative or prosecuting functions for the board in a contested case shall, in that or a factually related case, participate or advise in the decision, except as a witness or counsel in the public hearing.

(c) Examination of evidence. The board shall personally consider the whole record or such portions thereof as may be cited by the parties, and the board's technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

(d) The board at its discretion may recess a hearing for the taking of additional discovery and evidence as required.

(2) Record. The record shall include all pleadings, motions, exhibits, documentary and testimonial evidence received or considered, a statement of matters officially noticed and questions and offers of proof and rulings thereon. A record or transcript of the oral proceedings will need not be made by the board. Should any party desire a written transcript of the oral proceedings it will be necessary that they pay for said transcript.

(3) Final order. The final decision in any case in which a hearing is required or requested shall be in writing and shall be made a part of the official record. It shall include a concise and explicit statement of the findings of facts and conclusions of law, separately stated, and shall be signed by the presiding officer. The original thereof shall be filed as a part of the record of the case and shall be retained in the custody of the board unless an appeal is taken therefrom and one (1) copy of the order shall forthwith be served on each party to the proceeding.

ROBERT C. STOCKLER, Chairman
ADOPTED: May 21, 1977
APPROVED: RUSSELL McCLURE, Secretary
RECEIVED BY LRC: July 27, 1977 at 11:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretay-Treasurer, Kentucky Board for Licensing Hearing Aid Dealers, P. O. Box 456, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Division of Occupations And Professions
Board for Licensing Hearing Aid Dealers

201 KAR 7:110. Board meetings.

RELATES TO: KRS 334.160
PURSUANT TO: KRS 13.082, 334.150
NECESSITY AND FUNCTION: This regulation specifies the provisions for conducting official meetings of the Kentucky Board for Licensing Hearing Aid Dealers.

Section 1. The board shall hold and conduct regular and special meetings in accordance with the following procedure:

(1) Annual meeting. The board shall hold at least one (1) annual meeting which shall be on the third Saturday in January of each year at Frankfort.

(2) Regular and special meetings. Other meetings of the board shall be called by the chairman or upon the written request of five (5) board members. The secretary-treasurer shall give a minimum of two (2) weeks notice of the time and place of such meetings to each member.

(3) Robert's Rules of Order will be the guide for the proceedings of the board.

(4) No member of the board shall do any act that would be interpreted as acting officially for the board without

prior formal approval and the authorization by a majority of the board to do such act.

ROBERT C. STOCKLER, Chairman
ADOPTED: MAY 21, 1977
APPROVED: RUSSELL McCLURE, Secretary
RECEIVED BY LRC: July 27, 1977 at 11:45 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board for Licensing Hearing Aid Dealers, P. O. Box 456, Frankfort, Kentucky 40601.

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

401 KAR 1:017. Truck and equipment identification.

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130
NECESSITY AND FUNCTION: The department is directed by KRS 318.170 to enforce the provisions of the state plumbing laws and code. It is difficult to maintain adequate surveillance for persons who are installing or constructing plumbing systems without their trucks and equipment being properly identified. Identification as set forth in this regulation would greatly assist the department in carrying out this function.

Section 1. Trucks and Equipment Identification. All trucks and mobile equipment used in the operation of a plumbing business shall be properly identified. The equipment shall bear the name of the master plumber, the owner of the business and/or the master plumber representing the business as well as the master plumber's Kentucky license number. All such identification shall be in letters not smaller than three (3) inches high and must be kept legible at all times.

ROBERT D. BELL, Secretary
ADOPTED: July 20, 1977
RECEIVED BY LRC: August 10, 1977 at 3:45p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control

804 KAR 7:045. Convention center caterer's license.

RELATES TO: KRS 243.030(7), (18)
PURSUANT TO: KRS 13.082, 241.060
NECESSITY AND FUNCTION: In order to facilitate tourism and convention business in the state of Kentucky, it is necessary that special licenses be authorized for convention centers. This new regulation will permit the retail sale of malt beverages and distilled spirits by the drink to patrons attending a function at the convention center. The regulation does not permit the retail sale of alcoholic beverages to the general public.

Section 1. A special license may be issued for convention centers having a seating capacity of 1,000 or more persons.

Section 2. The distilled spirits administrator and the malt beverage administrator are hereby authorized to issue a license to the operating or managing corporation of premises commonly known as a convention center. The license shall authorize the service of malt beverages and distilled spirits by the drink for consumption on the premises of the convention center by patrons, at any function, occasion, or event, upon the licensed premises.

Section 3. The license fee for the convention center license shall be $1,000 per annum and the fee shall be prorated as set forth in KRS 243.090(2). All such licenses shall expire at midnight June 30 of each year.

Section 4. These licenses shall be issued by the distilled spirits administrator and the malt beverage administrator only upon a showing of good cause and need for such licenses, and the issuance of such licenses shall be at the discretion of the distilled spirits administrator and the malt beverage administrator.

Section 5. The licenses issued hereunder shall be nonquota licenses and shall not be transferable to other premises.

Section 6. Proceedings relative to application, renewal, suspension, or revocation of these licenses shall be conducted in the same manner and extent as regular retail drink and retail malt beverage licenses.

BERNARD KEENE, Chairman
ADOPTED: July 27, 1977
APPROVED: JOHN C. ROBERTS, Secretary
RECEIVED BY LRC: July 28, 1977 at 1:15 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance

806 KAR 9:012. Temporary licensing privilege requirements.

RELATES TO: KRS 304.9-300
PURSUANT TO: KRS 13.082, 304.2-110
NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance shall make reasonable rules and regulations necessary for or as an aid to the effectuation of any provisions of the Kentucky Insurance Code. This regulation sets a minimum percentage of agents holding temporary licenses who must obtain a permanent license in order for an insurer to retain the temporary licensing privilege.

Section 1. No temporary licensing privilege shall be granted or continued for ordinary life agents for any insurer obtaining more than ten (10) such temporary licenses within any calendar year which fails to qualify at least sixty-five (65) per cent of its temporary licensees for a permanent license.

HAROLD B. McGUFFEY, Commissioner
ADOPTED: August 8, 1977
APPROVED: JOHN C. ROBERTS, Secretary
RECEIVED BY LRC: August 8, 1977 at 4:35 p.m.
PUBLIC HEARING: A public hearing will be held on this proposed regulation at 9 a.m., September 6, 1977, in Room 213, Capital Plaza Tower, Frankfort, Kentucky.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council

902 KAR 1:017. Amoxicillin Trihydrate.

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

Section 1. Amoxicillin Trihydrate Capsule Pharmaceutical Products. The following amoxicillin trihydrate capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:
(1) Amoxicillin Trihydrate 250 mg. Capsule Form:
(a) Amoxil: Beechum Laboratories;
(b) Larotid: Roche Laboratories.
(2) Amoxicillin Trihydrate 500 mg. Capsule Form:
(a) Amoxil: Beechum Laboratories;
(b) Larotid: Roche Laboratories.

Section 2. Amoxicillin Trihydrate Suspension Pharmaceutical Products. The following amoxicillin trihydrate suspension pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:
(1) Amoxicillin Trihydrate 125 mg/5 ml Suspension Form:
(a) Amoxil: Beechum Laboratories;
(b) Larotid: Roche Laboratories.
(2) Amoxicillin Trihydrate 250 mg/5 ml suspension Form:
(a) Amoxil: Beechum Laboratories;
(b) Larotid: Roche Laboratories.

Section 3. Amoxicillin Trihydrate Pediatric Drops Pharmaceutical Products. The following amoxicillin trihydrate pediatric drops pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Amoxicillin Trihydrate 50 mg/ml Pediatric Drops:
(1) Amoxil: Beechum Laboratories;
(2) Larotid: Roche Laboratories.

THOMAS S. FOSTER, Chairperson
ADOPTED: June 24, 1977
APPROVED: PETER D. CONN, Secretary
RECEIVED BY LRC: August 15, 1977 at 10 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 2:014. Repeal of 904 KAR 2:012.

RELATES TO: KRS 205.222, 205.223
PURSUANT TO: KRS 13.082, 194.050
NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer public assistance programs under Title IV-A of the Social Security Act. Title IV-A provides for inclusion of children of unemployed fathers within the AFDC category at the option of the state. KRS 205.223 provides that such assistance shall be provided upon a determination by the Secretary of the Department for Human Resources that the statewide rate of unemployment exceeded six (6) percent based upon the previous four (4) months moving average. Such a finding was made as of July 1975 and the program was implemented as of that month.
KRS 205.223 further provides that such program shall become inoperative when the statewide rate of unemployment drops below 5.5 percent based upon the previous four (4) months moving average. As of June, 1977, the statewide rate of unemployment reached 5.2 percent based upon the four (4) months moving average. The program therefore becomes inoperative as of July, 1977.

Section 1. 904 KAR 2:012 is hereby repealed.

GAIL S. HUECKER, Commissioner
PETER D. CONN, Secretary
ADOPTED: July 29, 1977
RECEIVED BY LRC: August 1, 1977 at 10:05 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

Reprinted Regulations

(As a convenience to subscribers the following regulations, which became effective on August 3, 1977, are being reprinted here. All were published originally in Volume 3 of the Administrative Register but are not included in the bound volumes of the KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.)

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Real Estate Commission
As Amended

201 KAR 11:030. License cancellation; reasons for.

RELATES TO: KRS 324.330
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: To inform and set certain standards for the licensees and to protect the public.

Section 1. A license is automatically cancelled if the holder thereof fails to promptly notify the commission of any of the following changes: broker's business address, a change of firm name, salesman's or broker-salesmen's transfer from one broker to another, or a change of surname.

Section 2. The fee for all the above-listed changes is two dollars ($2) per license.

Section 3. The commission *shall* [should also] be notified of a change of a residence address. There is no charge for this.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Real Estate Commission

201 KAR 11:147. Procedure for license retention when salesman released by broker.

RELATES TO: KRS 324.310, 324.330
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: The function of this regulation is to expand KRS 324.310 and 324.330 to avoid misinterpretations of administrative procedures.

Section 1. Upon receipt, by regular mail, of a letter from the responsible broker releasing a salesperson, the commission shall notify the salesperson by regular mail at his last resident address on file at the commission office that, within thirty (30) days of the date of the release letter he shall reaffiliate with another broker, or request by letter that his license be placed in escrow. Failure to comply will result in cancellation of license and retaking the regular examination in order to become reinstated.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Hairdressers and Cosmetologists

201 KAR 12:155. Post-graduate school standards.

RELATES TO: KRS 317A.050(8)
PURSUANT TO: KRS 317A.050, 317A.060
NECESSITY AND FUNCTION: All applicants to operate a post-graduate school of cosmetology must submit an application to the board and meet all city, county, and state zoning, building, and plumbing codes and sanitation standards.

Section 1. Each person, firm or corporation applying for a license to operate a post-graduate school of cosmetology must submit an application provided by the board.

Section 2. Each person as an individual owner or all members of the firm or corporation must submit proof of financial responsibility. A surety bond in the amount of $25,000 or a financial statement including liabilities and assets, will be acceptable for the board's consideration.

Section 3. Persons having an interest in operating a post-graduate school must submit a minimum of two (2) character references, proposed copy of student contract indicating all financial charges to enrollees, and term of lease for location if applicable.

Section 4. Application for license to operate a post-graduate school of cosmetology must be accompanied by an architect's or draftman's plan of proposed premises drawn to scale, showing the arrangements of the classroom, clinic area, mannequin area, dispensary, reception area, shampoo area, office and any other area of the school, entrance and exits, placements of equipment, and location of gas and electric outlets.

Section 5. A license to operate a post-graduate school carries the approval of this board and is valid only for the location and person, firm, or corporation named on application and license issued by this board. A post-graduate school of cosmetology license is never transferable from one location to another or from one person, firm, or corporation to another.

Section 6. The owners, firm or corporation operating a post-graduate school must notify the board in writing twenty (20) days prior to selling, transfering, or changing of ownership and management of a school. Prospective

ownership must meet all qualifications of owning a school and have the approval of the board.

Section 7. Following approval of the application to operate a school of cosmetology by the board, the site shall be inspected by a quorum of the board or by at least one (1) member of the board and the board administrator. A final inspection of the premises shall be conducted by the members of the board prior to issuing of license. All schools must comply with city, county, and state zoning laws, plumbing and building codes.

Section 8. Any post-graduate school owner, manager, or instructor who misrepresents facts to the board, to the students, or to the general public concerning any information regarding the school or any student enrolled therein, or in any way violates regulations adopted by this board, will be served notice to show cause before this board, why the school's license and the instructor's license should not be revoked.

Section 9. Any person, establishment, firm or corporation which accepts, directly or indirectly, compensation for teaching persons any branch or subjects of cosmetology as defined in KRS 317.010 shall be classified as a school and will be required to comply with all the provisions of law and the rules and regulations of this board.

Section 10. Any post-graduate school desiring night classes must, by proper application, be granted permission from the board to operate such classes. Under no condition shall the school operate past 10 p.m. local time.

Section 11. The license to operate a post-graduate school shall be non-renewable at the next renewal period following the school's closing of business.

Section 12. The location of the post-graduate school of cosmetology shall be entirely separate from any cosmetology school or beauty salon.

Section 13. The sanitation standards set forth in 201 KAR 12:100 shall be applicable to a post-graduate school of cosmetology.

Section 14. No post-graduate school shall be permitted to operate as a beauty salon. Prices for services rendered the public shall cover the cost of materials and supplies. The price list must be submitted to the board for approval.

Section 15. A post-graduate school of cosmetology shall not advertise professional services available to the public.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Hairdressers and Cosmetologists

201 KAR 12:157. Instructors and employees of post-graduate schools.

RELATES TO: KRS 317A.020, 317A.050
PURSUANT TO: KRS 317A.050(8)
NECESSITY AND FUNCTION: Persons teaching in a post-graduate school of cosmetology must be a licensed instructor and provide adequate supervision and instruction.

Section 1. Any person employed by a post-graduate school for the purpose of managing, teaching and instruction, must be licensed as a cosmetologist instructor. Each licensed instructor or apprentice instructor must keep their photograph posted with their license.

Section 2. All enrollees must be under the immediate supervision of a licensed instructor during all classes and practical work.

Section 3. Instructors shall render services only incidental to and for the purpose of instruction.

Section 4. Every instructor employed in a post-graduate school of cosmetology shall devote their entire time during school hours to that of instructing the enrollees and shall not apply his or her time to that of private or public practice for compensation during school hours or permit enrollees to instruct or teach other enrollees in the absence of an instructor.

Section 5. Teaching by demonstrators is prohibited.

Section 6. All services rendered in a school on patrons must be done by enrollees only. Instructors shall be allowed to teach and aid in performing the various services.

Section 7. Instructors in attendance must, at all times, wear a clean, washable uniform, and an insignia or badge indicating they are an instructor.

Section 8. Apprentice instructors will not be allowed to complete the apprentice instructor curriculum in a post-graduate school of cosmetology.

Section 9. Each post-graduate school shall, within five (5) days after the termination, employment or other change in faculty personnel, notify the board of such change.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Hairdressers and Cosmetologists

201 KAR 12:160. Students of post-graduate schools.

RELATES TO: KRS 317A.050
PURSUANT TO: KRS 13.082, 317A.062
NECESSITY AND FUNCTION: To protect the student enrolling in a post-graduate school of cosmetology and the general public against misrepresentation, deceit, or fraud while receiving services.

Section 1. Enrollees must complete an application for enrollment provided by the board and submit same to the office of the board prior to beginning enrollment.

Section 2. No student enrolled in a post-graduate school of cosmetology is permitted to receive a salary or commission while enrolled in said school other than in the course of normal employment.

Section 3. Students shall not be permitted to smoke while providing services to patrons.

Section 4. No student shall be allowed to remain in the school to work on patrons upon completion of the hours specified to the board.

Section 5. Enrollment permits of all students, with pictures attached, must be posted in a centralized conspicuous place.

Section 6. Post-graduate schools of cosmetology must require students to, at all times, wear a clean, washable uniform, coat, or smock.

Section 7. Post-graduate schools of cosmetology must require students to wear some kind of insignia or badge, to indicate that he or she is a student in the school.

Section 8. No person shall be enrolled in a post-graduate school unless the applicant is currently licensed as an apprentice or regular cosmetologist. Copy of current license must be submitted with enrollment.

CABINET FOR DEVELOPMENT
Department of Fish and Wildlife Resources
As Amended

301 KAR 1:150. Waters open to commercial fishing.

RELATES TO: KRS 150.010, 150.025, 150.120, 150.170, 150.175, 150.445, 150.450
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: It is necessary to regulate the places where commercial fishing is permitted to insure that the size of the water and fish population is large enough for this type of activity to better utilize and conserve those populations concerned. *The Commissioner, with the concurrence of the Commission, finds it consistent with accepted fish management practices to authorize commercial fishing in Barren Lake and so amends this regulation.* [It is necessary to add overflow lakes of Ohio River to the commercial fishing waters.]

Section 1. Appropriately licensed commercial fishermen may fish with commercial fishing gear in the following designated waters subject to requirements as set forth in regulations designating commercial gear and manner of taking. Commercial gear may be used in no other waters of the Commonwealth except under specific permit.

Section 2. Commercial Fishing Waters. (1) Streams and rivers:
(a) Barren River from its Junction with Green River upstream to Greencastle, Kentucky;
(b) Big Sandy River from its Junction with Ohio River upstream to Junction of Levisa and Tug Forks;
(c) Levisa Fork of Big Sandy River from its Junction with Big Sandy upstream to 200 yards below mouth of Paint Creek in Johnson County;
(d) Cumberland River from its Junction with Ohio River upstream to Highway 62 Bridge;
(e) Eagle Creek from its Junction with Kentucky River upstream to Highway 22 Bridge in Grant County;
(f) Green River from its Junction with Ohio River upstream to 200 yards below Lock and Dam 6;
(g) Highland Creek from its Junction with Ohio River upstream to Rock Ford Bridge in Union County;
(h) Kentucky River from its Junction with Ohio River upstream to Junction of North and Middle Forks of Kentucky River;
(i) North Fork of Kentucky River from its Junction with Kentucky River upstream to Mouth of Walker's Creek;
(j) South Fork of Kentucky River from its Junction with Kentucky River upstream to Mouth of Cow Creek;
(k) Licking River from its Junction with Ohio River upstream to a point directly adjacent to Highway 111 on the Bath and Fleming Counties line;
(l) Mississippi River from the Mouth of Ohio River downstream to the Tennessee line;
(m) Mud River from its Junction with Green River upstream to McGee Landing in Butler and Muhlenberg Counties;
(n) Ohio River from its Junction with Mississippi River upstream to West Virginia Line;
(o) Pond River from its Junction with Green River upstream to Highway 62 Bridge;
(p) Panther Creek from its Junction with Green River upstream to Head of Creek;
(q) Rough River from its Junction with Green River upstream to Highway 69 Bridge at Dundee, Kentucky;
(r) Tennessee River from its Junction with Ohio River upstream to River Mile 17.8;
(s) Tradewater from its Junction with Ohio River upstream to Highway 132 Bridge.
(2) Lakes. The following lakes are open to commercial fishing, but not above the first shoal or riffle upstream from the impounded or standing pool of the lake in any main or tributary stream:
(a) Barkley;
(b) Cumberland;

(c) Herrington;
(d) Kentucky;
(e) Nolin;
(f) Rough River;
(g) Overflow lakes directly connected to the Mississippi and Ohio Rivers;
(h) Dewey Lake is open uplake to a point directly beneath the concrete structure known as Buffalo Bridge which crosses the lake;
(i) Barren Lake.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection
Division of Plumbing
As Amended

401 KAR 1:060. Soil, waste and vent systems.

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 material and the design of the soil, waste and vent systems that will be used in

Section 1. Grades and Supports of Horizontal Piping. All horizontal piping shall be run in practical alignment and at a uniform grade of not less than one-eighth (1/8) inch per foot, and shall be supported or anchored in accordance with the manufacturer's recommendations but in no instance to exceed ten (10) feet in length. All stacks shall be supported at their bases and all pipes shall be rigidly secured. No-hub pipe and fittings shall be supported at each joint of pipe and fittings. Polyvinyl chloride and acrylonitrile—butadiene—styrene schedule forty (40) horizontal piping shall be supported at intervals not to exceed five (5) feet and at the base of all vertical stacks and at all trap branches as close to the trap as possible. Polyethylene pipe and fittings must be continuously supported with a V channel. Stacks must be rigidly supported at their bases and at each floor level.

Section 2. Change in Direction. All changes in direction shall be made by the appropriate use of forty-five (45) degree wyes, half-wyes, quarter, sixth, eighth or sixteenth bends, except that a single sanitary tee may be used in a vertical stack, or a sanitary tee may be turned on its back or side at an angle of not more than forty-five (45) degrees.

Section 3. Prohibited Fittings. No double hub bend or double hub tee or inverted hubs shall be used on sewers, soil or waste line. The drilling and tapping of house sewers or house drains, soil, waste or vent pipes, and the use of saddle hubs and bands is prohibited. Double sanitary tees may be used on vertical soil, waste and vent lines. All pipes shall be installed without hubs or restrictions that would reduce the area or capacity of the pipe.

Section 4. Dead Ends. In the installation of any drainage system dead ends shall be avoided.

Section 5. Protection of Material. All pipes passing under or through walls shall be protected from breakage. All pipes passing through, or under cinder, concrete, or other corrosive material shall be protected against external corrosion.

Section 6. Materials. All main or branch soil, waste and vent pipes and fittings within or underneath a building shall be hub and spigot extra heavy or service weight cast iron, no-hub service weight cast iron, galvanized steel, galvanized wrought iron, lead, brass, types K, L, M, DWV copper, standard high frequency welded tubing conforming to ASTM B-586-73, Types R-K, R-L, R-DWV brass tubing, *DWV brass tubing conforming to ASTM B-587-73,* seamless stainless steel tubing, Grade G or H conforming to CS-263-68, polyvinyl chloride schedule 40 or 80 conforming to ASTM D-2665-69 and D-1784-65T, acrylonitrile-butadiene-styrene schedule 40 or 80 conforming to ASTM D-2661-69 and D-1788-67, silicon iron or borosilicate. All mains or branch soil waste and vent pipe and fittings underground shall either be hub and spigot extra heavy or service weight cast iron, Type K or L copper pipe, Type R-K, R-L brass tubing, lead, silicon iron or borosilicate.

Section 7. Size of Waste Pipe Per Fixture Unit on Any One Stack. The following table, based on the rate of discharge from a lavatory as a unit, shall be employed to determine fixture equivalents.

Pipe Size (In Inches)	Maximum Developed Length	Fixture Units
1 1/4	25 ft.	1
1 1/2	30 ft.	2
2	50 ft.	6
2 1/2	100 ft.	12
3	225 ft.	30
4		96
5		180
6		420
8		1200
10		2400
12		4200

Section 8. Size of Combined Soil and Waste Pipe Per Fixture Unit of any One (1) Stack. The following table, based on the rate of discharge from a lavatory as the unit, shall be employed to determine fixture equivalents.

Pipe Size (In Inches)	(Maximum Developed Length of Combined Soil and Waste and Vent)	Fixture Units
*3	100 ft.	24
4		96
5		180
6		420
8		1200
10		2400
12		4200

*Not more than two (2) water closets or two (2) bathroom groups.

Section 9. Soil and Waste Branch Interval. The total number of fixture units installed on any soil or waste branch interval shall not exceed one-half (1/2) of the fixture units set forth in the table in Section 8, above.

Section 10. *Combined* Soil, *Waste* and/*or* Waste Stacks. Every building in which plumbing fixtures are installed shall have a soil [or] waste *and/or vent* stack, or stacks extending full size through the roof, *except as otherwise provided for in Sections 7 or 8 of this regulation.* Soil, [and] waste *and/or vent* stacks shall be as direct as possible and free from sharp bends or turns. The required size of the soil, *waste and/*or *vent* [waste] stack shall be determined from the total of all fixture units connected to the stack in accordance with *Section 7 or 8* [the above tables] except that no more than two (2) water closets shall discharge into a three (3) inch stack.

Section 11. Future Openings. All openings left or installed in a plumbing system for future openings shall be complete with its soil and/or waste and vent piping and shall comply with all other sections of this code.

Section 12. House Drain. When a three (3) inch house drain enters a building it shall be provided with a three (3) inch stack. One (1) [basement] floor drain may be added to the house drain with a three (3) inch trap *provided that it conforms with the requirements of Sections 26 and 29 of this regulation, without counting toward the fixture units of the system. Eight and one-half (8½)* [Seven and one-half (7½)] fixture units may be added to the three (3) inch house drain if an additional two (2) inch stack is provided, [and] the fixtures are vented in accordance with [the other applicable] *Section 23* [sections] of this Code, *the* [. The] center of the last fixture *opening does* [must] not exceed *ten (10)* [five (5)] feet *(horizontal measures)* from the center line of the house drain *and these fixtures are installed on a lower level than the other fixtures in the system.*

Section 13. Soil and Waste Stacks, Fixture Connections. All soil and waste stacks and branches shall be provided with correctly faced inlets for fixture connections. Each fixture shall be independently connected to the soil and/or waste system. Fixture connections to water closets, floor-outlet pedestal sinks, pedestal urinals, or other similar plumbing fixtures shall be made by either cast iron, lead, brass, copper, or plastic closet bends. All three (3) inch closet bends shall have a four (4) inch by three (3) inch flange.

Section 14. Changing Soil and Vent Pipes. In an existing building where the soil, waste and vent piping is not extended undiminished through the roof or where there is a sheet metal soil or waste piping such piping shall be replaced with appropriate sizes and materials as prescribed for new work when a fixture or fixtures are changed or replaced.

Section 15. Prohibited Connections. No fixture connection shall be made to a lead bend or a branch of a water closet or a similar fixture. Vent pipes above the highest installed fixture on a branch or main shall not be used as a soil or waste pipe.

Section 16. Soil, Waste and Vent Pipe Protected. No soil, waste, or vent pipe shall be installed or permitted outside a building unless adequate provision is made to protect it from frost. The piping must be wrapped with one (1) layer of heavy hair felt and at least two (2) layers of two (2) ply tar paper, all properly bound with copper wire or in lieu thereof, the vent *shall* [may] be increased to full size. the size of the increaser *required as* if it were passing through the roof.

Section 17. Roof Extensions. All roof extensions of soil and waste stacks shall be run full size at least one (1) foot above the roof, and when the roof is used for other purposes than weather protection, such extensions shall not be less than five (5) feet above the roof. All stacks less than three (3) inches in diameter *shall be increased to a minimum of three (3) inches in diameter before* passing through a roof [shall be increased. No stack shall be less than three (3) inches]. When a change in diameter is made the fitting must be placed at least one (1) *foot* [inch] below the roof.

Section 18. Terminals. If a roof terminus of any stack or vent is within ten (10) feet of the top, bottom, face or side edge of any door, window, scuttle, or air shaft, and not screened from such an opening by a projecting roof or building wall, it shall be extended at least two (2) feet above the top edge of the window or opening.

Section 19. Terminals Adjoining High Buildings. No soil, waste or vent pipe extension of any new or existing building shall be run or placed on the outside of a wall, but shall be carried up in the inside of the building unless the piping is protected from freezing. In the event, the new building is built higher than the existing building, the owner of the new building shall not locate windows within ten (10) feet of any existing vent stack on the lower building.

Section 20. Traps, Protected; Vents. Every fixture trap shall be protected against siphonage and backpressure. Air circulation shall be assured by means of an individual vent. Crown vents are not permitted.

Section 21. Distance of Trap from Vent. (1) The distance between the vent and the fixture trap shall be measured along the center line of the waste or soil pipe from the vertical inlet of the trap to the vent opening.

The fixture trap vent, except for water closets and similar fixtures, shall not be below the dip of the trap, and all ninety (90) degree turns in the water line of the main waste, soil, or vent pipes shall be washed. Each fixture trap shall have a vent located with a developed length not greater than that set forth in the table below:

Size of Fixture Drain (In Inches)	Distance-Trap to Vent
1 1/4	2 ft. 6 in.
1 1/2	3 ft. 6 in.
2	5 ft.
3	6 ft.
4	10 ft.

(2) A fixture branch on a water closet shall not be more than three (3) feet.

Section 22. Main Vents to Connect at Base. *When a* [The] main vent or [the] vent stack *is used, it* shall connect full size at *the* [their] base *of* [to] the main soil or waste pipe at or below the lowest fixture branch and shall extend undiminished in size through the roof or shall be reconnected with the main soil or vent stack at least six (6) inches above the rim of the highest fixture. This section shall not apply to one (1) and two (2) story [residential] installations. When it becomes necessary to increase a vertical vent stack it then becomes a main vent and must comply with other sections of this code.

Section 23. Vents; Required Sizes. (1) The required size of a vent or vent stacks shall be determined by the total number of fixture units it serves and the developed length of the vent, in accordance with the following table, interpolating, when necessary, between permissible length of vent given in the following table.

MAXIMUM PERMISSIBLE LENGTHS OF VENTS		
Pipe Size (In Inches)	Maximum Length (In Feet)	Fixture Units
1 1/4	30	2
1 1/2	150	8
2	200	18
2 1/2	250	36
3	300	72
4	400	240
5	600	420
6	800	720

(2) If a fixture opening is installed more than twenty-five (25) feet of developed length from the point where it is connected to the main soil or waste systems, or, if more than ten (10) feet of vertical piping is used, the vent shall be continued full size through the roof or returned full size to the main vent.

Section 24. Branch and Individual Vents. In no instance shall a branch or individual vent be less than one and one-fourth (1 1/4) inches in diameter and shall not exceed the maximum length permitted for a main vent.

Section 25. Vent Pipes Grades and Connections. All vent and branch vent pipes shall be free from drops or sags and be so graded and connected as to drip back to the soil or waste pipe by gravity. Where vent pipes connect to a horizontal soil or waste pipe, the vent branch shall be taken off above the center line of the pipe, and the vent pipe must rise vertically at an angle of forty-five (45) degrees to the vertical, to a point six (6) inches above the fixture it is venting before offsetting horizontally or connecting to the branch, main, waste, soil or vent.

Section 26. Vents Not Required. Vents will not be required on a back-water trap, or a subsoil catch basin trap, or a basement floor drain provided that the basement floor drain is the first opening on the house drain and that the basement floor drain branches into the house drain so that measuring along the flow line from the center of the stack, the floor drain shall not be closer than five (5) feet to the stack, nor farther than twenty (20) feet. The floor drain line shall be four (4) inches above the house drain. All floor drains on a house drain in between stacks shall be vented. All floor drains shall be the caulk-on-type.

Section 27. When Common Vent Permissible. Where two (2) water closets, two (2) lavatories or two (2) of any fixtures of identical purpose are located on opposite sides of a wall or partition, or directly adjacent to each other within the prescribed distance as set forth in Section 21 of this regulation measured along the center line of the flow of water, the fixtures may have a common soil or waste pipe and a common vent. It shall be vented in accordance with the other sections of this code.

Section 28. Floor Drain Individual Vent Not Required. Manufacturers' floor drains do not require individual vents when they are placed on a waste line for floor drains only within the prescribed distance of ten (10) feet from the main waste line, or stack, provided the base of the stack is washed and the stack or stacks are undiminished through the roof, or connected to a main vent stack.

Section 29. A Basement Floor Drain Does Not Require an Individual Vent. A basement floor drain does not require an individual vent if it conforms to Section 26 of this regulation, or if it is the first floor drain on the main and is ahead of all sanitary openings and is not farther than five (5) feet from the main.

Section 30. House Drain Material. House drains shall be either extra heavy cast iron, service weight cast iron, brass Type (K) or (L) copper, lead, ABS or PVC plastic, or duriron.

Section 31. Indirect Waste Connections. Waste pipe from a refrigerator drain or any other receptacle where food is stored or waste water from a water cooled com-

pressor, shall connect indirectly with the house drain, soil or waste pipe. The drain shall be vented to the outside air. Such waste pipes shall discharge into an open sink or another approved open receptacle that is properly supplied with water in accordance with other sections of this code. Such connections shall not be located in an inaccessible or unventilated area.

Section 32. Bar and Soda Fountain Wastes. Bar and soda fountain wastes, sinks and receptacles shall have a one and one-half (1 1/2) inch P trap and branches. The main shall not be less than two (2) inches. The fresh air pipe shall not be less than one and one-half (1 1/2) inches. The main waste line shall discharge into a properly vented and trapped open receptacle inside or outside a building. Food storage compartment drains shall be indirectly connected through a trapped receptacle whose upper edge is raised at least one (1) inch above the finished floor line.

Section 33. Open Receptacles. Soil or waste piping receiving the discharge from an open receptacle shall be at least six (6) inches above the surface of the ground when it discharges into a septic system.

Section 34. Refrigerator Wastes. Refrigerator waste pipes shall not be less than one and one-half (1 1/2) inches for one (1) to three (3) openings, and at least two (2) inches for four (4) to eight (8) openings. Each opening shall be trapped. Such waste piping shall be provided with sufficient cleanouts to allow for thorough cleaning.

Section 35. Overflow Pipes. Waste from a water supply tank or exhaust from a water lift shall not directly connect to a house drain, soil, or waste pipe. Such waste pipe shall discharge upon a roof or into a trapped open receptacle.

Section 36. Acid and Chemical Wastes. Except as provided herein, no corrosive liquids shall be permitted to discharge into the soil, waste or sewer system. Such waste shall be thoroughly diluted or neutralized by passing through a properly constructed and acceptable dilution or neutralizing pit before entering the house sewer.

Section 37. Laboratory Waste Piping. Laboratory waste piping shall be sized in accordance with the other sections of this code. Each fixture shall be individually trapped. A continuous waste and vent pipe system may be used, provided the waste discharges into a vented dilution pit outside the building with a vent equal to the size of the drain. The vent may be eliminated when a pit has a ventilated cover. If under certain conditions a dilution pit is not required and is not used, each fixture shall be individually vented. If construction conditions permit, the base of the stack of the continuous waste and vent system shall be washed by the last fixture opening, and continue full size independently through the roof. All fixture branches exceeding more than the distance specified in the table in Section 21 of this regulation from the main shall be revented. The distance shall be measured from the center of the main to the center of the vertical riser. Fixture connections shall rise vertically to a height so that the trap will not be lower than twelve (12) inches from the bottom of the sink. Two (2) or more sinks may be connected into a common waste before entering the riser of the continuous waste and vent system, provided the fixtures are not more than five (5) feet from the center of one (1) fixture to the center of the other.

Section 38. Acid Waste Piping. Underground piping for acid wastes shall be extra heavy salt glazed vitrified pipe, silicon iron, lead, polyethylene pipe and fittings conforming to PS 10-69, PS 11-69, and PS 12-69, polypropylene pipe conforming to ASTM D-2146-65T, or other materials approved by the department. Piping for acid wastes and vents above ground shall be of silicon iron, lead, borosilicate, or polyethylene pipe conforming to PS 10-69, PS 11-69, and PS 12-69.

Section 39. Special Vents. Flat or wet vents serving a plumbing fixture may be constructed only with special permission when a plumbing system is being remodeled or when additions are added to an original system.

DEPARTMENT OF JUSTICE
Kentucky Crime Commission
As Amended

500 KAR 5:005. Commission's meeting dates.

RELATES TO: KRS 15A.040
PURSUANT TO: KRS 15A.140, 15A.160
NECESSITY AND FUNCTION: KRS 15A.140 and 15A.160 provide that the Secretary of the Department of Justice may adopt such regulations consistent with the provisions of 1974 Acts Chapter 74. KRS 15A.040 vests supervisory authority of federal and state grant programs with the Kentucky Crime Commission. This regulation establishes meeting dates for the Kentucky Crime Commission.

Section 1. The Kentucky Crime Commission shall conduct at least four (4) regular meetings each year to be held on the second Thursday and Friday of *March* [February], *June* [May], *September* [August], and *December* [November] at such time and place designated by the chairman.

Section 2. Special meetings of the Kentucky Crime Commission may be conducted on call of the Secretary of the Department of Justice.

Section 3. Special meetings of committees of the Kentucky Crime Commission may be conducted on call of the committee chairman or by a majority of the membership of the committee.

DEPARTMENT OF JUSTICE
Bureau of Training
Kentucky Law Enforcement Council
As Amended

503 KAR 1:040. Basic training certification.

RELATES TO: KRS 15.330
PURSUANT TO: KRS 15A.160, 15.330
NECESSITY AND FUNCTION: KRS 15.330 requires the Kentucky Law Enforcement Council to approve and issue certificates of approval to law enforcement officers having met the requirements for participation in law enforcement training programs. This regulation establishes the requirements for determination of completion of the basic training curriculum of those programs.

Section 1. The KLEC may certify a graduate of a certified school for basic training.

Section 2. *In order to be certified, a* [The] graduate *of a certified school for basic training* must be a member of a lawfully organized police unit or force of state, county, or city government, that is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state.

Section 3. *In order to successfully complete* [The graduate of] a Bureau of Training basic course, *the cadets* must have achieved a minimum [average] score of seventy (70) percent *on each of ten (10) weekly examinations. Failure to achieve seventy (70) percent on the weekly examination will require that the police cadet retake a different examination covering the same material and pass the second examination with seventy (70) percent success. Failure to pass the second examination will require the cadet to repeat the entire week of instruction and retake the examination for that week. This process of weekly instruction and examination must be repeated until such time as the cadet attains the score of seventy (70) percent on the examination for that week. In addition, the police cadet must satisfactorily complete a research paper and participate actively in all assigned projects. The ten (10) weekly examinations plus the research projects and other assignments will weigh fifty (50) percent of the overall score. A minimum overall score of seventy (70) percent shall constitute a passing grade for the academic portion of the basic training course.*

Section 4. The graduate of a certified basic course must demonstrate safety and proficiency in the use of firearms in a combat firearms course, proficiency in first aid, proficiency in physical agility, and proficiency in mechanics of arrest, restraint and control.

Section *5.* [4.] the graduate of any [other] certified school, *other than the Bureau of Training, who requests certification without attending the complete basic training course,* must *attain* [have obtained] a grade of seventy (70) percent on the Bureau of Training final examination, *as well as a score of seventy (70) percent on all other training which may be required.*

Section *6.* [5.] The graduate *of a Bureau of Training basic course* must *participate in a total of 400 hours training. Absences must be made up through additional training assignments.* [have participated in not less than eighty-five (85) percent of the total number of basic training hours required by KLEC]

Section *7.* [6.] The Bureau of Training will conduct final examinations for all applicants for certification on subjects required in the Bureau of Training basic training curriculum.

Section *8.* [7.] In a certified school other than a Bureau of Training basic course an applicant who fails to make the minimum standing of seventy (70) percent on the Bureau of Training final examination may, by written appeal authorized and countersigned by a duly responsible member of the department of the certified school, request a make-up examination. This appeal must be submitted within thirty (30) days of the time that the applicant was notified of his failure.

Section *9.* [8.] The time and location of the make-up examination shall be at the sole discretion of the Bureau of Training.

Section *10.* [9.] The second failure of an applicant to meet the minimum examination requirements shall necessitate his repeating the required basic training curriculum.

Section *11.* [10.] The graduate must have complied with all rules and regulations of the KLEC and the certified school.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction

704 KAR 20:212. Foreign teachers serving under the teacher exchange program.

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education. This regulation authorizes the Superintendent of Public Instruction to issue appropriate certification to foreign teachers serving in the Kentucky schools under the teacher exchange program.

Section 1. The Superintendent of Public Instruction shall issue appropriate certification for a one (1) year period to foreign teachers serving in the Kentucky schools under the teacher exchange program as authorized by the federal statutes enacted by the Congress of the United States provided such teachers hold the credentials or other legal authorization for teaching in their native countries and have had at least one (1) year of teaching experience.

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

803 KAR 2:015. General industry standards.

RELATES TO: KRS Chapter 338
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Consistent with this authority the following regulations contain those standards to be enforced by the Division of Occupational Safety and Health Compliance. The Occupational Safety and Health Standards Board hereby adopts the following regulations applicable to general industry.

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

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

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

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

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

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

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

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

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

(g) The following instructions shall be posted at each charging installation and on each battery charger: "Wear Face Shield" (Batteries may explode). "Turn Off Charger to Connect or Disconnect Battery." "Wash Acid Spills Immediately." "First Aid For Acid in Eyes or on Skin Quickly Flush With Water For Ten (10) Minutes."

Section 2. Confined Spaces. Definitions: A confined space is a space having limited means of ingress and/or egress and so enclosed that adequate dilution ventilation cannot be obtained by natural air movement, or mechanically induced movement. In order to be a confined space for purposes of this standard, a space must be subject to the accumulation of toxic, combustible, or corrosive agents, or to a deficiency of oxygen. Any of the following, among others, may be a confined space if it meets the criteria set forth in the definition above.

(1) Storage tanks, tank cars, process vessels, bins, trailers and other tank-like compartments usually with one more manholes for entry.

(2) Open-topped spaces of more than four (4) feet in depth such as bins, silos, pits, vats, tubs, vaults, vessels or floating roof storage tanks.

(3) Ventilation or exhaust ducts, manholes, sewers, underground utility tunnels, pipelines and similar structures.

(4) Ovens, furnaces, kilns and similar structures.

Section 3. Confined Space Entry; Non-Utility Operations: Except as provided in Section 4, entry into a confined space shall not be made unless the following procedures have been accomplished.

(1) Insure that all lines containing harmful agents, e.g., supply, discharge, overflow, vent, drain or similar connections entering the space are physically separated or blocked by means of blinds or other devices, capable of insuring complete closure.

(2) Fixed mechanical devices and/or equipment which utilize electric, air or hydraulic power shall be placed in zero mechanical state by disconnecting. Electrical service equipment, excluding lighting, shall be padlocked or tagged.

(3) The internal atmosphere shall be tested for combustible gas, toxics and corrosives where there is reason to suspect their presence and, except when adequate natural air movement or adequate continuous forced ventilation is provided, the atmosphere shall also be tested for oxygen deficiency.

(4) Ventilation:

(a) If the tests made in accordance with subsection (3) above indicate that the atmosphere is unsafe, before any employee is permitted to enter the confined space, the space shall be ventilated until the concentration of hazardous substance is reduced to a safe level or removed, and ventilation shall be continued as long as recurrence of the hazard is probable.

(b) As an alternative to ventilation or if ventilation does not adequately reduce or remove the hazardous substance, an employee may enter a confined space only if that employee wears a supplied air respirator, approved by NIOSH for that purpose. If the employee utilizes a self-contained respirator, sufficient primary air capacity shall be available as well as reserve capacity to perform the task inside the confined space. Under no circumstances shall the wearer of the respirator be permitted to remain in the confined space when the primary air system is depleted or is being replaced. The reserve air supply shall be used only in the event of an emergency.

(5) No employee shall enter a confined space unless:

(a) Provisions have been made for constant communication with an employee in the immediate vicinity not in the confined space; and

(b) Provision has been made for adequate rescue procedure including rescue equipment specifically designed for rescue from the confined space in which work is being performed; and

(c) The employees working inside and outside the confined space have been adequately trained in rescue procedures; the training having been renewed at least yearly.

(6) An employee entering a confined space for rescue shall wear a respirator that meets NIOSH certification and shall have sufficient capacity to effect the rescue from the confined space.

(7) Lighting:

(a) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(b) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices shall have insulation equal to that of the electric cord.

(c) Working spaces, walkways, and similar locations shall be kept clear of cords so as not to create a hazard to employees.

(d) Portable electric lighting used in moist and/or other hazardous locations, as, for example, drums, tanks, and vessels, shall be operated at a maximum of twelve (12) volts.

Section 4. Emergency Confined Space Entry: (1) Definition. "Emergency" is a sudden and unexpected condition requiring immediate action.

(2) The employer shall establish a written procedure covering confined space entry under emergency conditions. The emergency may exclude Section 3(1), (3) and (4)(a).

Section 5. Confined Space Entry; Utility Operations Including Gas, Water and Sewage: (For Electric Utility Operations See 1926.956(b). For Tele-Communication Utility Operations See 1910.268(o).)

(1) When work by a gas, water, or sewage utility is performed in a manhole, unvented vault, tunnel, pit, pipe or pipeline, the following steps shall be taken before an employee enters:

(a) The internal atmosphere shall be tested for combustible gas, toxics and corrosives where there is reason to suspect their presence and, except when adequate natural air movement or adequate continuous forced ventilation is provided, the atmosphere shall also be tested for oxygen deficiency.

(b) When unsafe conditions are detected by testing or other means, the work area shall be adequately ventilated and otherwise made safe before entry.

(2) An adequate continuous supply of air shall be provided while work is performed under any of the following conditions:

(a) Where combustible or explosive gas vapors have been initially detected and subsequently reduced to a safe level by ventilation;

(b) Where organic solvents are used in the work procedures;

(c) Where open flame torches are used in the work procedure;

(d) Where the manhole is located in that portion of a public right of way open to vehicular traffic and/or exposed to a seepage of gas or gases; or

(e) Where a toxic gas or oxygen deficiency is found.

(3) An employee with basic first-aid and rescue training shall be available in the immediate vicinity to render emergency assistance as may be required. The employee whose presence is required in the immediate vicinity for the purposes of rendering emergency assistance is not to be precluded from occasionally entering to provide assistance other than in an emergency. The requirement of this paragraph does not preclude a qualified employee, working alone, from entering for brief periods of time for the purpose of inspection, housekeeping, taking readings, or similar work if testing for oxygen deficiency, combustible gas and suspected toxic substances has been performed.

(4) Ladders or other safe means shall be used to enter and exit manholes exceeding four (4) feet in depth.

(5) When open flames are used, the following precautions shall be taken to protect against the accumlation of combustible gas:

(a) A test for combustible gas shall be made immediately before using the open flame device, and at least once per hour while using the device; and

(b) A fuel tank (e.g. acetylene) may not be in the manhole unless in actual use.

Section 6. This regulation shall not pre-empt any specific applicable standard; and shall not preclude any specific applicable standard now in effect.

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

803 KAR 2:016. Construction industry standards.

RELATES TO: KRS Chapter 338
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Consistent with this authority, the following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance. The Occupational Safety and Health Standards Board hereby adopts the following regulation applicable to the construction industry.

Section 1. Confined Spaces. Definitions: A confined space is a space having limited means of ingress and/or egress and so enclosed that adequate dilution ventilation cannot be obtained by natural air movement, or mechanically induced movement. In order to be a confined space for purposes of this standard, a space must be subject to the accumulation of toxic, combustible, or corrosive agents, or to a deficiency of oxygen. Any of the following, among others, may be a confined space if it meets the criteria set forth in the definition above.

(1) Storage tanks, tank cars, process vessels, bins, trailers and other tank-like compartments usually with one or more manholes for entry.

(2) Open-topped spaces of more than four (4) feet in depth such as bins, silos, pits, vats, tubs, vaults, vessels or floating roof storage tanks.

(3) Ventilation or exhaust ducts, manholes, sewers, underground utility tunnels, pipelines and similar structures.

(4) Ovens, furnaces, kilns and similar structures.

Section 2. Confined Space Entry; Non-utility Operations: Except as provided in Section 3, entry into a confined space shall not be made unless the following procedures have been accomplished:

(1) Insure that all lines containing harmful agents, e.g., supply, discharge, overflow, vent, drain or similar connections entering the space are physically separated or blocked by means of blinds or other devices, capable of insuring complete closure.

(2) Fixed mechanical devices and/or equipment which utilize electric, air or hydraulic power shall be placed in zero mechanical state by disconnecting. Electrical service equipment, excluding lighting, shall be padlocked or tagged.

(3) The internal atmosphere shall be tested for combustible gas, toxics and corrosives where there is reason to suspect their presence and, except when adequate natural air movement or adequate continuous forced ventilation is provided, the atmosphere shall also be tested for oxygen deficiency.

(4) Ventilation:

(a) If the tests made in accordance with subsection (3) above indicate that the atmosphere is unsafe, before any employee is permitted to enter the confined space, the space shall be ventilated until the concentration of hazardous substance is reduced to a safe level or removed, and ventilation shall be continued as long as recurrence of the hazard is probable.

(b) As an alternative to ventilation or if ventilation does not adequately reduce or remove the hazardous substance, an employee may enter a confined space only if that employee wears a supplied air respirator, approved by NIOSH for that purpose. If the employee utilizes a self-contained respirator, sufficient primary air capacity shall be available as well as reserve capacity to perform the task inside the confined space. Under no circumstances shall the wearer of the respirator be permitted to remain in the confined space when the primary air system is depleted or is being replaced. The reserve air supply shall be used only in the event of an emergency.

(5) No employee shall enter a confined space unless:

(a) Provisions have been made for constant communication with an employee in the immediate vicinity not in the confined space; and

(b) Provision has been made for adequate rescue procedure including rescue equipment specifically designed for rescue from the confined space in which work is being performed; and

(c) The employees working inside and outside the confined space have been adequately trained in rescue procedures; the training having been renewed at least yearly.

(6) An employee entering a confined space for rescue shall wear a respirator that meets NIOSH certification and shall have sufficient capacity to effect the rescue from the confined space.

(7) Lighting:

(a) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(b) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices shall have insulation equal to that of the electrical cord.

(c) Working spaces, walkways, and similar locations shall be kept clear of cords so as not to create a hazard to employees.

(d) Portable electric lighting used in moist and/or other hazardous locations, as, for example, drums, tanks, and vessels, shall be operated at a maximum of twelve (12) volts.

Section 3. Emergency Confined Space Entry: (1) Definition. "Emergency" is a sudden unexpected condition requiring immediate action.

(2) The employer shall establish a written procedure covering confined space entry under emergency conditions. The emergency may exclude Section 2(1), (3) and (4)(a).

Section 4. Confined Space Entry; Utility Operations Including Gas, Water and Sewage: (For Electric Utility Operations See 1926.956(b). For Tele-Communication Utility Operations See 1910.268(o).)

(1) When work by a gas, water, or sewage utility is performed in a manhole, unvented vault, tunnel, pit, pipe or pipeline, the following steps shall be taken before an employee enters:

(a) The internal atmosphere shall be tested for combustible gas, toxics and corrosives where there is reason to suspect their presence and, except when adequate natural air movement or adequate continuous forced ventilation is provided, the atmosphere shall also be tested for oxygen deficiency.

(b) When unsafe conditions are detected by testing or other means, the work area shall be adequately ventilated and otherwise made safe before entry.

(2) An adequate continuous supply of air shall be provided while work is performed under any of the following conditions:

(a) Where combustible or explosive gas vapors have been initially detected and subsequently reduced to a safe level by ventilation;

(b) Where organic solvents are used in the work procedures;

(c) Where open flame torches are used in the work procedure;

(d) Where the manhole is located in that portion of a public right of way open to vehicular traffic and/or exposed to a seepage of gas or gases; or

(e) Where a toxic gas or oxygen deficiency is found.

(3) An employee with basic first-aid and rescue training shall be available in the immediate vicinity to render emergency assistance as may be required. The employee whose presence is required in the immediate vicinity for the purposes of rendering emergency assistance is not to be precluded from occasionally entering to provide assistance other than in an emergency. The requirement of this paragraph does not preclude a qualified employee, working alone, from entering for brief periods of time for the purpose of inspection, housekeeping, taking readings, or similar work if testing for oxygen deficiency, combustible gas and suspected toxic substances has been performed.

(4) Ladders or other safe means shall be used to enter and exit manholes exceeding four (4) feet in depth.

(5) When open flames are used, the following precautions shall be taken to protect against the accumulation of combustible gas:

(a) A test for combustible gas shall be made immediately before using the open flame device, and at least once per hour while using the device; and

(b) A fuel tank (a.g. acetylene) may not be in the manhole unless in actual use.

Section 5. This regulation shall not pre-empt any specific applicable standard; and shall not preclude any specific applicable standard now in effect.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance

806 KAR 11:010. Industrial insured.

RELATES TO: KRS 304.11-020
PURSUANT TO: KRS 13.082, 304.2-110
NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance shall make reasonable rules and regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. This regulation provides the means by which the Commissioner may determine whether a proposed insured meets the definition of an "Industrial insured."

Section 1. Prior to being recognized as an "industrial insured" as defined in KRS 304.11-020(1), a proposed insured shall make affidavit to the Commissioner of Insurance, stating the following: (1) The name and address of the full-time employee acting as insurance manager or buyer or the name and address of the regularly and continously retained qualified insurance consultant.
(2) The estimated aggregate premiums for insurance on all risks, and an explanation of the computation of the estimate.
(3) The number of full-time employees.
(4) Other information as the Commissioner of Insurance may reasonably require.

Section 2. The Commissioner of Insurance may, at his discretion, cause an investigation into the facts set forth in the proposed insured affidavit.

Section 3. After designating an insured an "industrial insured," the Commissioner of Insurance may, from time to time, cause an investigation or unannounced audit to ascertain that the requirements for an "industrial insured" continue to be met.

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.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

902 KAR 1:015. Tripelennamine 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 Tripelennamine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Tripelennamine Hydrochloride Pharmaceutical Products. The following tripelennamine hydrochloride tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Tripelennamine Hydrochloride 50 mg. Tablet Form:
(1) Pyribenzamine: Ciba Pharmaceutical Company;
(2) Tripelennamine Hydrochloride: *Bolar Pharmaceuticals,* Kasar Laboratories, Midway Medical Company, *Murray Drug Corporation,* Richie Pharmacal, *Richlyn Laboratories, Rugby Laboratories,* and United Research Laboratories.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

902 KAR 1:025. Pentaerythritol Tetranitrate.

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

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

(1) Pentaerythritol Tetranitrate 10 mg. Tablet Form:

(a) Midapet: Midway Medical Company;

(b) Pentaerythritol Tetranitrate: *Cooper Drug Company, Cooper Drug Division, Bell Pharmacal, Bolar Pharmaceuticals,* Geneva Drugs, Ltd., Geneva Generics, *H. L. Moore Drug Exchange,* Lederle Laboratories, *McKesson Laboratories,* Murray Drug corporation, Pace-Bond Drug Company, Paramount Surgical Supply *Corporation* [Company], *Parmed Pharmaceuticals, Pharmecon, Inc.,* Philips-Roxane Laboratories, *Purepac Pharmaceuticals,* Richie Pharmacal, *Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories,* and Zenith Laboratories, Inc.;

(c) Peritrate: Warner/Chilcott; and

(d) Tetrate: Vangard Laboratories.

(2) Pentaerythritol Tetranitrate 20 mg. Tablet Form:

(a) Midapet: Midway Medical Company;

(b) Pentaerythritol Tetranitrate: *Cooper Drug Company, Cooper Drug Division, Bell Pharmacal, Bolar Pharmaceuticals,* Geneva Drugs, Ltd., Geneva Generics, *H. L. Moore Drug Exchange,* Lederle Laboratories, *McKesson Laboratories,* Murray Drug Corporation, Pace-Bond Drug Company, Paramount Surgical Supply *Corporation* [Company], *Parmed Pharmaceuticals, Pharmecon, Inc.,* Philips-Roxane Laboratories, *Purepac Pharmaceuticals,* Richie Pharmacal, *Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories,* and Zenith Laboratories, Inc.;

(c) Peritrate: Warner/Chilcott; and

(d) Tetrate: Vangard Laboratories.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

902 KAR 1:050. Penicillin-V.

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

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

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

(1) Penicillin V 125 mg. Tablet Form:

(a) Compocillin VK: Abbott Laboratories;

(b) Paclin VK: Geneva Drugs, Ltd.;

(c) Penicillin V: Columbia Medical Company;

(d) Penicillin VK: Richie Pharmacal;

(e) Pen Vee K: Wyeth Laboratories;

(f) Phenoxymethyl Penicillin: Paramount Surgical Supply Corp., Purepac Pharmaceutical, Rondex Laboratories, Zenith Laboratories;

(g) Vanpen VK: Vangard Laboratories;

(h) V-Cillin-K: Eli Lilly & Company.

(2) Penicillin V 250 mg. Tablet Form:

(a) Compocillin VK: Abbott Laboratories;

(b) Dowpen VK: Dow Pharmaceuticals;

(c) Kesso-Pen-VK: McKesson Laboratories;

(d) Ledercillin: Lederle Laboratories;

(e) Paclin VK: Geneva Drugs, Ltd.;

(f) Penapar VK: Parke-Davis & Company;

(g) Penicillin V: Columbia Medical Company;

(h) Penicillin VK: Philips-Roxane Laboratories, Richie Pharmacal;

(i) Pen Vee K: Wyeth Laboratories;

(j) Pfizerpen VK: Pfizer Laboratories;

(k) Phenoxymethyl Penicillin: Bell Pharmacal, Bristol Laboratories, Cooper Drug Company, Geneva Generics, H. L. Moore Drug Exchange, Murray Drug Corporation, Mylan Laboratories, Paramount Surgical Supply Corporation, Parmed Pharmaceuticals, *Pharmecon, Inc.,* Purepac Pharmaceuticals, Rexall Drug Company, Rogers Wholesalers, Rondex Laboratories, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, Three P Products Corporation, United Research Laboratories, Walgreens, Zenith Laboratories;

(l) QIDpen VK: Mallinckrodt Chemical Works;

(m)Robicillin VK: A. H. Robins Company;

(n) SK-Penicillin-VK: Smith, Kline & French Labs.;

(o) Uticillin VK: Upjohn Company;

(p) Vanpen VK: Vangard Laboratories;

(q) V-Cillin-K: Eli Lilly & Company;

(r) Veetids: E. R. Squibb & Sons.

(3) Penicillin V 500 mg. Tablet Form:

(a) Compocillin VK: Abbott Laboratories;

(b) Dowpen VK: Dow Pharmaceuticals;

(c) Kesso-Pen-VK: McKesson Laboratories;

(d) Ledercillin: Lederle Laboratories;

(e) Penapar VK: Parke-Davis & Company;

(f) Penicillin V: Columbia Medical Company;

(g) Penicillin VK: Philips-Roxane Labs.;

(h) Pen Vee K: Wyeth Laboratories;

(i) Pfizerpen VK: Pfizer Laboratories;

(j) Phenoxymethyl Penicillin: Bell Pharmacal, Bristol Laboratories, Geneva Generics, H. L. Moore Drug Exchange, Murray Drug Corporation, Mylan Laboratories, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories, Walgreens;

(k) QIDpen VK: Mallinckrodt Chemical Works;
(l) Robicillin VK: A. H. Robins Company;
(m)SK-Penicillin-VK: Smith, Kline & French Labs.;
(n) Uticillin VK: Upjohn Company;
(o) Vanpen VK: Vangard Laboratories;
(p) V-Cillin-K: Eli Lilly & Company;
(q) Veetids: E. R. Squibb & Sons.

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

(1) Penicillin V 125 mg. Powders or Granules for Oral Liquid Dosage Form:
(a) Compocillin VK: Abbott Laboratories;
(b) Kesso-Pen-VK: McKesson Laboratories;
(c) Penapar VK: Parke-Davis & Company;
(d) Penicillin V: Columbia Medical Company;
(e) Penicillin VK: Richie Pharmacal Company;
(f) Pen Vee K: Wyeth Laboratories;
(g) Pfizerpen VK: Pfizer Laboratories;
(h) Phenoxymethyl Penicillin: Bell Pharmacal, Bristol Laboratories, H. L. Moore Drug Exchange, Lederle Laboratories, Mylan Laboratories, Murray Drug Corporation, Parmed Pharmaceuticals, Rexall Drug Company, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories, Walgreens;
(i) QIDpen VK: Mallinckrodt Chemical Works
(j) Robicillin VK: A. H. Robins Company;
(k) SK-Penicillin-VK: Smith, Kline & French Labs.;
(l) Uticillin VK: Upjohn Company;
(m)Vanpen VK: Vangard Laboratories;
(n) V-Cillin-K: Eli Lilly & Company;
(o) Veetids: E. R. Squibb & Sons.

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

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

902 KAR 1:055. Meclizine Hydrochloride.

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

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

(1) Meclizine Hydrochloride 12.5 mg. Tablet Form:
(a) Antivert: Roerig;
(b) Meclizine Hydrochloride: Cooper Drug Company, Geneva Generics, H. L. Moore Drug Exchange, Lederle Laboratories, McKesson Laboratories, Murray Drug Corporation, *Parmed Pharmaceuticals,* Richie Pharmacal, [and] Theda Corporation, *and Vangard Laboratories.*

(2) Meclizine Hydrochloride 25 mg. Tablet Form:
(a) Antivert: Roerig;
(b) Meclizine Hydrochloride: Cooper Drug Company, Geneva Generics, H. L. Moore Drug Exchange, Murray Drug Corporation, *Parmed Pharmaceuticals,* Richie Pharmacal, [and] Theda Corporation, *and Vangard Laboratories.*

(3) Meclizine Hydrochloride 25 mg. Chewable Tablet Form:
(a) Antivert: Roerig;
(b) Bonine: Pfizer Laboratories;
(c) Meclizine Hydrochloride: H. L. Moore Drug Exchange, Lederle Laboratories, McKesson Laboratories, Midway Medical Company, Rogers Wholesalers, Three P Products Corporation, and United Research Laboratories.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

902 KAR 1:100. Reserpine.

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

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

(1) Reserpine 0.1 mg. Tablet Form:

(a) Reserpine: Geneva Drugs, Ltd., Geneva Generics, Lederle Laboratories, Murray Drug Corp., Paramount Surgical Supply Corp., *Pharmecon, Inc.*, Purepac Pharmaceuticals, Rexall Drug Company, Richie Pharmacal, Rondex Laboratories, Zenith Laboratories;

(b) Reserpoid: Upjohn Company;

(c) Serpasil: Ciba Pharmaceutical Company;

(d) V-serp: Vangard Laboratories.

(2) Reserpine 0.25 mg. Tablet Form:

(a) Rau-sed: E. R. Squibb & Sons;

(b) Rausingle: Philips-Roxane Laboratories;

(c) Resercen: The Central Pharmacal Company;

(d) Reserpine: Alliance Laboratories, Geneva Drugs, Ltd., Geneva Generics, Kasar Laboratories, Lederle Laboratories, Murray Drug Corp., Paramount Surgical Supply Corp., Purepac Pharmaceutical Co., Rexall Drug Company, Richie Pharmacal Company, Rondex Laboratories, Inc., Zenith Laboratories;

(e) Reserpoid: Upjohn Company;

(f) Serpasil: Ciba Pharmaceutical Company;

(g) V-serp: Vangard Laboratories.

(3) Reserpine 1.0 mg. Tablet Form:

(a) Reserpoid: Upjohn Company;

(b) Serpasil: Ciba Pharmaceutical Company.

Section 2. Reserpine Elixir Pharmaceutical Products. The following Reserpine elixir pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Reserpine 0.25 mg/5 ml Elixir Form:

(1) Reserpoid: Upjohn Company;

(2) Serpasil: Ciba Pharmaceutical Company.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

902 KAR 1:120. Promethazine 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 Promethazine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

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

(1) Promethazine Hydrochloride 12.5 mg. Tablet Form:

(a) Methazine: Vangard Laboratories;

(b) Phenergan: Wyeth Laboratories, Inc.;

(c) Promethazine Hydrochloride: Columbia Medical Company, *Cooper Drug Company,* Geneva Drugs, Ltd., Midway Medical Company, Murray Drug Corporation, Paramount Surgical Supply Corp., *Spencer-Mead, Inc., Theda Corporation,* Zenith Laboratories.

(2) Promethazine Hydrochloride 25 mg. Tablet Form:

(a) Methazine: Vangard Laboratories;

(b) Phenergan: Wyeth Laboratories, Inc.;

(c) Promethazine Hydrochloride: *Cooper Drug Company,* Geneva Drugs, Ltd., Midway Medical Company, Murray Drug Corporation, Paramount Surgical Supply Corp., Parmed Pharmaceuticals, *Richie Pharmacal, Spencer-Mead, Inc., Theda Corporation,* Zenith Laboratories.

(3) Promethazine Hydrochloride 50 mg. Tablet Form:

(a) Methazine: Vangard Laboratories;

(b) Phenergan: Wyeth Laboratories, Inc.:

(c) Promethazine Hydrochloride: *Cooper Drug Company,* Geneva Drugs, Ltd., Midway Medical Company, Murray Drug Corporation, Paramount Surgical Supply Corp., Parmed Pharmaceuticals, *Spencer-Mead, Inc., Theda Corporation,* Zenith Laboratories.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

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, *Rugby Laboratories,* 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, *Pharmecon, Inc.*, Purepac Pharmaceuticals [Company], Rachelle Laboratories, Rexall Drug Company, Richie Pharmacal, *Rogers Wholesalers,* Spencer-Mead, Inc., *Three P Products,* Theda Corporation, United Research Laboratories, Zenith Laboratories;

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

(f) Vandar: Vangard Laboratories.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

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) Kesso-Tetra: McKesson Laboratories;

(e) Ranmycin: Upjohn Company;

(f) OID-Tet: Mallinckrodt Chemical;

(g) Retet-250: Reid-Provident;

(h) Robitet: A. H. Robins Company;

(i) SK-Tetracycline: Smith, Kline & French;

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

(k) Tetrachel: Rachelle Laboratories;

(l) 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, *Thrift Drug Company,* United Research Laboratories, Walgreens, Wyeth Laboratories, Zenith Laboratories;

(m)Tetracyn: Pfizer Laboratories; and

(n) V-Tet: Vangard 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) Robintet: 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, *Thrift Drug Company,* United Research Laboratories, Walgreens, Zenith Laboratories;

(l) Tetracyn: Pfizer Laboratories; and

(m)V-Tet: Vangard Laboratories.

Section 3. Tetracycline Hydrochloride Syrups and Pediatric Drops. The following Tetracycline Hydrochloride 125 mg/5 ml and 100 mg/ml 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) Biocyline: 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, *Henry Schein, Inc.,* Purepac Pharmaceuticals, Rexall Drug Company, Richie Pharmacal, *Rugby Laboratories,* Spencer-Mead, Inc., United Research Laboratories; and

(k) V-Tet: Vangard Laboratories.

(2) Tetracycline Hydrochloride 100 mg/ ml Pediatric Drops:

(a) Achromycin V: Lederle Laboratories;

(b) Panmycin: Upjohn Company; and

(c) Tetrachel: Rachelle Laboratories.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

902 KAR 1:280. Chloral Hydrate Capsules and Syrup.

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

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

(1) Chloral Hydrate 500 mg. Capsule Form:
(a) Chloral Hydrate: Bell Pharmacal Company, Columbia Medical Company, Cooper Drug Company, Geneva Generics, H. L. Moore Drug Exchange, Kasar Laboratories, Lederle Laboratories, Midway Medical Company, Murray Drug Corporation, National Pharmaceuticals, Pace-Bond Drug Company, Paramount Surgical Supply Corporation, Parke Davis & Company, *Parmed Pharmaceuticals, Pharmecon, Inc.,* Philips-Roxane Laboratories, Purepac Pharmaceuticals, Rexall Drug Company, Richie Pharmacal, Rogers Wholesalers, Theda Corporation, Three P Products Corporation, United Research Laboratories, Walgreens, Zenith Laboratories;
(b) Kessodrate: McKesson Laboratories;
(c) Noctec: E. R. Squibb & Sons;
(d) Sk-Chloral Hydrate;
(e) [(d)] Somnos: Merck, Sharp & Dohme; and
(f) [(e)] V-Clor: Vangard Laboratories.

Section 2. Chloral Hydrate Syrup Pharmaceutical Products. The following Chloral Hydrate syrup pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: (Cautionary Note: Sugar Content not determined.)
(1) Chloral Hydrate Syrup 500 mg/5 ml Form:
(a) Chloral Hydrate Syrup: *Henry Schein, Inc.,* Lederle Laboratories, Midway Medical Company, Murray Drug Corporation, National Pharmaceuticals, *Pharmecon, Inc.,* Richie Pharmacal, Spencer-Mead, Inc., Theda Corporation;
(b) Kessodrate: McKesson Laboratories;
(c) Noctec Syrup: E. R. Squibb & Sons;
(d) V-Clor Syrup: Vangard Laboratories.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

902 KAR 1:300. Dioctyl Sodium Sulfosuccinate Capsule.

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

Section 1. Dioctyl Sodium Sulfosuccinate Capsule Pharmaceutical Products. The following Dioctyl Sodium Sulfosuccinate capsule 50 mg. Capsule Form: to be therapeutically equivalent, in each respective dosage:
(1) Dioctyl Sodium Sulfosuccinate 50 mg. Capsule Form:
(a) Colace: Mead Johnson Labs.;
(b) Dioctyl Sodium Sulfosuccinate: Philips-Roxane Labs., Inc.;
(c) D-S-S: Parke, Davis and Company.
(2) Dioctyl Sodium Sulfosuccinate 100 mg, Capsule Form:
(a) Aqua-Lax: Parmed Pharmaceuticals;
(b) [(a)] Colace: Mead Johnson Labs., Inc.;
(c) [(b)] Comfolax: Searle Laboratories;
(d) [(c)] Dioctyl Sodium Sulfosuccinate: *Bell Pharmacal,* Cooper Drug Company, Geneva Generics, *H. L. Moore Drug Exchange,* Kasar Laboratories, Lederle Laboratories, Midway Medical Corporation, *Pharmecon, Inc.,* Philips-Roxane Laboratories, Purepac Pharmaceutical Co., Richie Pharmacal, *Rogers Wholesalers, Theda Corporation, Three P Products;*
(e) [(d)] D-S-S: Parke, Davis & Company;
(f) [(e)] Pro-Sof: Vangard Laboratories;
(g) [(f)] Provilax: Reid-Provident Labs., Inc.;
(h) [(g)] Regul-Aids: Columbia Medical Company.
(3) Dioctyl Sodium Sulfosuccinate 250 mg. Capsule Form:
(a) Aqua-Lax: Parmed Pharmaceuticals;
(b) [(a)] Dioctyl Sodium Sulfosuccinate: Cooper Drug Company, Geneva Generics, Kasar Laboratories, Midway Medical Corp., Purepac Pharmaceutical Co.;
(c) [(b)] Pro-Sof: Vangard Laboratories.

Section 2. Dioctyl Sodium Sulfosuccinate Liquid Pharmaceutical Products. The following Dioctyl Sodium sulfosuccinate liquid pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Dioctyl Sodium Sulfosuccinate Liquid 20 mg/5ml:

(1) Diocto Syrup: National Pharmaceuticals;
(2) Dioctyl Sodium Sulfosuccinate: *Bay Laboratories, H. L. Moore Drug Exchange, Henry Schein, Inc.,* Lederle Laboratories, Mead-Johnson Laboratories, Inc., Midway Medical Corporation, *Murray Drug Corporation, Pharmecon, Inc.,* Richie Pharmacal, *Rugby Laboratories, Spencer-Mead, Inc.;*

(3) Pro-Sof: Vangard Laboratories;
(4) Regul-Aid: Columbia Medical Company.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

902 KAR 1:322. Triprolidine and Pseudoephedrine Hydrochloride Syrups.

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

Section 1. Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride Syrup Pharmaceutical Products. The following Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride syrup pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Triprolidine Hydrochloride 1.25 mg. and Pseudoephedrine Hydrochloride 30 mg. Syrup Form:
(1) Actifed: Burroughs Wellcome;
(2) Pseudodine: Bay Laboratories;
(3) [(2)] Suda-Prol: Columbia Medical Company;
(4) [(3)] Triacin: Richie Pharmacal Company, National Pharmaceutical Mfg. Co.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

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 Laboratories, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories, Vangard 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, Vangard 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, *Rugby Laboratories,* Spencer-Mead, Inc., Theda Corporation, United Research Laboratories, Vangard Laboratories; and
(b) Librium: Roche Laboratories.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
As Amended

902 KAR 2:060. Immunization schedules.

RELATES TO: KRS 158.035, 211.180, 214.032, 214.034, 214.036
PURSUANT TO: KRS 13.082, 194.050, 211.090
NECESSITY AND FUNCTION: KRS 211.180 mandates the Department for Human Resources to implement a statewide program for the detection, prevention and control of communicable diseases. KRS 214.034 requires the establishment of immunization schedules by the Department for Human Resources. This regulation specifies the *recommended* [ideal] schedule for mandatory immunization and is in keeping with the latest scientific information on the topic.

Section 1. Schedule for Required Immunizations. *The recommended schedule for active immunization of normal infants and children against diphtheria, tetanus, pertussis, poliomyelitis, rubeolla (measles) and rubella is as follows:* [Vaccines against diptheria (D), tetanus (T), pertussis (P), poliomyelitis (Trivalent OPV), rubeola and rubella shall be administered according to the following schedule:]

(1) Initial series:
(a) Two (2) months of age: *DTP,* [DPT] *TOPV* [Trivalent OPV];
(b) *Four (4) months of age:* [Eight (8) weeks later] *DTP,* [DPT] *TOPV* [Trivalent OPV];
(c) *Six (6) months of age:* [Eight (8) weeks later] *DTP;* [DPT] [Trivalent OPV;]
(d) *Fifteen (15)* [Twelve (12)] months of age: *Measles,* [Rubeola] Rubella; and
(e), Eighteen (18) months of age: *DTP,* [DPT] *TOPV.* [Trivalent OPV.]
(2) Booster Doses:
(a) Shortly before starting school: *DTP,* [DPT] *TOPV;* [Trivalent OPV;] and
(b) *Fourteen (14) to sixteen (16)* [Twelve (12) to fourteen (14)] years of age: Td. [(Td., combined tetanus and diphtheria toxoids, adult type).]

Section 2. Definitions. As used in this regulation:
(1) "DTP" means diphtheria and tetanus toxoids combined with pertussis vaccine;
(2) "TOPV" means trivalent oral poliovirus vaccine;
(3) "Td" means combined tetanus and diphtheria toxoids (adult type);
(4) "Measles vaccine" and "rubella vaccine" may be given as measles-rubella combined vaccine.

Section *3.* [2.] Variance from immunization Schedule. The individual physician or local health department shall have the authority to alter the *recommended* immunization schedule when indicated for any individual vaccinee or to suit any unusual local conditions.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
As Amended

902 KAR 6:020. Personnel rules of local board.

RELATES TO: KRS 210.120, 210.370, 210.450
PURSUANT TO: KRS 210.450
NECESSITY AND FUNCTION: KRS 210.450 gives the Department for Human Resources the authority to set the standards and regulations for the Community Mental Health Center personnel files.

Section 1. Personnel Files. A personnel file shall be initiated and maintained at the center for each employe of the district board. The minimum contents of a personnel file shall be:
(1) Application for employment completed by employe. Center may design its own form or may use state personnel application form which will be supplied upon request.
(2) Professional credentials to reflect training and experience adequate for qualification for the position to which the applicant aspires. These should include any licensing certificate or other pertinent documents as applicable.
(3) Advice of appointment or such suitable document or memorandum from the appropriate center official appointing said applicant to the position. This document shall contain conditions or terms of employment with signatures of employer and employe accepting said conditions.
(4) All forms used for participation in Kentucky's Employes' Retirement System or other retirement system.
(5) Personnel action report of all change in status of employe (salary change, transfer, promotion, leave, leave without pay, reclassification, change in position title, etc.).
(6) Personnel action report reflecting termination of employment, e.g., resignation, dismissal, etc., shall appear in each terminated personnel file.
(7) There shall be for each position or class of positions (professional, administrative and clerical) a position description setting forth:
(a) The title of the position,
(b) The duties of the position,
(c) Requirements of training and experience necessary to qualify for the position, and
(d) A brief description of additional skills or special knowledge desirable which the applicant should possess.
(8) There shall be for each position or class of positions (professional, administrative and clerical) an established salary level.
(9) These documents shall be subject to state and federal audit.

[Section 2. Of the foregoing items, copies of the following shall be forwarded to the Secretary of the Department for Human Resources:]
[(1) Job specifications,]
[(2) Salary or rate of pay and pay level,]
[(3) Application for employment,]
[(4) Credentials and license certificate or other pertinent data,]
[(5) Advice of appointment or contractual agreement,]
[(6) Copies of necessary retirement documents,]
[(7) Copy of any change in status while occupant is in position (promotion, salary change, suspension, maternity leave, extended sick leave, or leave of absence),]
[(8) Copy of termination document.]

Section *2.* [3.] Personnel Policies. Each district board shall initiate and maintain a set of personnel policies for the governance of all center staff members. A copy of such policies shall be filed with the Department for Human Resources together with subsequent revisions as they might occur. Such personnel policies shall include the following areas of personnel administration:
(1) Leave policies,
(2) Salary policy; Wage and Price Administration,
(3) Conditions of termination,
(4) Outside employment; outside practice for professionals,
(5) Staff development and continuing education provisions,
(6) Fringe benefits,
(7) Reimbursable expenses,
(8) Employe grievance procedures,
(9) Employe performance evaluations,
(10) Method of salary increments,
(11) Indicate compliance with appropriate federal and state regulations.

Section *3.* [4.] Additional Statements. (1) Applicants for center position already working for the Department for Human Resources may not accept additional employment without the express written consent of the Secretary of the Department for Human Resources. This permission must be secured by the applicant (employe) in writing. District boards must have this written consent in hand before tendering offers of employment.

(2) Copies of state statutes relevant to mental health-mental retardation boards may be obtained from the Secretary of the Department for Human Resources and kept on file by the mental health-mental retardation board.

(3) Copies of regulations promulgated by the secretary under provisions of the above statutes shall be obtained from the Secretary of the Department for Human Resources and kept on file by the mental health-mental retardation board.

(4) Time and attendance records: Adequate records shall be maintained by each center certifying days or hours worked and leave taken for each and all employees of the center. These records will be subject to state and federal audit.

(5) An organization's chart(s) shall be filed by each district center indicating administrative authority and clinical authority.

(6) Any employee shall be provided access to any reasonable document pertaining to the corporation or to his rights as an employee.

(7) The center shall comply with all current federal regulations pertaining thereto, for example, Fair Labor Standards Act, Occupational Safety and Health Act, Workmen's Compensation, etc., except where state regulations supersede these.

(8) Centers shall take into consideration current Health, Education and Welfare regulations relevant to personnel in community mental health centers.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of August 3, 1977 Meeting

(Subject to Subcommittee approval at its next meeting on September 7, 1977.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, August 3, 1977 at 10 a.m. EDT in Room 327 of the Capitol. Present were:

Members: Representative William T. Brinkley, Chairman; Senator Donald L. Johnson, and Representative David G. Mason.

Guests: Carroll Roberts, Board of Hairdressers and Cosmetologists; Carl Kays and Jim Charles, Department of Fish and Wildlife Resources; Patrick T. Nooney, Real Estate Commission; Sidney Simandle, Department of Education; Robert H. Harrison, Department of Labor; Eugene Perkins, Arthur Curtis, D. J. Linder, Jack A. Wilson and George H. Schureck, Jr., Department for Natural Resources and Environmental Protection; L. Wayne Tune and Ben B. Fowler, Board of Examiners and Registration of Architects; Joe R. Johnson and Vernon L. Johnson, Jr., Department of Insurance; C. M. Jenkins, Jr., Department of Transportation; Thom Rogers, Department of Justice; Bill Myers, Kentucky Association of Plumbing, Heating, Cooling Contractors, Inc.; Jim Wilson, Kentucky Chamber of Commerce.

Press: Livingston Taylor, The Courier Journal.

LRC Staff: William H. Raines, E. Hugh Morris, Mabel D. Robertson, Ollie Fint, Garnett Evins and Bill Hanes.

The minutes of the July meeting were approved.

The following regulations were deferred until the September meeting:

201 KAR 19:095. Professional practice standards; violations, penalties. Senator Johnson questioned Section 2, subsection (2), defining gross incompetence and gross negligence to include willfully failing to use reasonable care and diligence in preparing contracts and other documents for the protection of a client in all relationships as agent of the client. He felt the word "contracts" should be deleted since the preparation of contracts constitutes the practice of law. Senator Johnson also expressed the opinion that the word "documents" was too broad, and that the regulation should be amended to spell out precisely the documents to which the regulation referred.

500 KAR 1:015. Open records of Department of Justice. Representative Brinkley said that it was the established policy of the subcommittee that the open records law should stand as written, and that it is self-explanatory and affords a procedure for the determination of those records which should be available and those which are not available. The subcommittee felt that it was inappropriate to enumerate in a regulation those records that an agency felt were excluded from the open records law. The subcommittee recommended that Section 2 of the regulation be deleted.

603 KAR 5:096. Bureau of Highways, Traffic, highway classification was deferred on motion of Representative Mason to give him more time to study the regulation.

On motion of Senator Johnson, 401 KAR 6:015 Public and semi-public water supplies was rejected by the subcommittee. Senator Johnson stated he did not feel that it was the intent of the legislature to prohibit farm or urban families from permitting a member of their family to live on their land and use their water supply. He said that is what Section 1, subsection (14), of the regulation would do by defining "semi-public water supply" to mean 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.

Mr. Jack A. Wilson, from the Department of Natural Resources and Environmental Protection, asked permission to address the regulation. Mr. Wilson agreed to amend the regulation by striking the words "one (1) family" and inserting in lieu thereof the words "three (3) families." Senator Johnson moved that the vote by which the regulation was rejected be reconsidered. Agreed. Senator Johnson moved that 401 KAR 6:015, as amended, be filed. Agreed.

The following regulations were approved and ordered filed:

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Division of Occupations and Professions
Real Estate Commission

201 KAR 11:030. License cancellation, reason for.

201 KAR 11:147. Procedure for license retention when salesman released by broker.

Board of Hairdressers and Cosmetologists

201 KAR 12:155. Post-graduate school standards.

201 KAR 12:157. Instructors and employees of post-graduate schools.

201 KAR 12:160. Students of post-graduate schools.

CABINET FOR DEVELOPMENT
Department of Fish and Wildlife Resources
Fish

301 KAR 1:150. Waters open to commercial fishing.

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

401 KAR 1:060. Soil, waste and vent systems.

DEPARTMENT OF JUSTICE
Kentucky Crime Commission

500 KAR 5:005. Commission's meeting dates.

Bureau of Training
Kentucky Law Enforcement Council

503 KAR 1:040. Basic training certification.

Kentucky Law Enforcement Foundation Program Fund

503 KAR 5:030. Training and educational eligibility requirements.

DEPARTMENT OF EDUCATION
Bureau of Instruction
Teacher Certification

704 KAR 20:212. Foreign teachers serving under the teacher exchange program.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor

Occupational Safety and Health

803 KAR 2:015. General Industry standards.

803 KAR 2:016. Construction industry standards.

Department of Insurance

Unauthorized Insurers; Prohibitions, Process and Advertising

806 KAR 11:010. Industrial insured.

Department of Banking and Securities

Cemeteries

808 KAR 2:016. Care, maintenance and embellishment defined.

808 KAR 2:026. Separate registration for each cemetery.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Health Services

Kentucky Drug Formulary Council

902 KAR 1:015. Tripelennamine Hydrochloride.

902 KAR 1:025. Pentaerythritol Tetranite.

902 KAR 1:050. Penicillin-V.

902 KAR 1:055. Meclizine Hydrochloride.

902 KAR 1:100. Reserpine.

902 KAR 1:120. Promethazine Hydrochloride.

902 KAR 1:170. Propoxyphene Hydrochloride Capsule.

902 KAR 1:180. Tetracycline Hydrochloride.

902 KAR 1:280. Chloral Hydrate Capsule and Syrup.

902 KAR 1:300. Dioctyl Sodium Sulfosuccinate Capsule.

902 KAR 1:322. Triprolidine and Pseudoephedrine Hydrochloride Syrups.

902 KAR 1:328. Chlordiazepoxide Hydrochloride Capsule.

Communicable Diseases

902 KAR 2:060. Immunization schedules.

Regional Mental Health-Mental Retardation Boards

902 KAR 6:020. Personnel rules of local board.

The meeting adjourned at 11:30 a.m., to meet again on Wednesday, September 7, 1977, at 10 a.m. EDT in Room 327 of the Capitol.

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