

LEGISLATIVE RESEARCH COMMISSION  
FRANKFORT, KENTUCKY

VOLUME 4, NUMBER 4

TUESDAY, NOVEMBER 1, 1977



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This is an official publication of the Commonwealth of Kentucky, Legislative Research Commission, giving public notice of all proposed regulations filed by administrative agencies of the Commonwealth pursuant to the authority of Kentucky Revised Statutes Chapter 13.

Persons having an interest in the subject matter of a proposed regulation published herein may request a public hearing or submit comments within 30 days of the date of this issue to the official designated at the end of each proposed regulation.

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*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 Hearing Scheduled

## PUBLIC PROTECTION AND REGULATION CABINET Department of Banking and Securities

A public hearing will be held at 10 a.m. EST on November 1, 1977 at the Department of Banking and Securities, 911 Leewood Drive, Frankfort, Kentucky 40601 on the following proposed regulation [4 Ky.R. 140]:

808 KAR 3:040. Share draft accounts.

## Emergency Regulation Now In Effect

**JULIAN M. CARROLL, GOVERNOR**  
Executive Order 77-934  
October 3, 1977

### EMERGENCY REGULATION Department of Fish and Wildlife Resources

WHEREAS, the federal government has jurisdiction over migratory birds; and

WHEREAS, the Commonwealth cannot set its hunting seasons till notified of the decision of the federal government; and

WHEREAS, the Department of Fish and Wildlife Resources has determined and finds that an emergency exists and there is an immediate necessity to provide for regulation of the hunting season on migratory birds; and

WHEREAS, the Commissioner of the Department of Fish and Wildlife Resources, in conjunction with the Secretary of the Development Cabinet, pursuant to KRS 13.080 and KRS 150.300, has promulgated the regulation herein above referenced;

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

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

### CABINET FOR DEVELOPMENT Department of Fish and Wildlife Resources

301 KAR 2:026E. Waterfowl and certain migratory birds; seasons, limits.

RELATES TO: KRS 150.025, 150.170, 150.175, 150.235, 150.305, 150.330, 150.340, 150.360

PURSUANT TO: KRS 13.082

EFFECTIVE: October 4, 1977

EXPIRES: February 1, 1978

NECESSITY AND FUNCTION: This regulation pertains to the bag limits, possession limits and seasons for the taking of certain migratory birds, including waterfowl. In accordance with KRS 150.015, this regulation is necessary for the continued protection and conservation of the migratory birds listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The framework of this regulation falls within the seasons and bag limits dictated by the U. S. Fish and Wildlife Service. The function of this regulation is to provide for the prudent taking of migratory birds within reasonable limits based upon an adequate supply.

U.S. POSTAL SERVICE STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION (Required by 39 U.S.C. 3685)			
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SIGNATURE AND TITLE OF EDITOR, PUBLISHER, BUSINESS MANAGER, OR OWNER <i>E. Hugh Morris</i> , Editor			

Section 1. Seasons. (1) Ducks, Coots and Mergansers: November 19 through November 27, 1977; December 10 through January 14, 1978.

(2) Geese: November 12 through January 20, 1978.

(3) Rails (Sora and Virginia): November 12 through January 20, 1978.

(4) Gallinules: November 12 through January 20, 1978.

Section 2. Limits. (1) Ducks:

(a) Bag limits. A point system bag limit is in effect. Point values for species and sexes taken are as follows (either sex unless specified):

1. Canvasback: 100 points each.

2. Hen mallard, black duck, wood duck, hooded merganser and redhead: 70 points each.

3. Pintail, blue-winged teal, cinnamon teal, green-winged teal, gadwall, shoveler, scaup and mergansers (except hooded merganser): 10 points each.

4. Drake mallard and all other species of ducks not mentioned above: 25 points each.

5. Coots; but limited to 15 daily and 30 in possession: 0 points.

(b) The daily bag limit is reached when the point value of the last duck taken, added to the total of the point values of the other ducks already taken during that day, reaches or exceeds 100 points. The maximum number of points possible is 195.

(c) Possession limits. The possession limit is the maximum number of ducks of those species and sexes which could have legally been taken in two (2) days. The maximum number of points possible for the possession limit is 390.

(2) Geese:

(a) Bag limits, statewide. Five (5) (only two (2) Canada or two (2) white-fronted or one (1) of each).

(b) Possession limits, statewide. Five (5) (any combination of Canada, blue, snow or white-fronted geese, not to include more than four (4) Canada and white-fronted in the aggregate, of which not more than two (2) may be white-fronted geese).

(3) Others:

(a) Coots: bag limit 15; possession limit 30.

(b) Rails (Sora and Virginia): bag limit 25 (singly or in the aggregate); possession limit 25 (singly or in the aggregate).

(c) Gallinules: bag limit 15; possession limit 30.

Section 3. Shooting Hours. The basic shooting hours for ducks, geese, coots, mergansers, rails and gallinules shall be one-half (½) hour before sunrise to sunset (prevailing time). The shooting hours for ducks and geese on Ballard County Wildlife Management Area shall be one-half (½) hour before sunrise to twelve (12) o'clock noon prevailing time.

Section 4. Shot Size Restrictions. No shot larger than Number Two (#2) is allowed for waterfowl hunting. 301 KAR 2:0265E Tape 2

Section 5. Ballard County Goose Quota Zone. (1) Canada goose quota. Federal regulations limit the harvest of Canada geese to 15,000 in the designated quota zone.

(2) Quota zone boundaries. The Ballard County Canada goose quota zone is described as follows: starting at the northwest city limits of the town of Wickliffe in Ballard County to the middle of the Mississippi River, and thence north along the Mississippi to the low water mark of the

Ohio River along the Illinois shore to the Ballard-McCracken County line; thence along the county line south to state road 358; thence south along state road 358 to its junction with U. S. Highway 60 at La Center; thence following U. S. 60 southwest to the northeast city limits of Wickliffe.

(3) Quota zone permit requirements. All persons hunting geese on commercial waterfowl shooting areas and non-commercial lands and/or waters within the designated quota zone must comply with regulations 301 KAR 2:055 and 301 KAR 3:070.

(4) Closure of quota zone. When it has been determined that the Canada goose quota of 15,000 will have been filled prior to January 20, the season for taking Canada geese in the quota zone will be closed by the Commissioner of the Department of Fish and Wildlife Resources upon giving public notice through the news media at least forty-eight (48) hours in advance of the time and date of closing.

Section 6. Migratory Bird Shipping and Transportation Restrictions. For information on tagging, shipping, transporting and storing migratory game birds, refer to regulation 301 KAR 2:090. Geese taken in the counties of Ballard, Hickman, Fulton and Carlisle may not be transported, shipped or delivered for transportation or shipment by common carrier, the postal service, or by any person except as the personal baggage of the hunter taking the birds.

Section 7. Methods of Taking. For information on legal methods of taking migratory birds, refer to regulation 301 KAR 2:090.

Section 8. Waterfowl Seasons on Specified Wildlife Management Areas. (1) Ballard County Wildlife Management Area, located in Ballard County, Kentucky, and described as follows: bounded on the north by the Turner Landing Road, on the west by the Ohio River, on the south by the Terrell Landing Road, on the east by refuge sign markers and visible yellow paint markers on tree line; a tract of land known as the Rudy and Haydon tracts bounded on the south by the Turner Landing Road, on the east by refuge sign markers and visible yellow paint markers on tree line, on the north by Kentucky Highway 473, then running south along the east bank of Mitchell Lake to the Turner Landing Road; also, open on the north side of the refuge proper a tract of land north of the Clark Line Road including Shelby Lake and west to the Ohio River and continuing north to yellow signs.

(a) Species and seasons:

1. Ducks, Coots and Mergansers: December 10 through January 14, 1978 (excluding Sundays and Christmas Day).

2. Geese: December 1 through January 20, 1978 (excluding Sundays and Christmas Day).

(b) There will be an eight (8) shell limit per hunter on the Ballard County Wildlife Management Area when hunting geese. This does not apply when hunting ducks from pothole blinds or pits as separated from goose hunting areas. Shooting ducks is prohibited in goose hunting areas and shooting geese in duck areas is prohibited. The barrel and magazine of all guns will be checked for ammunition before the hunter enters the check station. No shot larger than Number Two (#2) will be allowed for hunting waterfowl. Any hunter on the management area under the age of eighteen (18) must be accompanied by an adult. Any person whose transportation to and from pits and blinds is



furnished by the Department of Fish and Wildlife Resources must have his gun encased.

(c) Miller Tract, located in Ballard County, Kentucky and consisting of 300 acres, more or less south of the Terrell Landing Road and marked with yellow signs reading "Wildlife Management Area for Public Hunting" is open to waterfowl hunting during the regular statewide season. Pits and blinds must be 100 yards apart and 100 yards from Terrell Landing Road. Both ducks and geese may be taken by hunters occupying a pit or blind. Shooting hours conform to statewide regulations.

(2) Land Between the Lakes Wildlife Management Area, located in Lyon and Trigg counties and described as follows: waterfowl hunting is permitted on Kentucky Lake below elevation 359 feet and at higher elevations within twenty-five (25) yards of the 359 feet elevation, Kentucky-Tennessee state line to Barkley Canal in all bays is open to hunting, except Smith and Pisgah Bays which are indicated by signs and are closed to hunting. Duncan Bay is an eagle and waterfowl refuge during the dates designated by signs posted along the boundary. It is closed to all activity. The remainder of Kentucky Lake is open to waterfowl hunting in conformance with statewide regulations. No permits are required.

(3) Lake Barkley Wildlife Management Area:

(a) Refuge areas will be closed to all hunting, fishing, boating and molesting of waterfowl during the dates designated by signs posted along the boundaries. Refuges are as follows: an area on the west side of the main channel between river mile 51 (Hayes Landing Light) and river mile 57.3 (Crooked Creek Light). Boating is allowed but hunting is prohibited in Crooked Creek Bay; area surrounded by levee and located between river mile 68.4 and river mile 70.4.

(b) Open hunting areas. Hunting will be permitted on the remainder of Lake Barkley with the exception of recreation areas and access points which will be closed and designated by posted signs at the entrance of said areas. Waterfowl hunting along the western shore of the lake will be confined to those areas below the 359 feet contour, and those areas within twenty-five (25) yards of the 359 feet elevation.

(c) Permanent blinds or pits must be registered on a permit issued by the Corps of Engineers. Applicants for blind or pit permits must show a Kentucky hunting license to the registration clerk before a permit will be issued. Registration will be conducted at the Lake Barkley Maintenance Shop located at Barkley Dam off U. S. Highway 641-62 on October 3 from 8 a.m. to 9 a.m. prevailing time. Applicants for permanent blinds or pits will take part in a special drawing to determine the order of blind registration. The drawing, which will close promptly at 9 a.m., will be followed by registration in which hunters with the lowest numbers will receive first choice of locations. Hunters who miss out on the special October 3 drawing will be registered on a first come first served basis at the Resource Manager's Office from 8 a.m. to 3 p.m. (prevailing time) weekdays, except federal holidays, from October 4 through November 30. A permit will be issued for each permanent blind or pit and only one (1) permit will be issued per hunter. Blind or pit permittees will have priority over their registered blinds or pits and may claim ownership by showing their permit. Permits are not transferable to other hunters. Permanent registered blinds or pits must not be locked to exclude other waterfowl hunters when not occupied. Any waterfowl hunter may occupy any unoccupied blind or pit until claimed by the permittee. All pits

and blinds must be 100 yards apart and 200 yards from any refuge as designated by signs. Permanent pits or blinds must be removed no later than thirty (30) days after the close of the waterfowl season or they become the property of the Department of Fish and Wildlife Resources.

(4) Barren Lake Wildlife Management Area, located in Barren, Allen and Monroe Counties and including all lands and waters owned and operated by the Department of the Army, Corps of Engineers, including those under license to the Kentucky Department of Fish and Wildlife Resources as marked by red painted steel boundary posts are open to waterfowl hunting during the regular statewide season with the following exceptions: all recreation areas, operational areas and islands (except Mason Island) are closed to all hunting. Lands under license to the department are open to hunting for all other wildlife species during the regular statewide seasons. Permanent blinds must be registered and a blind permit issued by the Corps of Engineers. Registration will be conducted at the Barren Lake Resource Manager's Office located near the dam off Kentucky Highway 252, from October 1 through December 31, 1977, during weekdays only, from 7:30 a.m. to 4 p.m. prevailing time, excluding federal holidays. A permit will be issued for each permanent blind and only one (1) permit will be issued per hunter. All blinds must be 100 yards apart. Permanent blinds must be removed no later than thirty (30) days after the close of the waterfowl season or they become the property of the Department of Fish and Wildlife Resources.

(5) Nolin, Rough, Green and Buckhorn Wildlife Management Areas, including all lands and waters owned and operated by the Department of the Army, Corps of Engineers, including those under license to the Kentucky Department of Fish and Wildlife Resources, and excluding all recreation and park areas, are open to all waterfowl hunting during the regular statewide season. Permanent blinds must be registered and a blind permit issued by the Corps of Engineers. Registration will be conducted at each of the Resource Managers' offices located at or near the dam sites, from October 1 through December 31, 1977 during weekdays only, from 7:30 a.m. to 4 p.m. prevailing time, excluding federal holidays. A permit will be issued for each permanent blind and only one permit will be issued per hunter. All blinds must be 100 yards apart. Permanent blinds must be removed no later than thirty (30) days after the close of the waterfowl season or they become the property of the Department of Fish and Wildlife Resources.

(6) Grassy Pond-Powell's Lake Unit of the Sloughs Wildlife Management Area, located in Henderson and Union Counties and including all lands and waters marked by green steel boundary posts, is open to waterfowl hunting during the regular statewide season.

(a) Only permanent pits or blinds will be allowed for waterfowl hunting. These will be registered on a permit issued by the Department of Fish and Wildlife Resources. Applicants for a permanent pit or blind must show a current Kentucky hunting license before a permit will be issued. Applicants for pits or blinds will take part in a special drawing to determine the order of blind registration. The drawing for numbers will take place on October 4, 1977, from 7 p.m. until 8 p.m. prevailing time at the Henderson Community and Youth Center in Atkinson Park, Henderson, Kentucky. The drawing, which will close promptly at 8 p.m., will be followed by registration in which hunters with the lowest numbers will receive first choice of pit or blind locations. A non-transferable permit

will be issued for each permanent pit or blind and only one (1) permit per hunter will be issued. Permittees will have priority over other users of their registered pits or blinds and may claim ownership by showing their permit. Registered pits or blinds must not be locked to exclude other hunters when not occupied by the permittee. Any waterfowl hunter may occupy any unoccupied pit or blind until claimed by the permittee. Only four (4) hunters may occupy a pit or blind at one time. All blinds and pits must be 100 yards apart. Permit holders who have not constructed their pit or blind at the registered location by November 5, 1977, will lose their location and the site may be assigned to another hunter.

(b) When the Ohio River stage at the Uniontown Lock and Dam reaches a level of forty (40) feet, a backwater condition exists. Under this condition, hunting will be allowed from boats, spaced 100 yards apart, without regard to the registered pits or blinds.

Section 9. Wildlife Management and Other Areas Closed or Partially Closed to Hunting of Waterfowl. (1) Sauerheber Unit of the Sloughs Wildlife Management Area located in Henderson County will be closed to all hunting, fishing, boating and trespassing during the period indicated on posted signs. This area is bounded on the north by Kentucky Highway 268 and includes all state-owned lands to the south within the area designated by yellow signs.

(2) Dewey Lake Wildlife Management Area located in Floyd County.

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

(4) Cave Run Lake located in Bath, Rowan, Menifee and Morgan Counties, is closed only to the hunting of geese on all lands and waters enclosed within a boundary marked by a red painted line and metal posts with green painted tops.

(5) Beaver Creek Wildlife Management Area located in Pulaski and McCreary Counties.

(6) Pine Mountain Wildlife Management Area located in Letcher County.

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

(8) Redbird Wildlife Management Area located in Leslie and Clay Counties.

Section 10. This regulation will not be valid after January 20, 1978.

ARNOLD L. MITCHELL, Commissioner  
Dr. JAMES C. SALATO, Chairman

ADOPTED: August 29, 1977

APPROVED: WILLIAM SHORT, Secretary

RECEIVED BY LRC: October 4, 1977 at 9:30 a.m.

## Amended Regulations Now in Effect

(The following 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 October 5, 1977 meeting and became effective on that date. They are republished here as a convenience to subscribers.

### PUBLIC PROTECTION AND REGULATION CABINET Department of Mines and Minerals Division of Miner Training, Education and Certification As Amended

#### 805 KAR 7:010. Definitions.

RELATES TO: KRS 351.102, 351.103, 351.104, 351.105, 351.106

PURSUANT TO: KRS 13.082, 351.106

EFFECTIVE: October 5, 1977

NECESSITY AND FUNCTION: KRS 351.106 empowers the Commissioner of the Department of Mines and Minerals to promulgate such reasonable regulations as are necessary to establish program for miner training and examination according to the criteria and standards established by the Board of Miner Training, Education, and Certification. This regulation effects the provisions of that law.

Section 1. Definitions. For purposes of regulations 805 KAR 7:010 through 805 KAR 7:050, the following terms shall have the following meanings unless the context demands otherwise:

(1) "Board" means the Board of Miner Training, Education, and Certification.

(2) "Certified person" means any person certified by the commissioner to perform particular work duties in and around an underground coal mine.

(3) "Commissioner" means the Commissioner of the Department of Mines and Minerals.

(4) "Department" means the Department of Mines and Minerals.

(5) "Experienced miner" means any person having worked a minimum of ninety (90) working days in an underground coal mine prior to the date when the miner training program goes into effect as determined by the board pursuant to KRS 351.104(1).

(6) "Inexperienced miner" means any person not having worked a minimum of ninety (90) days in an underground mine prior to the date when the miner training program goes into effect as determined by the board pursuant to KRS 351.104(1).

(7) "Newly hired miner" means any miner, experienced or inexperienced who is hired by an operator to work in an underground coal mine after the date when the miner training program goes into effect as determined by the board pursuant to KRS 351.104(1).

(8) "New work assignment" means any delegation of work duties in mobile equipment operations, blasting and drilling operations, rail haulage and conveyor system operations, or roof control for which a miner is not qualified to perform pursuant to the provisions of 805

KAR 7:010 through 805 KAR 7:050.

(9) "Operator" means an individual, firm or corporation operating a coal mine or any part thereof.

(10) "Normal Work Shift" means the equivalent of eight (8) hours.

*Section 2. For purposes of regulations 805 KAR 7:010 through 805 KAR 7:050, any person receiving training throughout a normal work shift shall be deemed to have received eight (8) hours of training.*

JOHN C. ROBERTS, Secretary

ADOPTED: September 1, 1977

APPROVED: H. N. KIRKPATRICK, Commissioner

RECEIVED BY LRC: September 2, 1977 at 10:30 a.m.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Department of Mines and Minerals**  
**Division of Miner Training,**  
**Education and Certification**  
**As Amended**

**805 KAR 7:020. Training and certification of inexperienced miners.**

RELATES TO: KRS 351.102, 351.105

PURSUANT TO: KRS 13.082, 351.106

EFFECTIVE: October 5, 1977

NECESSITY AND FUNCTION: KRS 351.106 empowers the Commission of the Department of Mines and Minerals to promulgate such reasonable regulations as are necessary to establish a program for miner training and examination according to the criteria and standards established by the Board of Miner Training, Education and Certification. This regulation effects the provisions of that law.

**Section 1. Training and Certification of Inexperienced Miners.** (1) A permit as trainee miner shall be issued by the commissioner to any person who has completed a program of education and training that meets all the requirements of this regulation and consists of a minimum of forty-eight (48) hours or who is enrolled in a certified mine technology program.

(2) This training may be received through the Bureau of Vocational Education, mine company programs, private or public institutions of education or any program certified by the board as meeting the requirements of this regulation.

(3) Upon proof that an inexperienced miner has received the course of instruction set forth in this regulation within twelve (12) months preceding initial employment at a mine, such miner need not repeat the training specified in this regulation.

**Section 2. Training Program.** The training program for inexperienced miners shall include, but not be limited to the following courses.

(1) Self-rescue devices: the course shall include instruction in the use, care and maintenance of self-rescue

devices. This course shall be given before the inexperienced miner visits, tours or goes underground.

(2) Introduction to mining: the introduction to mining course should include a visit and tour of a mine or portions of a mine which are representative of the entire mine. The method of mining utilized at the mine (that is conventional, continuous, longwall or other) should be observed and explained.

(3) Authority and responsibility of supervisors: the course shall include review and description of the line of authority of supervisors and the responsibilities of such supervisors, and an introduction to rules and proper procedures for reporting safety hazards.

(4) Entering and leaving mines; transportation, communication: the course shall include instruction in the procedures in effect for entering and leaving mines, the checkin and check-out systems in effect at mines, the procedures for riging on and in mine conveyances, the controls in effect for transportation of miners and materials, and the use of mine communication systems, warning signals and directional signs.

(5) Mine map, escapeways, emergency evacuations, barricading: the course shall include a review of mine maps, the escapeway systems, the escapes, fire-fighting and emergency evacuation plans in effect at mines, the location of abandoned and dangerous areas, and an introduction to methods of barricading and the locations of barricading materials.

(6) Roof control and ventilation plans: the course shall include an introduction to and instruction on the roof control plans in effect within the mining industry, and procedures for roof and rib control, and introduction to and instruction on the ventilation plans in effect within the mining industry, and the procedures for maintaining and controlling ventilation.

(7) Rock dusting: the course shall include instruction on the purpose of rock dusting and the rock dusting programs in effect within the mining industry.

(8) First-aid: the course of instruction shall consist of a course in first-aid methods.

(9) Electrical hazards; moving equipment: the course shall include instruction on recognition and avoidance of electrical hazards, and the procedures for working on and near moving equipment at all locations in mines.

(10) Prevention of accidents: the course shall include instruction on the prevention of all types accidents including electrical and mechanical.

(11) Explosives: the course shall include review and instruction on the hazards related to explosives and the danger involved when working with and around such explosives.

(12) Health and safety standards: the course shall include the health and safety standards contained in KRS Chapters 351 and 352 and Part 75 of the Federal Coal Mine Health and Safety Act of 1969.

(13) The training program shall include all other substantive *mine safety* law not covered in the above courses that deals with the underground miner, including review and instruction of miners' and operators' statutory rights and obligations *with regard to mine safety law*.

H. N. KIRKPATRICK, Commissioner

ADOPTED: September 1, 1977

APPROVED: JOHN C. ROBERTS, P. E., Secretary

RECEIVED BY LRC: September 2, 1977 at 10:30 a.m.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Department of Mines and Minerals**  
**Division of Miner Training,**  
**Education and Certification**  
**As Amended**

**805 KAR 7:050. Training of miners for new work assignments.**

RELATES TO: KRS 351.105

PURSUANT TO: KRS 13.082, 351.106

EFFECTIVE: October 5, 1977

**NECESSITY AND FUNCTION:** KRS 351.106 empowers the Commissioner of the Department of Mines and Minerals to promulgate such reasonable regulations as are necessary to establish a program for miner training and examination according to the criteria and standards established by the Board of Miner Training, Education and Certification. This regulation effects the provisions of that law.

Section 1. Training of Miners for New Work Assignments. (1) Each miner receiving new work assignments in mobile equipment operations, blasting and drilling operations, rail haulage and conveyor system operations, and roof control shall not perform such work duties until they have completed a program of training as provided in this regulation of a minimum of twenty (20) hours as specified in KRS 351.105.

(2) This minimum total of twenty (20) hours training shall be distributed into a minimum of eight (8) hours of observing the operation, eight (8) hours of a combination of instruction and practice, and four (4) hours in production under supervision.

(3) The training program shall include, but not be limited to the following:

(a) Safe operation procedures for existing, modified, or new equipment or machines: this training shall include instruction in the safe operating procedures related to the equipment or machine. Instruction shall be given by the immediate supervisor or experienced person in an on-the-job environment, and shall be taught from a safe operating procedure checklist developed specifically for the equipment or machine. A copy of the checklist shall be given to each equipment or machine operator at the time of instruction.

(b) Supervised practice during non-production: this training shall include supervised practice in operating equipment or a machine and performing work duties at mines or places where production is not the primary objective. The equipment or machine operator shall practice the operation of the equipment or machine under direct supervision of the immediate supervisor or experienced person until such time as sufficient practice has taken place to ensure the operation of the equipment or machine in a safe manner.

(c) Supervised practice during production: this training shall include supervised operation of the machine or equipment and performing work duties under the direct and immediate supervision of an experienced foreman or experienced equipment or machine operator while production is in progress. An equipment or machine operator shall not operate equipment or a machine without direction and immediate supervision until such operator has demonstrated knowledge of the safe operating procedures for the equipment or machine to the operator of the mine or to the mine foreman.

(d) Any person who controls or directs rail haulage operations at a mine shall before assignment to such duties receive and complete training in safe haulage procedures related to the haulage system, ventilation system, fire-fighting procedures, and the emergency evacuation procedures in effect at the mine. This training may be received as part of the training program provided for in paragraphs (a), (b), (c) of this subsection.

Section 2. A miner shall not be required to undergo training for a new work assignment for the job to which he is regularly assigned on the effective date of the miner training program as determined by the board pursuant to KRS 351.104(1).

Section 3. A miner qualified *under the provisions of this regulation to perform* [for] any work assignment [on the effective date of the miner training program as determined by the Board pursuant to KRS 351.104 (1)] shall remain so qualified for the duration of the calendar year wherein the miner [training program] became *so qualified* [effective], and shall continue to be so qualified during any calendar year thereafter wherein the miner performed the *work* [job] assignment for five (5) shifts under production during the preceding calendar year.

Section 4. Any miner who has acquired a total of six (6) months experience in performance of particular work duties shall not be required to undergo training for a new assignment to perform those duties; provided, however, that this exemption from training shall not apply to work experience acquired on or before June 1, 1975.

Section 5. Each operator shall annually submit to the department, in the form of an affidavit, a current list of the miners in his employ, the job assignments for which each miner is qualified and the basis for such qualification. This list shall be submitted to the department within thirty (30) days of the effective date of the miner training program as established by the board pursuant to KRS 351.104(1) and shall thereafter be submitted to the department during the month of January in each succeeding calendar year. A copy of said list shall be posted in a conspicuous place upon the premises of the mine and shall be updated to reflect changes as they occur. [Upon completion of a miner's training for a new work assignment, the operator shall verify in the form of an affidavit to the department the name of the miner and his new qualification.]

H. N. KIRKPATRICK, Commissioner

ADOPTED: September 1, 1977

APPROVED: JOHN C. ROBERTS, P. E., Secretary

RECEIVED BY LRC: September 2, 1977 at 10:30 a.m.

## Proposed Amendments

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

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

RELATES TO: KRS 163.110, 163.120, 163.130, 163.140, 163.170, 163.180

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: Section 101, Title I P.L. 93-112, as amended, requires the submission of an annual State Plan for Vocational Rehabilitation Services, to the Secretary, Department of Health, Education, and Welfare. The plan must be approved in order for a state to be eligible for grants from the allotments of funds under Title I, P.L. 93-112, as amended.

Section 1. Pursuant to the authority vested in the Kentucky State Board for Occupational Education [of Education] by KRS 163.120 the Kentucky State Plan for Vocational Rehabilitation Services incorporated in P.L. 93-112, as amended, for the period October 1, 1977 [1976] through September 30, 1978 [1977] is presented herewith for filing with Legislative Research Commission, and incorporated by reference.

JAMES B. GRAHAM  
Superintendent of Public Instruction

ADOPTED: September 6, 1977

RECEIVED BY LRC: September 16, 1977 at 3:15 p.m.

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

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

**902 KAR 20:007.** License and fee schedule.

RELATES TO: KRS 216.405 to 216.990(2)

PURSUANT TO: KRS 13.082, 216.425

NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Licenses and Fee Schedule, 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. Licenses. (1) No person shall operate any health facility or health service in this Commonwealth without first obtaining the appropriate license therefor.

(2) All applications for licensure shall be filed with the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40601.

(3) All applicants for licenses shall, as a condition precedent to licensure, be in compliance with the applicable regulations relating to the particular health facility or health service.

(4) All licenses shall expire on December 31 following the date of issuance unless otherwise expressly provided in the license certificate.

(5) Licenses may be renewed upon payment of the prescribed fee provided the particular health facility or health service is in compliance with the applicable provisions of the Certificate of Need and Licensure Board's regulations.

(6) Each license to operate shall be issued only for the person or persons and premises including the number of beds (if applicable) named in the application and shall not be transferable. A new application shall be filed in the event of change of ownership. Change of ownership for licenses shall be defined as follows:

(a) Sole proprietorship: Where a health facility/service is owned by a single individual, a transfer of any part of the title to the facility/service to another person or firm shall constitute a change in ownership.

(b) Partnership: Where a health facility/service is owned by a partnership, the addition, deletion or the substitution of any individual or transfer of any part of the title to the facility/service to another person or firm shall constitute a change in ownership.

(c) Closely held corporation: Where a health facility/service is owned by a corporation of ten (10) or less stockholders, any change of shares of stock or transfer of any part of the title to the facility/service to another person or firm shall constitute a change in ownership.

(d) Proprietary corporation: Where the health facility/service is owned by a corporation of more than ten (10) stockholders, any transfer of any part of the title to the facility/service to another person or firm as well as any consolidation with another corporation or change of name or transfer of any part of the title to the facility/service shall constitute a change in ownership.

(e) Lease: Where any person or firm leases the health facility/service or any part thereof to another person or firm it shall constitute a change in ownership.

(7) Upon the filing of a new application for a license because of change in ownership, the new license shall be automatically issued for the remainder of the current licensure period. No additional fee will be charged for the remainder of the licensure period.

Section 2. Fee Schedule. Except as otherwise specifically provided in other regulations of this chapter, the annual fee (including renewals) for health facilities and services shall be as follows:

(1) Family [Mini personal] care homes: \$10;

(2) Hospital facilities and services (including all levels of inpatient care): \$1.50 per bed, \$10 minimum, \$300 maximum;

(3) Free-standing skilled nursing [extended care] facilities and services: \$1 per bed, \$10 minimum, \$300 maximum;

- (4) Nursing home facilities and services: \$1 per bed, \$10 minimum, \$300 maximum;
- (5) Intermediate care facilities and services: \$.50 per bed, \$10 minimum;
- (6) Personal care homes: \$.50 per bed, \$10 minimum;
- (7) Outpatient clinics and ambulatory care facilities: \$15;
- (8) Home health agencies: \$15;
- (9) Emergency care-ambulance services: \$15;
- (10) Community mental health and mental retardation center facilities and services: \$300 per catchment area;
- (11) Health maintenance organizations (HMO's): \$1 per each 100 individuals covered;
- (12) Ambulatory surgical center facilities and services: \$15;
- (13) Medical Alcohol Emergency Detoxification Service (MAEDS): [no charge] \$.50 per bed, \$10 minimum.

- (14) Primary care centers: \$15;
- (15) Rehabilitation services (not bed based): \$15;
- (16) Homemaker services: \$15;
- (17) Adult day health care centers: \$15;
- (18) Free standing renal dialysis centers: \$15;
- (19) Speech and hearing centers: \$15;
- (20) Group homes: \$15.

MASON C. RUDD, Chairman

ADOPTED: September 22, 1977

RECEIVED BY LRC: October 3, 1977 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Mason C. Rudd, Chairman, Kentucky Health  
Facilities and Health Services, Certificate of Need and  
Licensure Board, 275 East Main Street, Frankfort, Ken-  
tucky 40601.

## Proposed Regulations

### DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Services

#### 905 KAR 1:005. Operation of child placing agencies.

RELATES TO: KRS 199.011, 199.640, 199.650, 199.660, 199.670

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: This regulation is to carry out provisions of KRS 199.640. It serves to provide minimum standards for the operation of all child-placing agencies.

Section 1. Staff: (1) In addition to requirements listed in 905 KAR 1:091, staff of all agencies which place children shall have one (1) member of the social work staff designated as placement director who shall hold a master's degree in social work, or a closely related field, or a bachelor's degree in social work, or a related field, and minimum of two (2) years experience in working with children and families including foster care or adoptive placements.

(2) An agency using the service of a social worker not on the agency's staff shall determine that the social worker meets the qualifications as outlined in this regulation and 905 KAR 1:091. An agreement for this provision of service shall be on file at the agency and shall specify the qualifications of the social worker.

(3) All social workers shall be supervised by the placement director and trained according to the requirements listed in 905 KAR 1:091.

Section 2. Selection of Foster Placement: (1) The functions of recruitment and response to inquiries by prospective foster parent(s) shall be performed by social work staff. In no case shall an application be given without a personal interview.

(2) The agency shall be responsible for approving the home as acceptable for children based upon a study made of the home. The study shall be conducted in a series of planned interviews and home visits by the social worker. Each home shall obtain a minimum of three (3) written references showing approval of the home as acceptable for

children. All children shall be placed in approved foster homes.

(3) The agency shall keep a written record of the findings of this study and the evidence on which these findings are based.

(4) The foster home study shall record personal interviews both joint and separate with all members of the household. All children in the family shall be included in the interview.

(5) To be approved, the foster home study shall determine that:

(a) All members of the household welcome a foster child into the home.

(b) The foster parent(s) are emotionally stable and mature people showing good potentialities for foster parenthood.

(c) The foster parents have the ability to accept the child's relationship with the child's natural parents.

(d) Family members have established constructive relationships outside the family.

(e) All members of the household are free from communicable disease as certified in writing by a licensed physician and in sufficiently normal physical and mental health to be able to provide necessary care for the child.

(f) Standards of housekeeping and cleanliness are acceptable.

(g) Physical standards of the home are those generally accepted as necessary for health and safety.

(h) The water supply and sanitation of the home shall comply with all requirements of local health authorities.

(i) Play space is provided, both in and out of doors, suited to the age and needs of the child.

(j) The home is accessible to the community resources that the child requires, such as schools and churches.

(6) An agency shall not have in placement more than two (2) children under two (2) years of age in the same home at the same time, except in a home maintained as a temporary shelter and limited to children under two (2) years of age. Sibling groups may remain together where practical. A further permissible exception shall be those homes where three (3) or more mature adults live regularly and the maximum number of infants shall not exceed three (3) at one time.



(7) A suitable home, where continuity of relationship can be maintained for the anticipated duration of placement shall be selected for the child. A foster home shall be selected for a particular child on the basis of suitability of the foster family and child for each other, taking into consideration the extent to which interests, strengths, abilities and needs of the foster family members enable them to understand, accept, and provide for individual needs of a specific child.

(8) The worker shall explain all terms of each placement and the foster parents shall be receptive of supervision from the agency. This shall be documented in the case record.

(9) At no time shall the total number of children including the foster parent's own children, exceed six (6) in number, except where the needs of the individual child would indicate otherwise such as sibling groups. Justification for any exceptions shall be documented in the record.

(10) No child shall be placed with persons normally resident in another state or permitted to go with such persons to take up residence in another state without prior notification to and authorization from the Kentucky Interstate Compact Administrator. (KRS 208.600 to 208.670)

(11) Homes providing care of foster children shall not be used simultaneously for any other social services, such as day care center or home for the elderly. This shall not preclude foster parents being approved for adoption or adoptive parents being approved as foster parents.

(12) All homes in use shall be evaluated on a yearly basis. All homes not in use shall be re-evaluated prior to use. A current re-evaluation shall be completed on any approved home not in use prior to making a placement. The results of all evaluations shall be recorded in the case record.

(13) Each agency shall have a written agreement which shall state the responsibilities of agency and the foster parents with each foster home.

(14) The child shall participate in the intake process and in the decision that placement is appropriate to the extent that his age, maturity and adjustment, the nature of family relationships, and circumstances necessitating placement justify such participation.

(15) The agency shall maintain an ongoing orientation and training program for its foster families. Records of all orientation and training shall be maintained.

**Section 3. Placement Process:** (1) The social worker shall be responsible for developing a placement plan for each child. Such plan shall include the type and extent of services to be given the natural family in order to rehabilitate the home.

(2) The natural parent(s) and child shall be included whenever practical in developing the placement plan unless impractical to do so.

(3) The foster placement shall be located as near as possible to the natural parent's home to facilitate visiting.

(4) Each child shall have a period of preparation for the placement, unless unusual circumstances preclude such preparation. Such circumstances shall be documented in the case record.

(5) Preplacement visits by the child under agency supervision shall be scheduled before final placement in the foster home, unless unusual circumstances, which shall be documented in the case record, preclude such visits.

(6) Prior to placement, meetings shall occur between worker and child for the purpose of establishing a relationship. The worker shall encourage and assist the child to ex-

press his feelings in order to facilitate his relationship with a foster parent(s) and other adults.

(7) Social services to the natural parent(s) and the child shall be adapted to their individual capacities, needs and problems. If parent(s) refuse social services, it shall be documented in the record.

(8) Planning for the child regarding matters such as visitation, health, and education shall be developed with the parent(s), the social worker, and foster parent(s) rather than directly between the parent(s) and the foster parent(s).

(9) Requests for a child's removal from a foster home shall be explored immediately and fully documented by the social worker.

(10) Preparation for a child's return to the natural family shall be supervised by a social worker. The natural family shall participate in planning for the child's return. If the child has not had regular contact with his natural family, plans for his return home shall include prior visits between the child and the family and at least one (1) preliminary visit of the child to his parents' home. In cases where the child is committed to the department and when the parents reside a considerable distance from the agency, attempts shall be made for services to be provided in writing to the department by the executive director of the agency. Provision shall be made for exchange of information quarterly, and whenever circumstances warrant.

(11) The agency shall provide for the semi-annual review of all children in foster care, to assure that such care continues to be the best plan for each child.

**Section 4. Supervision of Children in Foster Homes:** (1) the agency shall maintain continuing supervision of the child and foster home while the child is in placement. The agency shall assure that the child is receiving care in accordance with his needs. The agency shall provide information to the foster parent(s) regarding the child's behavior and development.

(2) Upon placement of a child in a foster home the responsible worker shall make regular monthly supervisory visits to the home. During the first year of placement more frequent contacts may be required and these shall be provided by the responsible worker.

(3) If a review of the foster care plan at the end of the first year of placement indicates, supervisory visits may be less than monthly, but never less than quarterly. The number of contacts and the rationale shall be specified in the plan.

(4) The agency shall document every effort to see that the legal rights of parent(s) and the child are protected, and that the family ties are maintained between the child and his parent(s).

(5) Each child shall have clothing for his or her exclusive use, comparable in quality and variety to that worn by other children with whom he or she will associate.

(6) The agency shall be responsible for seeing that children attend school in accordance with state school attendance laws.

(7) The agency shall secure psychological and psychiatric services, vocational counseling, and other services when indicated by the child's needs.

(8) When the plan for long term foster care for a child has been determined and justified, the plan shall be reassessed annually.

**Section 5. Maintenance of Foster Care Records:** (1) The agency shall maintain records on each child and his family as well as on all foster families. These records shall show

the reasons for any and all placement changes as well as steps taken to insure success.

(2) Social work staff shall document in case records the results of regular social service and progress toward goals which have been established for the child and family.

(3) Copies of all correspondence relating to the child shall be maintained.

(4) The date of discharge and the name and address of the person(s) and/or organization to whom the child is discharged shall be recorded.

(5) The discharge recording shall reflect the reason for the discharge.

(6) All case records shall be confidential in conformity with existing laws pertaining to confidentiality, KRS 199.430(3) and 199.640. 200 KAR 1:020 and KRS 61.878 also apply.

Section 6. Selection of Adoptive Placement: (1) The agency shall select as adoptive parents applicants who are capable of providing for the child's care, support, education and character development.

(2) No placement of a child shall be made prior to the approval of a home as an adoptive home.

(3) The agency shall complete a written study of the adoptive home, which shall include the following:

(a) A personal interview, both joint and separate, shall be conducted with each member of the household.

(b) Worker's evaluation of the home situation.

(c) Minimum of three (3) written references.

(4) The written study of the applicant's home verifies that:

(a) All members of the household are acceptive of the placement of the child.

(b) The prospective parent(s) are emotionally stable and mature.

(c) All members of the household constitute a harmonious family group.

(d) All adult members of the applicant's family have obtained a medical examination. Any medical problems shall be discussed with the physician for any effect they may have on the family's ability to meet the needs of an adoptive child.

(e) Verification of the marriage of the applicant and of any previous marriages and divorces of each applicant has been verified.

(f) The applicants' economic circumstances are such that they can be expected to meet the needs of the child.

(g) The physical standards of the home provides for health, comfort and safety.

(5) Single persons shall be given consideration as adoptive applicants.

(6) Agencies shall clearly define the qualifications they require of prospective adoptive applicant(s).

Section 7. Adoption Placement Process: (1) No child shall be placed for adoption until the parental rights of natural parents and/or alleged parents are terminated by a circuit court order in accordance with Kentucky Revised Statutes. (KRS 199.600 to 199.630)

(2) Parent(s) shall not be induced to terminate parental rights by a promise of financial aid or any other consideration.

(3) The authority granted to agencies licensed by the Department for Human Resources authorizing them to place a child for adoption shall not be used to facilitate adoptive placements planned by doctors, lawyers, clergymen, and others outside the agency.

(4) A developmental history of the adoptive child and social history of the natural parents shall be obtained. Information shall be obtained from direct study and observation of the child by the social worker, pediatrician, foster parent(s), and if indicated, by the nurse, psychologist and other consultants.

(a) The child's developmental history shall include as much of the following as is available: Birth and health history; early development; child's characteristic way of responding to people and situations; deviations from the range of normal development; the experiences of the child prior to the decision to place him for adoption, particularly maternal attitudes during pregnancy and early infancy, continuity of parental care and affection, foster care placements, and separation experiences.

(b) Information shall be obtained from natural mother and father about their family background such as name, age, nationality, education, religion, occupation, and information to determine whether there are any significant hereditary factors or pathology, including illnesses of the natural mother or father, that may affect the child's normal development.

(c) If the child is born out of wedlock, the agency placing the child shall make clear to the mother the importance of having as much information as possible on the natural father of the child in order to establish the child's probable hereditary endowment. Sufficient information shall be obtained as to the natural father for purposes of termination of the father's parental rights.

(5) A medical examination shall be made by a licensed physician to determine the state of the child's health, significant factors that may interfere with normal development, and the implications of any medical problems.

(6) Before placement of the child, conditions under which adoptive parent(s) accept the child shall be agreed upon. This written agreement shall embody the following provisions:

(a) The adoptive parent(s) agree to file an adoptive petition at a time agreed to by the agency in accordance with state law. (KRS 199.470)

(b) The adoptive parent(s) agree to permit supervision by the agency during the period of time preceding the final judgment by the circuit court.

(c) The agency is responsible for providing the adoptive parent(s) with information regarding the child's background and current behavior. The identity of the birth parents shall not be divulged.

(d) The adoptive parent(s) and the agency agree that the child may be removed from the family at the request of either party at any time before the filing of the final judgment.

(7) Preplacement meetings shall be arranged for the adoptive parent(s) and any child one (1) year of age or older.

(8) When preparing the child for the selected adoptive parent(s), the agency shall discuss with the child his readiness to accept this placement.

(9) Siblings who have had a relationship with one another shall be placed together unless it is determined that it would be more beneficial for them to be placed in separate homes. When siblings have been separated in placements, the case record shall reflect a valid basis for the separation.

Section 8. Supervision of Adoptive Homes: (1) The agency placing a child shall remain responsible for him until the adoption has been granted. This responsibility in-



volves at least the following:

(a) Two meetings by the worker with the child and the family, one of which shall be in the home before the granting of the adoption judgment.

(b) Awareness of changes in the adoptive family including health, education, and behavior.

(2) Upon request of the Department for Human Resources, the agency shall provide all information as required in KRS 199.510 which is necessary to report to the court in order to proceed with the adoption. Upon the request of the department, the agency placing the child shall file the report to the court as required by KRS 199.510.

(3) In the event of an agency placement of a child for adoption, and upon review of the petition of the adoptive parent(s), the court finds the adoptive parent(s) to be unsuitable and thereby refuses to grant a judgment, the agency shall remove the child from the home and place the child elsewhere.

Section 9. Maintenance of Adoptive Case Record: (1) The agency shall maintain a case record of each child accepted for care, of his family and of each adoptive applicant, from the time of the application for services through the completed legal adoption and termination of agency service.

(2) Records shall contain material on which the agency decision can be based. The case record shall have information and documents needed by the courts, and shall preserve information about the child and his family.

(3) The records shall include a narrative or summary of the services provided. The records shall also contain copies of all legal and other pertinent documents.

(4) The case record of each child placed for adoption shall include all information gathered during the intake study in addition to the following:

(a) A description of facts about the child's family situation which necessitated placement of the child away from his family and/or termination of parental rights.

(b) A certified copy of the order of the circuit court committing the child to the agency for the purpose of adoption.

(c) Verification of the child's birth record and the registration number of same.

(d) A copy of the child's medical record up to the time of placement.

(e) A copy of the required study of the adoptive home.

(f) Date of placement in the adoptive home.

(g) A statement of the basis of the selection of this home for the child.

(h) A record of after-placement services with dates of contacts and observations made.

(i) Dates of filing of petition and granting of judgments and other significant court proceedings relative to the adoption.

(j) Child's adoptive name.

(5) Where there is need to share background information with one of the parties to a completed adoption, or to have the benefits of information from a closed adoption record to offer services following completion of an adoption, the agency shall have the right to make proper disclosure in accordance with laws of confidentiality. (KRS 199.570)

(6) Records on adoption which contain pertinent information shall be maintained indefinitely following final

placement of a child. Each individual record shall be sealed and secured from unauthorized scrutiny.

JAMES C. LEWIS, Commissioner  
PETER D. CONN, Secretary

ADOPTED: October 14, 1977

RECEIVED BY LRC: October 14, 1977 at 4:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Secretary for Human Resources, 275 E. Main Street,  
Frankfort, Kentucky 40601.

## DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Services

### 905 KAR 1:065. Operation of child-care institutions.

RELATES TO: KRS 199.011(6), (7) and (12), 199.640, 199.650, 199.660, 199.670

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: This regulation is necessary to carry out the provisions of KRS 199.640. It serves to provide minimum standards for the operation of child-caring institutions.

#### Section 1. Staff: (1) Social work staff:

(a) Each facility shall have a full-time social work supervisor responsible for the total program of social services to families and children. The supervisor shall have at least a bachelor's degree in social work or a related field and two (2) years experience in social case work. The maximum number of workers which one shall supervise is seven (7). In an institution serving no more than forty (40) children and their families, the responsibilities of social work and supervision may be carried by the same staff member. In instances where the supervisor is personally providing social services, the maximum of forty (40) cases shall be reduced by six (6) for each worker supervised.

(b) Social workers employed by the institution shall carry responsibility for case work services with children and families. All workers providing social services shall have a minimum of a bachelor's degree in social work or a related field, or high school graduation with five (5) years experience in the provision of social services.

(c) The number of children assigned to individual social work staff shall be limited so that effective service for each child and his family can be provided. In no case shall a social worker with minimum qualifications serve more than thirty (30) children and their families.

#### (2) Child care staff:

(a) The child care staff shall be responsible for daily care and nurturing living experiences of a specified group of children.

(b) Child care workers shall be selected through a process of assessing their previous experience in working with children. This shall include personal interviews and references.

(c) Child care staff shall be required to have training or experience in the care of infants and pre-school children before being allowed to work with this age group. There shall be at least one (1) staff person in attendance for every

three (3) infants and one (1) staff person in attendance for every five (5) preschool children. At least one (1) staff member shall be available within twenty-five (25) feet of the infants' sleeping area during sleeping hours.

(d) For pre-school and school age children, there shall be a minimum of one (1) house-parent per sleeping area whether cottage or dormitory floor during night-time hours. During other than sleeping and school hours, the staff-child ratio shall not exceed one (1) staff to twelve (12) children. The staff-child ratio in both incidences include children other than those served by the agency.

(e) No child care staff person shall work more than six (6) consecutive days without at least twenty-four (24) consecutive hours off.

(3) Support staff:

(a) A consulting pediatrician or physician shall be on call.

(b) For infants with medical problems and/or physical disabilities, there shall be a minimum coverage of four (4) hours daily by R.N. or L.P.N. with training or experience in care of infants. Additional hours of coverage shall be required depending upon the number and extent of the infants' medical problems and/or physical disabilities.

(c) The services of a dietician or nutritionist shall be available for consultation in menu planning and in meal preparation as well as food purchasing. Formulas and diets should be prepared by trained staff under the direction of the physician. A record shall be maintained of consultation provided along with recommendations and implementations. There shall be cooks and kitchen personnel to operate the food service program so that meals can be served for all children at the same time.

(d) Opportunities for all children to participate in supervised recreation activities shall be scheduled at times convenient for the children. During weeks when school is not in session, there shall be a minimum of two (2) hours a day of planned and supervised activities. Community resources shall be utilized whenever possible to allow for choices in activities and for diversification in the program. There shall be a staff member designated as recreation coordinator. Planned and supervised recreational activities shall be recorded and kept on file.

(e) Staff shall be employed in sufficient number to carry on the everyday housekeeping and maintenance of buildings and grounds. These employees shall be provided with on-going opportunities for training related to the child care program as well as specific job duties.

(f) Secretarial staff shall be employed to perform secretarial and clerical duties, including maintenance of records, correspondence, and bookkeeping. Office staff shall be oriented to the goals of the agency and to the confidential nature of the job.

Section 2. Physical Facilities: (1) The buildings shall be of sound construction and suitable for residential use. New buildings shall have bedrooms for living quarters with not more than four (4) occupants in each bedroom. An existing building which is in need of remodeling must be brought into compliance with all building safety codes.

(2) The buildings shall be adequate in size to provide ninety (90) square feet for each child for sleeping and personal living activities.

(3) The building shall be so constructed that it is dry, adequately heated, ventilated, and lighted; that windows, doors, stoves, heaters, furnaces, and pipes are protected; that screening is provided on windows and doors which are left open; and that floors are free from splinters and easily

cleaned. All stoves, heaters, furnaces and gas water heaters shall be adequately ventilated.

(4) The facility and grounds shall be maintained in good condition.

(5) There shall be an indoor recreation area provided. It shall have comfortable furnishings and sufficient equipment for the number of children and adults using it at any one time.

(6) Each living unit shall have a living room where children can gather at any time for quiet reading and study, general relaxation or entertaining.

(7) Each sleeping unit in an institution (i.e. dorm floor, cottage) shall have a minimum of one (1) complete bath facility. There shall be separate bath facilities for boys and girls as well as staff. These bath facilities shall provide one (1) toilet, one (1) lavatory, and one (1) tub or shower for each eight (8), six (6), and ten (10) children respectively.

(8) Bedrooms shall be equipped with a bed for each child, adequate in size, with suitable springs, mattress, pillow, and bedding. There shall be separate sleeping quarters for boys and girls over age five (5). Each child shall have individual drawer space and closet space.

(9) All bed linen shall be changed at least once a week, or more often if necessary. Each mattress shall have a waterproof covering.

(10) Clothing, linens, household furnishings, and equipment shall be kept in good repair.

Section 3. Health and Safety: (1) Every institution shall have policies and procedures regarding health and medical care which shall be approved by a licensed physician. If services of a medical doctor are not available in the community, the institution shall request the assistance of the county health department or the Department for Human Resources, Bureau for Health Services, Growth and Development Branch, Frankfort, Kentucky, in obtaining such professional services.

(2) Every institution shall make provision for prompt medical care in cases of illness and emergencies, and for diagnosis and treatment of any physical illness or handicap.

(3) Staff members responsible for the care of ill children shall receive training in proper handling and use of medicines and prescriptions.

(4) Each child shall receive a thorough physical examination annually under supervision of a licensed physician or at more frequent intervals as recommended by the physician. A record of the annual examination shall be on file at the institution. Treatment of correctable defects upon doctor's recommendations shall be required.

(5) A separate health record shall be maintained for each child. The record shall contain a report of the admitting physical examination and recommendations, previous and continuing health and medical history, including illnesses while under care, hospitalization and surgery.

(a) There shall be kept records and/or reports of tests, immunizations, periodic re-examinations and recommendations.

(b) The health record shall have reports of dental examinations and treatments, showing dates and by whom given.

(c) A signed parental authorization for regular and emergency medical and surgical care, for immunizations, and for hospitalization when indicated, shall be on file in the medical record.

(d) Health records shall be kept in a place where they

are readily available to physician, nurse, and designated staff.

(e) At time of discharge, appropriate medical information of the institution shall follow the child.

(6) Each child shall be provided medication, or articles of special need as his health warrants.

(7) Provision shall be made and procedures established for hospitalization of children when required, through arrangements with an accredited hospital.

(8) Every child age two (2) years and above shall be examined at least once a year by a licensed dentist, and more frequently if indicated.

(9) The institution shall make provision for dental examination as soon as practical after acceptance of child for care; for treatment, including necessary prophylaxis, orthodontia, repairs, and extractions when indicated; and for annual re-examinations.

(a) The schedule for examination, prophylaxis, orthodontia, and other treatment shall be planned by the dentist together with medical, casework, and child care staff.

(b) At time of discharge, the child's current dental record shall be made available to the parents or to other persons responsible for planning for future care of the child.

(10) The agency shall document all information required in Section 3(1) through (9).

(11) Adequate measures shall be taken to remove safety hazards and to prevent accidents and documented through written policies and procedures.

(a) Active sports shall be supervised by staff capable of handling emergencies. If the institution has a swimming pool, the presence of a Red Cross certified lifeguard shall be required whenever children swim.

(b) Children with physical handicaps shall be protected through appropriate and specific safety measures.

(c) All children shall be periodically instructed in fire prevention. Matches, open flame, or combustible materials shall be used by children only under direct supervision of staff.

(d) Children and staff shall be given instructions about what to do in case of fire or other emergencies, and drills shall be performed monthly and documented.

(12) The water supply shall be from an approved source, adequate in supply, properly protected and satisfactorily treated and under ample pressure for distribution. Approved drinking fountains conveniently located are required. All current laws and regulations regarding testing of water wells shall be adhered to.

(13) All plumbing and waste disposal systems shall comply with state plumbing standards and applicable state laws and regulations regarding waste disposal system.

**Section 4. Nutritional Requirements:** (1) All children shall be served nutritious meals meeting the dietary allowances of the Food and Nutrition Board of the National Research Council, which include foods from the four (4) basic food groups. Adequate amounts shall accommodate the needs of the children as to age, sex, and activity of each child in care.

(2) With variations in appetite taken into account, children shall be encouraged to eat the food served, but shall not be subjected to any coercion.

(3) All foods served to a child on a modified diet as prescribed by a physician shall adhere to the dietary regulations as stated. This shall be planned by a dietitian and observed to see if it is being properly done.

(4) A dietary policy and procedure manual shall be maintained and available to food service personnel. This shall be developed with the guidance of a dietitian.

(5) Menus shall be planned at least one (1) week in advance and shall then be dated, posted, and kept on file for one (1) year.

(6) At least three (3) meals a day shall be served at regular intervals, except when children receive their morning and/or noon meal(s) at school. No more than fourteen (14) hours shall lapse between the evening and morning meals.

(a) Nourishing between meal snacks shall be provided and may be part of the daily food needs, but they shall not replace regular meals. Such snacks shall be recorded on the menu.

(b) In menu planning, provisions shall be made for religious, ethnic, and cultural differences of the children served.

(c) Special times shall be set aside so that meals are not hurried, in order that meal time be a happy, social experience with time allowed for conversation and unhurried eating.

(d) Children shall not be deprived food on the menu as punishment nor given such food as a reward. Any food used as a reward shall be over and above that specified in the facility's menu.

(e) All milk and milk products utilized in an institution shall be obtained from sources approved by the Department for Human Resources.

(f) Only pasteurized milk and U. S. Government inspected meat shall be served to the children.

(g) Cool, potable drinking water shall be available for all children at all times.

(h) Foods shall be prepared by appropriate methods that will preserve their nutritive value and heighten their flavor and appearance.

(i) Children and staff members who eat with them shall be served the same food except for tea and coffee, unless differences in age or special dietary needs are factors.

(7) Food service shall be planned to promote physical, social, and mental development.

(a) Table service shall be provided for all those capable of eating at a table in a manner to best serve the interest of the children. Tables and chairs shall be heights appropriate to the size of the children served. They shall be constructed of material that can be easily sanitized.

(b) Children who have not had opportunities to learn how to handle food with the usual table service shall be managed in such a way that they will not be embarrassed or subjected to ridicule of other children.

(8) All persons handling food shall wear clean outer garments, hairnets, or other appropriate covering and shall keep their hands and fingernails clean at all times while handling food, drink, utensils, or equipment.

(9) Each child-caring institution shall have on file a certificate for each employee associated with food preparation or service from a health office or a licensed physician, stating that the employee has been examined and found not to be suffering from any disease in a communicable stage. Such certificate shall be dated at the time of hiring and shall be renewed annually.

(10) Maintenance of sanitary conditions is essential: Written reports of all sanitary inspections by municipal, county, or federal authorities shall be kept on file at the institution. The sanitation of facilities shall meet all local, state, and federal regulations.

(11) In those instances where an agency subcontracts

food services, the above regulations shall apply to the grantee in terms of health and sanitation.

Section 5. Social Services: (1) All children and their families served by any child caring institution shall be provided social services. If any family refuses such service, it shall be noted in the child's record.

(2) Every institution shall maintain in writing a clearly defined statement of intake policies and procedures, specifying the age and type of client which shall be accepted for admission.

(3) Infants and children of preschool age and those of any age with developmental disabilities, shall not be placed in an institution unless all other resources, parents, relatives, guardians, adoption care and foster care have been explored. Sibling groups may be placed in an institution whereby such groups remain together provided all other resources have been exhausted.

(4) The institution shall obtain information, if available, from other public or private institutions or agencies which have had contracts and/or currently working with the child or his family. In cases where two or more agencies are providing services to a family, there shall be coordination of such efforts to avoid duplication. The coordinated plan shall be filed in the child's record. The family shall be advised of who the assigned worker(s) is and how to contact that person.

(5) An agreement designating the services each shall render shall be signed between the institution and other persons or agencies sharing responsibility while the child and his/her family are under the institution's care.

(6) In an instance where a family voluntarily places a child/children with a child-caring institution, social services shall be provided by the agency to both child and family on a regularly scheduled basis.

(7) In the case of a child committed to the department and where placement in the institution is made by the department, the following shall apply:

(a) An agreement as to services to be provided by each party shall be in writing. In instances where an agency social worker serves the child and a department worker serves the family, provision shall be made for regular exchange of information at least quarterly, and whenever a change in the child's situation occurs or the circumstances warrant.

(b) Periodic reviews of the child's plan will be held, at least semi-annually, and shall involve all interested parties.

(8) If services of another agency are deemed necessary, there shall be in writing provision for exchange of information between that party and the agency responsible for the child. In the case of a child committed to the department who is referred, the agency social worker shall consult with the departmental worker before making such referral.

(9) Within six (6) months after admission, the written service plan for each child placed in an institution shall be reviewed. All persons or agencies having an interest in the child shall be notified in writing of the review and given an opportunity to participate.

(10) Assignment of cases to the social worker shall be determined by the service plan formulated for the child and family at the time of intake and admission.

(11) Contacts with the family, both at the institution and in the family home, shall be scheduled on a regular basis. These contacts shall be recorded.

(12) The institution shall make every effort to have the parents participate in the service plan. The institution shall

document such efforts and results thereof.

(13) The institution shall involve the child in the plan to the extent consistent with the child's age and understanding. The institution shall document methods used to involve the child in the service planning.

(14) When case planning calls for permanent separation, the institution shall help the family and child handle their feelings regarding permanent separation and efforts shall be recorded in the case record.

(15) The nature of any problem behavior displayed by both child and parents shall be recorded in the case record.

(16) At least bi-monthly staff conferences shall be held to evaluate the adjustment of the child and the family. At this time, decisions regarding continued treatment, management, and modifications of behavior, visitation, and future planning shall be considered and shared with the family. This shall be recorded in the case record.

(17) When appropriate, the institution shall be responsible for referring parents to other resources in the community, such as psychiatric and/or medical clinics, group work services, or relief giving agencies.

(18) Visiting on and off the campus shall be arranged by the institution. No child shall be permitted to visit in any home until the suitability of the home has been determined by the institution through documented study and observation. Visiting in the natural home and homes of relatives shall be encouraged where consistent with the service plan.

(19) The institution shall be responsible for preparing the family for the return of the child into the home when this is the service plan. If services to the family are being provided by another agency, both social workers concerned shall consult to determine procedures and responsibilities.

(20) In addition to the general requirements for case records outline in 905 KAR 1:091, the following requirements shall also be met:

(a) A record shall be kept of all supervisory and casework contacts with the family and child. These shall reflect the goals outlined in the treatment plan and should reveal the progress towards these goals or support the need for new treatment plan conferences. Regularly scheduled appointments by casework staff shall document ongoing casework services for child and family.

(b) The record shall reflect updated addresses of all family members, especially both parents, when known.

(c) Copies of all correspondence related to the child shall be maintained. This includes copies of correspondence to families, other interested persons, and to all organizations.

(d) There shall be a record of any aftercare services provided the child or family.

(e) The date of discharge and the name and address of the person or organization to whom the child is discharged.

(f) The discharge record shall reflect the goals originally planned which have been met as well as those not met. For those goals not met, barriers which prevented their completion shall be recorded. Any change of goals shall be noted along with their state of completion at discharge.

(g) There shall be ongoing record maintenance provided to assure all records are updated and that all information necessary to the performance of the individual treatment program, eligibility status of the child, and the necessary authorization for child care are on file. Outdated material shall be disposed of in a manner which insures maintenance of confidentiality.

(h) All case records shall be considered confidential and treated in accordance with existing laws pertaining to

confidentiality, KRS 199.430(3) and 199.640(4); 200 KAR 1:020 and KRS 61.878 also apply.

Section 6. Program: (1) Work assignments:

(a) Each child shall be given daily or weekly chores, assigned in accordance with his age, health, interests, ability, and readiness, so that he can learn to assume responsibility and get satisfaction from contributing to work of a useful nature.

(b) Children shall participate in selection of assignments and shall have a chance to become familiar with a variety of tasks. They shall be apprised why the work must be done and be able to get a sense of achievement and recognition for their contribution.

(c) Chores shall be similar to those of children in typical families in the neighboring community.

(d) Children shall not be depended upon to do day-to-day work for which staff shall be employed.

(e) Work or chore assignments shall not be used as a form of punishment.

(f) Children may be given jobs for which they receive payment, which shall be clearly differentiated from duties expected of any child in relation to the routines of daily living. Any money the child earns shall belong to him for his own use. Work shall be done in compliance with child labor laws and paid for in accordance with community rates. Children shall not be exploited for their labor.

(g) Each institution shall keep written records of chore assignments and job schedules of all children.

(2) Personal possessions:

(a) Each child shall be allowed to bring personal possessions with him to the institution and to acquire belongings of his own to the degree that such possessions contribute to a sense of autonomy and identity.

(b) If an allowance is given, it shall be scaled to the child's age and similar to what other children in the community receive. There shall be no restrictions placed on use of such monies.

(c) Such allowance shall not be withheld as punishment; however, reasonable deductions may be made in such allowances upon agreement of the child in cases where damages have occurred by the child.

(3) Clothing:

(a) Each institution shall provide every child with an adequate supply of clothing similar in appearance and quality to that worn by typical children in the community.

(b) Donated clothing shall be selected with utmost care to avoid use of shoddy, soiled garments or outmoded styles.

(c) Children's shoes shall be checked regularly to assure correct fit. Whenever replacement of shoes is necessary, children shall be individually fitted with new shoes.

(d) All clothing shall be marked with the child's name or otherwise identified.

(4) Personal hygiene: Every institution shall maintain a continuous program of personal hygiene to include the following:

(a) Staff shall train the children to develop acceptable standards of modesty and respect for the privacy of others.

(b) Each child shall be provided his own articles of personal hygiene such as toothbrush, comb, hairbrush, washcloth, towel, razor, toothpaste, shaving cream, and deodorant.

(5) Daily activities:

(a) The daily program for pre-school children shall include a variety of creative activities, such as art, music, dramatic play, stories, books and block building; indoor and outdoor play in which children make use of both small

and large muscles; opportunities for solitary or group play, for the child to choose activities, and for learning self-help procedures. There shall be sufficient toys and equipment to provide the variety of experiences listed above.

(b) Daily program activities shall be provided with emphasis on the child's physical, intellectual, emotional, and social growth. Individual needs and developmental levels of the children in care shall be documented.

(c) Each child's birthday shall be celebrated.

(d) Traditional holidays shall be celebrated in a fitting manner.

(e) Children shall have access to a daily newspaper and to magazines suitable for the age group served.

(f) Each institution shall allow each child to maintain a personal and private accumulation of items as a means of preserving individuality as distinct from group personality.

(6) Religion:

(a) The religious beliefs and rights of children shall be respected.

(b) The institution shall cooperate with groups willing to provide opportunities for the child to have an appropriate religious affiliation and religious experience, based on the agreement as signed by the parent(s) or legal guardian at the time of admission.

(c) Children shall be encouraged to participate in religious activities but shall not be coerced or expected to participate in an activity when this would not be in the best interest of the child.

(7) Education:

(a) All children of school age shall attend an accredited school.

(b) If children attend school at the institution, the educational program shall conform to the requirements of the State Department of Education. Teaching staff shall be certified as provided under KRS 161.030.

(c) Sufficient time and appropriate facilities shall be provided for quiet study after school hours.

(8) Sex education:

(a) Children shall be given accurate and appropriate information about sex and shall be helped to develop desirable attitudes and standards regarding sexual behavior.

(b) Children shall be provided an opportunity to discuss the questions they have, their anxieties and concern about matters such as masturbation, menstruation, marriage, and family life.

(9) Discipline:

(a) Disciplinary methods shall be designed and implemented through positive guidance to help the individual child develop self-control and assume responsibility for his acts. The facility shall establish simple and consistent rules both for children and staff that set the limits of behavior.

(b) The seclusion of a child in a locked room shall be prohibited except in institutions providing an in-depth treatment-oriented child-care program for adjudicated delinquents when a security room is provided.

(c) No child shall be separated from the group any longer than is required to produce a therapeutic effect.

(d) In no instance shall harsh, cruel, unusual punishment or demeaning and humiliating discipline be used. This includes the use of spanking, paddling, or slapping a child. Extreme misbehavior shall be dealt with in other more acceptable forms of discipline. The abuse statutes KRS 199.335, 208.020(4) and (5) and 208.990(5) and (6), or their successor statutes shall be observed. In no incidences shall the child be subjected to harsh or corporeal physical discipline nor shall any method of discipline be

used that is threatening, shaming or frightening. Loud and profane or abusive language shall not be used.

(e) Children shall not be denied food which is necessary for daily nutritional requirements or forced to eat any food as a means of discipline.

(f) No child shall be forced to participate in any group exercises or activities as a punitive measure.

(g) Children placed in a time-out area shall be in sight or sound of an adult at all times and shall be checked at intervals by the child care worker making the decision to use such a room.

JAMES C. LEWIS, Commissioner  
PETER D. CONN, Secretary

ADOPTED: October 14, 1977

RECEIVED BY LRC: October 14, 1977 at 4:15 p. m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, 275 E. Main Street, Frankfort, Kentucky 40601.

## DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Services

### 905 KAR 1:071. Group home standards.

RELATES TO: KRS 199.640 to 199.670

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The necessity of this regulation is to carry out the provisions of KRS 199.640 to 199.670. It shall be used in conjunction with other applicable regulations promulgated under this chapter. It functions to establish minimum standards for group homes.

Section 1. Staffing: (1) In instances where the group home operates under auspices of a licensed facility or agency the executive director of that facility or agency may also be director of the group home provided written documentation of time spent serving each facility verifies that duties delineated in 905 KAR 1:091, Section 2, have been adequately performed.

(2) The staff to child ratio shall be one (1) child care staff member for each four (4) children when the children are in the home. (See Section 7(2)(a) for exception.) At no time shall children be left without supervision.

(3) The group home shall make provision for relief personnel. No staff member shall work more than six (6) consecutive days without at least twenty-four (24) consecutive hours off.

Section 2. Physical Facilities: (1) The group home shall have access to schools, churches, shopping facilities, and other community resources.

(2) The group home shall be of sound construction, and suitable for residential use.

(3) Each child shall have a minimum of ninety (90) square feet of personal living space exclusive of kitchen, hallways, offices, baths, storage areas, recreation areas, and dining areas.

(4) The building shall be dry, adequately heated, ventilated, and lighted; windows, doors, stoves, heaters, furnaces, pipes, and ventilating fans shall be protected; screening shall be provided for windows and doors; and floors shall be free from splinters and easily cleaned. All types of gas heaters and stoves shall be properly ventilated.

(5) A recreation area with comfortable furnishings in sufficient quantity to accommodate the number of children and adults using it at any one time shall be provided.

(6) Bedrooms shall be equipped with a bed for each child, of adequate size, with suitable springs, mattress, pillow, and bedding as well as adequate closet space and individual drawer space for each child.

(7) There shall be separate sleeping quarters for boys and girls over five (5) years of age.

(8) There shall be separate toilet and bath facilities for boys and girls.

(9) The dining area shall be large enough to permit all children to eat at the same time. All tables and chairs in the dining room shall have surfaces that are clean and free of cracks.

(10) The facility and grounds shall be well maintained.

Section 3. Medical and Dental: (1) Every group home shall have a licensed physician on call to attend to emergency medical needs of children.

(2) All medical and dental needs of children shall be met either by referral or by agreement with a licensed physician or dentist.

(3) Every child admitted to a group home shall have a health maintenance program established and implemented.

(4) Each child shall have a physical examination annually under the supervision of a licensed physician or at more frequent intervals as recommended by the physician with special emphasis on dental, eye, ear and orthopedic conditions of the child.

(5) The treatment of correctable defects upon a physician's recommendation shall be required.

(6) Each child shall be provided medication, or articles for special needs as his health warrants. All medications administered by child care staff shall be on orders of a licensed physician. Staff members responsible for care of ill children shall receive training in the use of medicines and prescriptions.

Section 4. Nutrition: (1) All children shall be served nutritious meals meeting the dietary allowances of the Food and Nutrition Board of the National Research Council, which include foods from the four (4) basic food groups. Adequate amounts shall accommodate the needs of the children as to age, sex, and activity of each child in care.

(2) Children shall be encouraged to eat the food served.

(3) All foods served to a child on a modified diet as prescribed by a physician shall adhere to the dietary regulations as stated.

(4) At least three (3) meals a day shall be served at regular intervals except when children receive their morning and/or noon meal(s) at school.

(5) No more than fourteen (14) hours shall lapse between the evening and morning meals.

(6) Nourishing between-meal snacks, recorded on the menu, shall be provided and may be part of the daily food requirements, but shall not replace regular meals.

(7) In menu planning, provisions shall be made for religious, ethnic, and cultural differences of the children served.



(8) Sufficient time shall be allotted for meals so that the eating of meals is not hurried.

(9) No child shall be denied food which is necessary for daily nutritional requirements or forced to eat any food as a means of punishment.

(10) All milk and milk products utilized in a group home shall be obtained from sources approved by the Department for Human Resources, and shall be pasteurized.

(11) Cool, potable drinking water shall be available to all children at all times.

(12) Foods shall be prepared by appropriate methods that will preserve their nutritive value and heighten their flavor and appearance.

(13) Children and staff members who eat with them shall be served the same food unless differences in age or special dietary needs are factors.

(14) Food service shall be planned to promote physical, social and mental development.

(a) Table service shall be provided for all those capable of eating at a table in a manner to best serve the interest of the children. Tables and chairs shall be at heights appropriate to the size of the children served. They shall be constructed of material that can be easily sanitized.

(b) Children who have not had opportunities to learn how to handle food with the usual table service shall be managed in such a way that they will not be embarrassed or subjected to the ridicule of other children.

(15) Menus shall be planned at least one (1) week in advance, dated, posted and kept on file for one (1) year. Any substitution that is made shall be recorded.

Section 5. Social Services: (1) All children and their families shall be provided social services either by qualified staff of the facility or by referral. If the family refuses such services, this shall be documented in the child's record.

(2) If social services are provided by referral, the executive director, or his designee shall obtain a written agreement from a social service agency which will provide the social services specified in the general regulations. A copy of this agreement shall be included with the application and any changes in this agreement shall be reported immediately to the Department for Human Resources, Office of Administrative Services, Division for Licensing and Regulation.

(3) In the event social services are provided by referral, the case records shall be kept by the agency providing services.

(4) Planning for each child shall take into account his legal relationships to individual adults and agencies providing care for him.

(5) Whether social services are provided by the agency or by referral the following provisions shall be met:

(a) There shall be a sufficient number of qualified staff to perform effectively the tasks required in providing the total service for the children accepted for care and for their parents.

(b) The maximum number of children (with their parents), that shall be served by a full-time caseworker shall be eight (8).

(6) There shall be a written social service plan for each child which states the problem(s), strategies for solving the problem(s) and goals to be achieved.

Section 6. Case Records: (1) If a child has previously been placed in foster care, a record shall be kept of the dates of each placement, the names of the foster families, institution, or any other facilities where the child was plac-

ed and the reason for the termination of each placement.

(2) A record of all supervisory and casework contacts with the child and family shall be made reflecting work directed toward the goals outlined in the social service plan and the progress toward these goals or the need for a new social service conference.

(3) The date of discharge and the name and address of the person and/or organization to whom the child is discharged shall be recorded.

(4) The discharge record shall reflect the goals originally planned which have been met as well as those not met. For those goals not met, the record shall indicate the barriers which prevented their completion. Any change of goals shall be noted along with their state of completion at discharge.

(5) All materials in 905 KAR 1:091, Section 9 shall apply in addition to the preceding.

Section 7. Program: (1) Infants and children of preschool age and those children incapable of attending school shall not be placed in a group home unless all other resources have been exhausted, or if the child seems to have need for the structure of the group home.

(2) When a group home receives such children under the conditions listed under subsection (1) above, the following requirements shall be met:

(a) Child care staff shall be required to have appropriate training under supervision in the care of infants and children before being allowed to work with this age group. There shall be at least one (1) child care staff in attendance for every three (3) infants in residence.

(b) Daily program activities shall be provided with emphasis on the child's physical, intellectual, emotional, and social growth. Individual needs and developmental levels of the children in care must be considered.

(c) The daily program shall include a variety of creative activities including art, music, dramatic play, stories and books, and block building.

(d) Indoor and outdoor play shall be available in which children can make use of both small and large muscles.

(e) Opportunities for solitary or group play, for the child to choose activities, and for learning self-help procedures shall be provided.

(f) Sufficient toys and equipment to provide the variety of experiences listed above shall be available.

(3) Children shall not be made responsible for the day-to-day cleaning and maintenance functions of the group home.

(4) Children shall be expected to carry out daily assignments of a constructive nature that contribute to their knowledge of household operation, such as meal serving, bedmaking, care of own living area, vegetable and flower gardening, and care of pets;

(a) Children shall participate in selection of assignments and shall have a chance to become familiar with a variety of tasks. They shall be apprised why the work must be done and be able to get a sense of achievement and recognition for their contribution.

(b) Chores shall be similar to those of children from typical families in the neighboring community.

(c) Work or chore assignments shall not be used as a form of punishment.

(5) Children may be given jobs for which they receive payment, which shall be clearly differentiated from duties expected of any child in relation to the routines of daily living. Any money the child earns shall belong to him for his own use. Work shall be done in compliance with child

labor laws and paid for in accordance with community rates. Children shall not be exploited for their labor.

(6) Clothing:

(a) A well-chosen, adequate supply of clothing shall be provided for each child while living in the group home.

(b) Donated clothing shall be selected with utmost care to avoid use of shoddy, soiled garments, or outmoded styles.

(c) Children's shoes shall be checked regularly to assure correct fit. Whenever replacement of shoes is necessary, children shall be individually fitted with new shoes.

(7) Personal hygiene:

(a) Staff shall train children to develop acceptable standards of modesty and respect for the privacy of others.

(b) Each child shall be provided his own articles of personal hygiene such as toothbrush, comb, hairbrush, washcloth, towel, razor, toothpaste, shaving cream and deodorant.

(8) Recreation, leisure and social life:

(a) Each child's birthday shall be celebrated.

(b) Traditional holidays shall be celebrated in a fitting manner.

(c) Children shall have access to a daily newspaper and to magazines suitable for the age group served.

(d) Each child shall be allowed to maintain a private and personal accumulation of items as a means of learning individuality.

(9) Religion:

(a) The religious beliefs and rights of children shall be respected.

(b) The group home shall provide opportunities for the child to have an appropriate religious affiliation and religious experience in accordance with the religious preferences of the parent(s), the child, or legal guardian.

(c) Children shall be encouraged to participate in religious activities, but shall not be coerced or expected to participate in all religious activities when this is not in the best interest of the child.

(10) Education:

(a) All children of school age shall attend an accredited school, or be tutored by a certified teacher under the supervision of the local school system in accordance with existing laws.

(b) Sufficient time and appropriate facilities shall be provided for quiet study after school hours.

(11) Sex education:

(a) Children shall be given accurate and appropriate information about sex and shall be helped to develop desirable attitudes and standards regarding sexual behavior.

(b) Children shall be provided an opportunity to discuss the ideas they have, their anxieties and concerns about matters such as masturbation, menstruation, marriage and family life.

(12) Discipline: Disciplinary methods shall be designed and implemented through positive guidance to help the individual child develop self-control and assume responsibility for his acts. The facility shall:

(a) Establish simple and consistent rules both for children and staff that set the limits of behavior.

(b) The seclusion of a child in a locked room shall be prohibited except in group homes providing an in-depth treatment-oriented child care program or group homes for treatment of adjudicated delinquents.

(c) No child shall be separated from the group any longer than is required to produce a therapeutic effect.

(d) In no instance shall harsh, cruel, unusual punishment

or demeaning and humiliating discipline be used. This includes the use of spanking, paddling, or slapping a child. Extreme misbehavior shall be dealt with in other more acceptable forms of discipline. The abuse statutes KRS 199.335, 208.020(4) and (5), and KRS 208.990(5) and (6) or their successor statutes shall be observed. In no incidences shall the child be subjected to harsh or corporeal physical discipline nor shall any method of discipline be used that is threatening, shaming or frightening. Loud and profane or abusive language shall not be used.

(e) Children shall not be denied food which is necessary for daily nutritional requirements or forced to eat any food as a means of discipline.

(f) No child shall be forced to participate in any group exercises or activities as a punitive measure.

(g) Children placed in time-out areas shall be in sight or sound of an adult at all times and shall be checked at regular intervals by the child care worker making the decision to use such a room.

(13) Personal possessions:

(a) Each child shall be allowed to bring personal possessions with him to the group home and to acquire belongings of his own to the degree that such possessions contribute to a sense of autonomy and identity.

(b) If an allowance is given, it shall be scaled to the child's age and similar to what other children in the community receive. There shall be no restrictions placed on use of such monies.

(c) Such allowance shall not be withheld as punishment; however, reasonable deductions may be made in such allowances upon agreement of the child in cases where damages have occurred by the child.

Section 8. 905 KAR 1:070 is hereby repealed.

JAMES C. LEWIS, Commissioner  
PETER D. CONN, Secretary

ADOPTED: October 14, 1977

RECEIVED BY LRC: October 14, 1977 at 4:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Secretary for Human Resources, 275 E. Main Street,  
Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES  
Bureau for Social Services

905 KAR 1:091. Standards for facilities and agencies.

RELATES TO: KRS 199.011, 199.640, 199.650,  
199.660, 199.670

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: This regulation is necessary to carry out the provisions of KRS 199.640. It serves to provide minimum standards for the operation of all child-caring facilities and child-placing agencies.

Section 1. Definitions: The following definitions shall apply to all regulations and standards for child-caring and child-placing facilities and agencies.

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



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

(3) "Child" means any person who has not reached his eighteenth birthday.

(4) "Preschool child" means a child under six (6) years of age.

(5) "Child-caring facility" means any institution or group home other than a state facility, or one certified by an appropriate agency as operated primarily for educational or medical purposes, providing residential care on a twenty-four (24) hour basis to children, not related by blood, adoption, or marriage to the person maintaining the facility.

(6) "Child-placing agency" means any agency other than a state agency which supervises the placement of children in foster family homes or child-caring facilities, or which places children for adoption.

(7) "Institution" means a child-caring facility providing care and/or maintenance for nine (9) or more children.

(8) "Group home" means a homelike facility for not more than eight (8) foster children, not adjacent to or part of an institutional campus, operated by a sponsoring agency for children who may participate in community activities and use community resources.

(9) "Executive director" means the agency and/or facility administrator who may be entitled, "administrator," "manager," "superintendent," and the like.

(10) "Infant" shall mean a child under two (2) years of age.

(11) "Emergency shelter" is a group home, private residence or similar home-like facility which provides temporary or emergency care of children and adequate staff and service consistent with the needs of each child.

(12) "Advisory committee" means a group, association or committee who counsels or recommends regarding the institution's or agency's services and programs.

(13) "Board of directors" means that group which is by law or charter delegated with the responsibility for governing and overall supervision of the agency or facility.

(14) "Adoption" means the legal process by which a child becomes the child of a person or persons other than his or her biological parents.

(15) "Foster care" means substitute family care for a child under supervision of the department or a licensed child-placing agency when his or her own family cannot care for the child.

(16) "Social services" means a planned program of assistance including individual and group counseling to help an individual move toward a mutual adjustment of the individual and his or her social environment.

(17) "Juvenile delinquent" means a child who has been adjudicated by the juvenile session of a county court, or a district court after January 1, 1978, as a result of a delinquency action.

Section 2. Administration: (1) Every child-caring facility or child-placing agency shall provide the following information when applying for a license, and annually thereafter as a part of the annual required inspection:

(a) The name, address, and telephone number of the agency or facility.

(b) The geographic area to be served.

(c) The maximum number of children for whom care will be provided.

(d) A copy of the articles of incorporation for all private agencies or copy of statute authorizing creation of any public agency.

(e) A copy of the constitution and by-laws.

(f) A statement of the purposes, objectives, scope of services to be provided, and intake policy specifying kinds of children to be accepted for care.

(g) A list of officers, board members, and advisory board members if any, including addresses and professions.

(h) A financial statement for previous fiscal year plus budget for coming year.

(i) A list of all staff including positions or title, qualifications and salary scale.

(j) Architect or engineer's drawings of any building to be constructed or substantially remodeled.

(k) The service or services the facility or agency plans to provide for licensing purposes.

(2) Every facility or agency shall comply with all applicable federal and state regulations in regard to program operations.

(3) The number for which the child-caring facility is licensed shall be based on available space, adequacy of program, staff, and equipment. At no time shall the number of children served, including those children other than those served by the agency, exceed the number for which the facility is licensed, except for emergency situations not to exceed one (1) week.

(4) Each license shall specify the type(s) of care and service which the agency or facility is authorized to provide based upon the application and inspection. The types of care and service include group home child care, institutional child care, child placing and child treatment.

(5) Facilities and agencies shall provide only the type(s) of care and service(s) for which they are licensed.

(6) License shall be issued for a specific physical location and for operation by a designated executive director and/or sponsoring organization.

(7) Licenses are not transferrable.

(8) If any circumstances covered by the license, as enumerated above change, such change shall be reported promptly to the department.

(9) Every facility or agency shall post its license in a conspicuous place.

(10) Every organization serving children shall have a board of directors consisting of a minimum of seven (7) members, the majority of whom must be residents of Kentucky and shall reflect a broad cross-section of the area served.

(11) The board of directors shall meet at least quarterly in every calendar year. Minutes of these meetings shall be taken and kept in written form.

(12) At least one board of directors' meeting shall be held at each facility or agency in every calendar year.

(13) The facility or agency shall be required to maintain the following records relating to financial affairs:

(a) An annual budget which shall reflect anticipated needs and goals as well as resources for meeting these needs and goals.

(b) An annual audit by an independent accounting firm or certified public accountant.

(14) Financial reports shall be submitted to the board, or governing body, at least quarterly.

(15) All fiscal policies shall be written and shall be in conformance with a standard and acceptable system of internal fiscal controls.

(16) All staff and board members having responsibility for funds of the agency shall be bonded in an amount equal to the gross funds handled in a three (3) month period.

(17) There shall be a written policy for cash

disbursements. This shall include what amounts of money may be expended in cash, who shall authorize such payments, and what reporting is necessary to account for such expenditures.

(18) All facilities or agencies shall be required to keep work sheets or time schedules for all employees.

(19) Each facility or agency shall maintain written policies on purchase and receiving procedures. This shall include a listing of persons authorized to purchase and those authorized to sign for deliveries.

(20) Each facility or agency shall have a written policy for inventory control and methods of conducting inventory. Primarily, this shall cover how items are accounted for within the agency or facility.

(21) All facilities or agencies shall have the means of meeting financial responsibility for liability. This shall cover all children, visitors, and employees of the agency or facility.

(22) All facilities or agencies shall have an employee who shall be designated executive director.

(23) The executive director of a child-caring facility or child-placing agency shall be a full-time employee and have at least an undergraduate degree in social work, or a related field, and three (3) years experience in a social agency serving children. Three (3) years of administrative experience in institutions serving children may be substituted for the three (3) years in a social agency serving children. The executive director shall be of good moral character attested to by three (3) written references at the time of employment.

(24) The duties of the executive director shall be determined by the board of directors and shall include, but shall not be limited to the following responsibilities:

(a) Select, employ staff, and terminate staff;

(b) Plan and coordinate all phases of the program and services within the framework of functions and policies established by the board of directors;

(c) Provide professional help to the board of directors in carrying out the responsibilities, interpreting to them the needs of the children, making recommendations when a change of policy seems desirable and assisting them in periodic evaluation of the facility's or agency's service;

(d) Supervise the preparation of an annual budget for board consideration;

(e) Keep the board informed of financial needs;

(f) Operate within the established budget;

(g) Attend board meetings;

(h) Provide orientation for all new employees and continuing training for all staff; and

(i) Delegate appropriate duties to other staff.

Section 3. Staff: (1) Staff members, including paid employees or volunteers, shall be at least eighteen (18) years of age unless under direct supervision of other staff.

(2) Retirement shall be mandatory at age sixty-five (65) unless that provision is waived by the board upon evidence of satisfactory performance of the assigned duties. Such waiver shall be for a specified period and allowed to continue beyond such period only after subsequent action by the board.

(3) There shall be a sufficient number of staff to perform effectively the tasks required of the facility or agency.

(4) Each member of the staff shall be selected on the basis of both written and oral information. Such information obtained by oral means shall be written into that employee's record for future reference. Criteria to be used for selection are:

(a) Education, training, and experience required to per-

form the particular job.

(b) Age as it affects physical energy and the capacity to learn.

(c) Willingness to work with others and to share responsibility.

(d) Mental and physical ability to provide good care, maintain responsible supervision and stimulate normal development.

(5) Staff shall have current practical knowledge of first aid.

(6) Volunteers who perform similar functions as paid staff shall meet the same requirements and qualifications.

(7) There shall be a certification of freedom from communicable diseases for each employee and volunteer prior to employment and annually thereafter.

(8) The facility or agency shall have a staff development program for the administrative, professional, volunteer, and support personnel.

(a) Records of attendance at workshops, conferences, and academic courses related to work responsibilities shall be kept on all employees.

(b) Staff development programs shall reflect training in programmatic aspects of the facility and/or agency and shall contribute toward the preparation of personnel for greater responsibility and promotions.

(c) The staff development program shall be under the supervision of a designated, qualified staff member.

(9) A personnel record shall be maintained on each employee which shall contain the name of the employee, date, and place of birth, education, training, social security number, health record, position(s) and name of previous employers, date of current employment, a signed withholding tax form, present home address, an annual written job evaluation made by the immediate supervisor, and if terminated the date and reason for termination.

(10) The facility or agency shall maintain such written information as job descriptions, qualifications for each position, salary ranges, the basis upon which increments are given, work schedules, policy regarding vacations, sick leave, and educational leave, method of hiring, promotion, resignation, suspension, leave of absence, termination, grievance procedures, and lines of authority, and shall make these available to all employees.

(11) The facility or agency shall see that any employee under indictment or legally charged with felonious conduct which may affect their relationship with children shall be immediately removed from any contact with children within the facility or agency until such time the person is cleared of the charge.

Section 4. Interstate Placements: (1) Prior to accepting a child from another state, or prior to placing a child outside Kentucky, the institution shall comply with all applicable provisions of KRS 199.341 to 199.370 (Interstate Compact on Placement of Children) and KRS 208.600 (Interstate Compact on Juveniles).

(2) When a child committed to the Department for Human Resources makes a brief visit out of state, not accompanied by facility or agency personnel, the agency shall notify the worker in the Bureau for Social Services who has case responsibility.

(3) In the event of an emergency placement of a child in a licensed child caring agency or institution compliance with KRS 199.341 to 199.370 and 208.600 shall be the responsibility of the placing agency. However, if the receiving agency is aware of non-compliance by the placing

agency, then compliance shall become the responsibility of the receiving agency.

**Section 5. Health and Safety:** (1) Each child admitted to a facility or agency shall have a thorough and complete examination under supervision of a licensed physician at the time of admission or within forty-eight (48) hours thereafter. The examining physician shall report in writing his observations and findings including:

(a) The developmental history of the child, his illnesses, operations, and immunizations.

(b) The child's limitations precluding taking part in group activities, or a schedule of permitted activities when these must be limited.

(c) Visual and auditory tests.

(d) Recommendations and orders for future care, treatment, and examinations.

(e) Freedom from communicable disease (including T.B. and VDRL test) for children twelve (12) years and above shall be administered unless contraindicated by the physician.

(2) When an agency admits a child in need of emergency shelter care, the following shall apply:

(a) The child shall be seen by a nurse for communicable disease screening prior to admission.

(b) Within forty-eight (48) hours after an admission of a child in need of emergency shelter care, all of this section shall apply.

(3) Each child cared for by the facility or agency shall be immunized in accordance with the requirements of KRS 214.034 or any other statute or regulation pertaining to immunizations within thirty (30) days of admission or placement.

(4) In the event a child dies in any facility or agency or any home operated or supervised by an agency or facility, the facility or agency shall notify immediately the county coroner. A verbal report of such death shall be made immediately to the office of the Commissioner, Bureau for Social Services. A written comprehensive report outlining the circumstances shall be forwarded to the office of the Commissioner, Bureau for Social Services on the next working day following the verbal report.

(5) Existing buildings shall be brought into and maintained in compliance with administrative regulation 806 KAR 50:015.

(6) Plans and specifications for new construction or substantial alteration shall be approved prior to construction by health and fire safety officials having jurisdiction.

(7) Every facility or agency shall maintain a current written emergency fire plan and diagrams, including evacuation routes and procedures and locations of fire extinguishers, which shall be conspicuously posted and reviewed by all personnel and children at least quarterly.

(8) Emergency plans shall consider suitable shelters in case of severe storm warnings, flash flooding and tornados.

(9) Dairying and food processing shall be subject to the following regulations:

(a) Dairy operations, food processing and slaughter houses shall be subject to state and federal health laws and regulations.

(b) Donated home processed foods shall be prohibited.

**Section 6. Promotional Use of Children:** (1) Exploitation of children for promotional purposes is prohibited.

(2) Children shall not be used in any manner in which

they or their family could suffer discomfort or embarrassment.

(3) Children shall not be used personally for fund raising purposes for the agency or facility.

(4) In the event pictures, slides, recordings, or other private and personal effects of children are utilized in fund raising or promotional efforts of facilities or agencies, written parental permission shall be obtained.

**Section 7. Intake:** (1) Every facility or agency shall provide an intake service.

(2) A clearly defined statement of intake policies and procedures and the age and type of client accepted for admission shall be maintained in writing.

(3) At intake, the clients' need for service shall be determined and the findings recorded in an individual record for each applicant.

(4) Policies, purposes, services, and programs of the facility or agency shall be interpreted to the applicant.

(5) The following factual and identifying information shall be obtained at intake by the agency or facility regarding each child:

(a) Documented verification of the child's birth and legal custody;

(b) A family history;

(c) Developmental history from birth to present;

(d) A medical history;

(e) Immunization record; and

(f) Report of school progress from last school attended by the child.

(6) Appropriate written consents shall be obtained from parents or guardians as these relate to the individual case.

(7) The record shall contain a written evaluation of the child's situation at intake including future plans and goals based upon known facts.

(8) All information concerning children, their parents, relatives, or guardian shall be kept in strict confidence by the staff, except for sharing information with individuals who are personally or professionally responsible for the well-being of the child. The child's record shall include data pertinent to the service plan.

(9) Subsections (4), (5), and (6) shall not apply in cases of emergency shelter care.

**Section 8. Case Records:** (1) Every facility or agency shall maintain individual case records on each child.

(a) All records and reports regarding clients shall be current and complete.

(b) All information obtained at intake regarding a client shall be written in the case record.

(c) All identifying data shall be placed on an intake form. Changes in a client's identifying data shall be made as is appropriate.

(d) Written communications with appropriate courts and community social service workers shall be maintained in the case record in accordance with laws, policies and procedures developed by the facility, agency, or the department.

(e) Any correspondence concerning a child or his case shall be filed in the case record.

(f) Every agency or facility shall have written authorization to care for the child which shall be included in the child's record.

(g) The date of acceptance of the child and/or family for services shall be kept in the child's record.

(2) Every facility or agency shall safeguard case records from fire and other hazards.

(3) Any report required by the department or any information necessary to compile reports by the department shall be kept and the information made available to the department upon request.

(4) Each agency or facility shall be responsible for the following practices in disposing of closed records:

(a) Each agency or facility licensed under KRS 199.640 shall keep a record containing:

1. The names, ages, present and former residences of all children received; the names, residence and occupation so far as is known of the parents; the dates of the reception, placing for adoption or foster care together with the names, occupation and residence of the person(s) with whom the child is placed; the date and cause of termination of its custody of each child; and brief history of each child until he shall have reached the age of eighteen (18) years or shall have been adopted or discharged according to the law.

2. This information shall be kept indefinitely and in the event the facility or agency closes, the director shall contact the office of the Commissioner, Bureau for Social Services, for disposition of such records.

(b) Any materials of a personal nature found in the child's records which can help the child recall his background and heritage shall follow the child where such information is not a part of adoptive records which have been sealed.

Section 9. Aftercare: (1) Every facility or agency shall provide aftercare services to the child and/or family.

(2) Discharge of the child from any facility or agency shall be done on a planned basis whether the child returns home, is placed with another facility or agency or in any other living arrangement.

(3) The facility or agency shall be responsible for preparing the child for the transition to a placement, and be of assistance to both the child and family in the readjustment process.

(4) The facility of agency services shall be made available to the child and/or family for as long as a need is indicated. When the placement proves satisfactory, discharge shall be effected.

(5) When further services are needed, appropriate referral(s) shall be made.

(6) All referrals shall be annotated in the case records of the child along with aftercare contacts with the child and family.

(7) This section shall not apply in cases of emergency shelter care.

Section 10. 905 KAR 1:090 is hereby repealed.

JAMES C. LEWIS, Commissioner  
PETER D. CONN, Secretary

ADOPTED: October 14, 1977

RECEIVED BY LRC: October 14, 1977 at 4:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Secretary for Human Resources, 275 E. Main Street,  
Frankfort, Kentucky 40601.

## DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Services

### 905 KAR 1:110. Treatment-oriented child care.

RELATES TO: KRS 199.011(6), (7) and (12), 199.640 to 199.670

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: This regulation is necessary to carry out provisions of KRS 199.640. It shall be used as a supplement to, not in lieu of, other applicable regulations. It serves to provide minimum standards for treatment-oriented child care in institutions and group homes which by application for licensing show intent to provide an in-depth treatment-oriented child care program.

Section 1. Definitions: (1) "Treatment-oriented child care" means the process of providing in-depth treatment to children who have been determined by psychosocial evaluation to be in need of such treatment.

(2) "Psychosocial evaluation" means the process of gathering information including a social history and the results of psychological testing and subsequent assessment.

(3) "Intake" means the process of screening a client based on an application; psychosocial evaluation; information from school, parents, and the court; the pre-intake conference; and all medical information available.

(4) "In-depth treatment program" means the process whereby clients are selected on the basis of definable areas for treatment, using accepted treatment methods designed to meet those areas of need, according to a written plan based on the documented needs of clients, in the context of a therapeutic milieu, and utilizing the expertise of trained professionals qualified to render treatment.

(5) "Client" means a child who has been determined by psychosocial evaluation to be in need of specialized treatment based upon inability to function in his home environment, school and community.

(6) "Therapeutic milieu" means the total service designed and provided to resolve a problem, with all parts considered of importance in affecting the total life of the child.

(7) "Treatment director" means the individual who has overall responsibility for the treatment program.

(8) "Primary treatment agent" means an individual who by his training and/or experience, is qualified to treat clients with accepted methods designed to meet the areas of need.

(9) "Accepted treatment method" means a humane mode of treatment recognized by the social work profession as being valid and appropriate.

(10) "Time-out area" means any room used by the private child care facility to temporarily separate a child from the other children in order to prevent or control a crisis situation.

Section 2. Intake and Admissions Procedures: (1) Social history. The content of the social history shall cover all information relevant to assessment and understanding of the child's problem and the determination of the need for treatment.

(2) There shall be a pre-intake professional staff conference to determine whether the client is capable of benefiting from the in-depth treatment program. The outcome of this meeting shall be a decision to interview the client or to recommend alternative treatment possibilities.

(3) There shall be a pre-admission interview with the

client by a designated treatment staff member for the purpose of verifying previous information as well as obtaining a firsthand view of the degree of impairment, if any, in the level of function of the client.

(4) A treatment plan based on a diagnostic evaluation of the needs and problems of the client and his family and involving the client, family, and all staff members that will be working with the client and his family shall be formulated before the client is placed for treatment and shall be reviewed and evaluated monthly thereafter.

(5) The treatment plan shall include:

(a) The goals to be achieved by the client and parents during the time of treatment.

(b) The specific treatment directed toward the modification of the client's emotional disturbance.

(c) A decision regarding the group of which the client will be a member.

(d) Relationships to be encouraged and developed with staff members.

(e) The educational program for the client.

(f) The recreational program for the client.

(g) Designation of staff responsibility for working with parents and for direct treatment of the client.

(h) The goals in respect to discharge of the client such as expected length of stay and placement after discharge.

(6) If at any point during the time the child is in residence a decision is made that treatment is inappropriate for the client, alternate plans shall be formulated and implementation begun.

Section 3. Case Conferences: (1) A case conference regarding each client shall be held at least quarterly during which all staff members who work with the particular client and his family, to include the clinical director, shall participate.

(2) All agencies having a significant role in the life of the client shall have a representative present at the quarterly case conference, when possible.

(3) There shall be a complete review of each client's treatment plan semi-annually to formulate new plans.

Section 4. Staff: (1) All treatment-oriented facilities shall have treatment, child care, and supportive staff.

(2) In any treatment-oriented facility, one (1) staff person shall be designated as treatment director.

(a) The treatment director shall hold a master's degree in social work or a closely related field and a minimum of two (2) years post-graduate experience in providing or supervising treatment for children with emotional problems.

(b) In the facility, serving fifteen (15) or fewer clients, the duties of the treatment director and primary treatment agency may be carried by one (1) staff member.

(3) The treatment director's responsibilities shall include but not be limited to:

(a) Acting as chairperson in the staffing and evaluation conferences.

(b) Being available to the primary treatment agent for supervisory consultation for a minimum of one (1) hour per week.

(c) The continuing training of any bachelor's level primary treatment agent.

(d) Keeping the executive director and/or board of directors apprised of the day-to-day operation and needs of the treatment program.

(e) Through communications with the executive director the coordination of the activities of other staff members to maintain a therapeutic milieu.

(f) Responsibility for the quality and appropriateness of the treatment process.

(4) Child care and supportive staff shall be capable of working within the therapeutic milieu.

(5) The maximum caseload for any primary treatment agent shall not exceed fifteen (15).

(6) For each primary treatment agent that the treatment director supervises his maximum caseload shall be reduced by three (3).

(7) The minimum qualifications for all primary treatment agents shall be a bachelor's degree in social work or a closely related field and one (1) year experience working with children.

(8) The primary treatment agent's duties shall include but not be limited to:

(a) Providing treatment to each client.

(b) Recording all progress in the client's case.

(c) Updating all records in regard to goals and needs of client based on the treatment plan.

(d) Preparing reports on the progress of the client for the monthly evaluation conference.

(e) Notifying the treatment director when treatment goals have been met.

(f) Preparing a termination summary upon the approaching discharge of client.

(g) Being available for emergencies.

Section 5. Program: (1) Every institution or group home providing treatment shall have a program of services extending to parents either by direct provision or by referral.

(2) There shall be a concerted effort to coordinate all elements of the program in a facility through the treatment director to assure the effectiveness of the therapeutic milieu.

(3) Every treatment facility shall provide for the educational needs of all clients either by providing classes in regular and special education or by arrangements with a state accredited educational institution.

(4) Clients placed in time-out areas shall be in sight or sound of an adult at all times, preferably a primary treatment agent, and shall be checked at regular intervals by the primary treatment agent who makes the decision to use such a situation. The "time-out area" shall not be used as a punishment and shall include all the physical comforts which the child normally has access to in the child care facility.

(5) Accepted methods of treatment shall be utilized by primary treatment agents which are harmonious in nature and designed to produce goal attainment within reasonable time parameters. All methods used shall be capable of being coordinated among all staff members as a part of the therapeutic milieu.

(6) All aspects of a program of treatment shall be directed toward the return of the client to his home and community. This shall involve:

(a) Use of planned treatment specific to the client's emotional problems.

(b) Fostering healthy and meaningful relationships with adults and peers.

(c) Maintaining contacts between the client in residence and his or her parents or parent substitutes, or significant adult.

(7) In no instance shall clients be subjected to physical or mental abuse.

(8) Staff shall deal with each instance of problem behavior in a manner that is appropriate at the time for the

individual client and penalties shall meet the treatment needs of the clients.

(9) Work assignments of an unpleasant or undesirable nature shall not be used as a punishment.

(10) Reparation for damage may, within reason, be required. The child who earns money may be expected to pay for damaged or destroyed property, or to repair it.

(11) Group punishment for misbehavior of one or more members shall not be used.

(12) Humiliating or degrading punishment shall not be used.

(13) Corporeal punishment, including slapping, spanking, paddling, belting, deprivation of sleep, marching, standing rigidly in one spot, or any kind of physical discomfort, shall not be used.

(14) Staff shall not carry or use handcuffs, weapons, or other restraining devices in the performance of their duties.

Section 6. Discipline in Group Therapy: (1) Treatment staff shall have the primary responsibility for discipline in group therapy.

(2) The following policies regarding disciplining techniques in group therapy or any other situation shall be required.

(a) A group member shall never touch or handle other group members unless it is to restrain a fellow group member from hurting himself or someone else.

(b) Restraining shall never include striking.

(c) There shall be no pushing of children.

(d) Children shall never be allowed to discipline other children; this is solely the responsibility of staff, and all employees shall abide by this policy.

(e) Groups may recommend certain kinds of constructive discipline that will assist fellow group members, but staff shall always have the final word.

(f) There shall be no work projects without some expected tangible and meaningful results that are clearly understood by the youth involved. Executive directors shall insure that work projects are constructive and never demeaning.

(g) Unusually hard work or strenuous physical "exercises" for disciplinary reasons shall never be allowed.

(h) Sustained screaming, yelling, or any other means of verbal abuse from staff or children shall never be allowed.

(i) All informal group meetings shall be directly supervised by a staff member.

Section 7. Termination of Service and Aftercare: (1) The decision that the client no longer needs or can benefit from treatment-oriented child care and that he is ready to leave the facility shall be reached in a joint conference in which the client, parent, child care worker, primary treatment agent, teacher, treatment director, and other staff as indicated, participate with the executive director carrying final responsibility.

(2) No client shall be discharged to a placement unless a process of preparation for the placement has been completed. The preparation shall include a conference with the parents, or parent substitutes, to update them on the client's problems, his accomplishments at overcoming the problems, and his continuing needs.

(3) The preparatory conference shall be followed by at least one (1) brief visit by the client prior to permanent placement.

(4) Discharge planning shall begin early enough to allow for proper plans for custody, return home or into another

placement, special school, or other special programs and for continuing or terminating treatment.

(5) The client and parents shall have adequate preparation for termination of placement in the institution, whether the client is to return home or to move to a foster family, another facility, or the home of relatives.

(6) In the event a facility does not provide aftercare services to families then the facility shall have the responsibility of providing the service through referral to other agencies. A written referral shall be made if aftercare supervision is made by referral to another agency.

(7) The client shall have the help he needs to become independent of the agency and, at the same time, have assurance that he can obtain services when necessary.

(8) An interview with the client individually and with the parent(s) or foster parents jointly shall be conducted within one (1) week of the client's release from the facility.

(9) The client shall be seen for aftercare supervision at least one (1) time each week during the first month following his release. The frequency of contact may decrease thereafter if the client makes a good adjustment, but shall not be less than once a month.

(10) Written reports shall be made of all contacts with the client and reviewed monthly to determine the need for continued aftercare services or discharge from custody.

(11) The client shall be discharged from supervision when he is with his own family and making a satisfactory adjustment, when he is legally adopted, when he is capable of self-care, or when another agency has accepted responsibility for him.

Section 8. Treatment Records: (1) A treatment record containing personal data and treatment information shall be maintained for each client.

(2) Treatment records shall be considered confidential and available only to appropriate staff and only through proper channels.

(3) Treatment records shall contain:

(a) Face sheet data.

(b) The order vesting legal custody.

(c) Copies of original reports from the court and welfare agencies.

(d) Birth and health certificates.

(e) Educational records.

(f) Diagnostic workups including social background information.

(g) Psychometric data.

(h) Medical and dental records.

(i) Summaries of conferences and records of treatment program recommendations.

(j) Chronological recordings by the primary treatment agency assigned to the client.

(k) Reports of various staff members submitted for evaluation conferences, including educational achievement.

(l) A summary of placement and recording of aftercare supervision.

(4) If the aftercare supervision is not provided by the facility having treatment responsibility for the client, ongoing reports of the child's adjustment and other pertinent data shall be submitted monthly to the facility responsible for treatment by the agency providing aftercare.

(5) The client's complete treatment record shall be kept by the facility providing treatment until aftercare supervi-



sion has been terminated.

(6) Following the termination of aftercare supervision, the client's treatment record shall be disposed of according to the regulations under 905 KAR 1:091, Section 8.

JAMES C. LEWIS, Commissioner  
PETER D. CONN, Secretary

ADOPTED: October 14, 1977

RECEIVED BY LRC: October 14, 1977 at 4:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, 275 E. Main Street,  
Frankfort, Kentucky 40601.

## DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Services

### 905 KAR 1:120. Treatment of adjudicated delinquents.

RELATES TO: KRS 199.640, 199.011(6), and (12),  
208.200(1)(b) 208.300, 208.430(1)(d)

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: This regulation is necessary to carry out the provisions KRS 199.640. It shall be used as a supplement to, not in lieu of, other applicable regulations. It functions to set minimum standards for treatment programs in child-caring institutions and group homes which by application for licensing show intent to provide an in-depth treatment-oriented child care program for adjudicated delinquents.

Section 1. Definitions: (1) "Treatment-oriented child care for adjudicated delinquents" means the process of providing in-depth treatment to adjudicated delinquents who have been committed to an institution or group home by the court or who have been committed to the department and placed in private institutions or group homes by the department and who have been determined by psychosocial evaluation to be in need of such treatment.

(2) "Psychosocial evaluation" means the assessment of an individual's condition based on a social history, psychological testing and any other pertinent information.

(3) "Intake" means the process of screening and securing relevant information concerning a client from a psychosocial evaluation, the school, parents, community and court, in addition to the findings of the admission conference and all medical information available.

(4) "In-depth treatment program" means one in which clients are selected on the basis of definable areas for treatment, using accepted treatment methods designed to meet those areas of need, according to a written plan, for a time period based on the documented needs of clients in the context of a therapeutic milieu, and utilizing the expertise of trained professionals qualified to render the treatment.

(5) "Client" means a child who has been adjudicated as delinquent by the court, who has been determined by psychosocial evaluation to be in need of indepth treatment, and has been admitted to a child caring facility for indepth treatment.

(6) "Therapeutic milieu" means an environment in which staff adults exist for the benefit of the children in

their care and in which the total service is designed and provided to resolve a problem, with all the parts considered of importance in affecting the total life of the child.

(7) "Treatment director" means the individual who has overall responsibility for the treatment program.

(8) "Primary treatment agent" means an individual who by his training and/or experience is qualified to treat adjudicated delinquents with accepted methods designed to meet the areas of need.

(9) "Accepted treatment method" means a humane mode of treatment recognized by the social work profession as being valid and appropriate.

(10) "Time-out area" means any room used by the treatment facility to temporarily separate a child from the other children in order to prevent or control a crisis situation.

Section 2. Intake and Admissions Procedures: (1) Social history. The content of the social history shall cover all information relevant to assessment and understanding of the client problem and to determination of the need for treatment.

(2) A psychological evaluation of the client prepared by a certified psychologist shall be secured no later than five (5) working days after admission.

(3) The results of the medical examination required by 905 KAR 1:091 shall be made a part of the intake study.

(4) There shall be an admission conference regarding each client consisting of a majority of the treatment staff or their designees to determine on the basis of written materials submitted for intake whether the client is in need of treatment program.

(5) There shall be an admission interview with the client. A designated treatment staff member shall interview the client for the purpose of validating previous information as well as obtaining a first hand view of the degree of impairment in the level of functioning of the client.

(6) A treatment and staffing plan based on a diagnostic evaluation of the needs and the identification of the problems of the child and his family shall be formulated at the time the client is placed for treatment in the facility and shall be reviewed monthly thereafter. Staff members involved in the treatment program of the client shall take part in making the plan. Such planning shall include:

(a) The goals to be achieved in the client's treatment program during the time of residence;

(b) The specific treatment directed toward the modification of the client's behavior;

(c) A decision about the client's living arrangement;

(d) The relationships to be encouraged and developed with staff members;

(e) The educational program for the client;

(f) Recreational experiences for the client;

(g) Designation of direct treatment staff; and

(h) The goals in respect to placement and/or release of the client.

(7) If at any point during the time the child is in residence a decision is made to terminate treatment or that treatment is inappropriate for the client, alternate plans shall be formulated and implementation begun.

Section 3. Staff: (1) The staff shall consist of treatment, child care and support personnel.

(2) One (1) staff person shall be designated treatment director.

(a) The treatment director shall hold a master's degree

in social work or a closely related field and two (2) years of direct experience with adjudicated delinquents or a bachelors degree in social work or a closely related field and three (3) years experience in direct work with adjudicated delinquents.

(b) In the facility for ten (10) or fewer clients the duties of treatment director and primary treatment agent may be carried by one (1) staff member.

(3) The treatment director's responsibilities shall include but not be limited to:

(a) Being available to the primary treatment agent for supervisory consultation for a minimum of one (1) hour per week.

(b) The continuing training of primary treatment agents;

(c) Keeping the executive director and/or board of directors apprised of the day-to-day operating and needs of the treatment program;

(d) Maintaining the quality and appropriateness of the treatment process.

(4) The maximum caseload for any primary treatment agency shall not exceed ten (10).

(5) For each primary treatment agent that the treatment director supervises his maximum caseload shall be reduced by three (3).

(6) The minimum qualifications for a primary treatment agent shall be a bachelor's degree in social work or a closely related field and one (1) year experience working with children.

(7) The primary treatment agent's duties shall include but not be limited to:

(a) Providing treatment to each client;

(b) Maintaining records in regard to goals and needs of the client based on the treatment plan;

(c) Preparing reports on the progress of the client for the monthly evaluation conference;

(d) Preparing a termination summary upon the approaching placement or release of the client; and

(e) Being available for emergencies.

(8) There shall be a psychiatrist and certified psychologist on call.

Section 4. Program: (1) Every facility providing treatment for adjudicated delinquents shall make treatment services available to parents either directly or by referral.

(2) A case conference shall be held quarterly consisting of all staff members working with the client and his family and where possible representatives from all facilities or agencies having significance in the life of the client. The facility providing the treatment shall notify other facilities or agencies having a significant role in the life of the client of the time and place of case conference.

(3) When a client has been in treatment in a facility for six (6) months, there shall be a complete review of his case to determine the appropriateness of and necessity for his continued residence and treatment. The results of this review shall be put in writing and given to the executive director of the facility. The executive director shall review the results of the determination and make recommendations which shall be put into the client's record with the results of the review. This review shall be conducted monthly following the initial six (6) month review.

(4) Every facility shall provide for the education of all clients of legal school age either by providing classes in regular and special education or by arrangements with an accredited educational institution.

(5) Every facility shall plan to meet the educational needs of clients not of legal school age but who have not completed high school.

(6) Clients placed in time-out areas shall be in sight or sound of an adult at all times, preferably a primary treatment agent, and shall be checked at regular intervals. The time-out area shall not be used as a punishment and shall include all the basic physical comforts which the child normally has access to in the treatment facility.

(7) Staff shall deal with each instance of behavior in a manner that is appropriate at the time for the individual client and penalties shall meet the treatment needs of the client.

(8) Reparation for damage may, within reason, be required. The client who earns money may be expected to pay for damaged or destroyed property, or to repair it.

(9) Humiliating or degrading punishment shall not be used.

(10) Corporeal punishment including slapping, spanking, paddling, belting, marching, standing rigidly in one spot, or any kind of physical discomfort shall not be used.

(11) Staff shall not carry or use handcuffs, weapons, or other restraining devices in the performance of their duties.

(12) The following policies regarding disciplining techniques in group therapy shall be required:

(a) A group member shall never touch or handle other group members unless it is to restrain a fellow group member from hurting himself or someone else.

(b) Restraining shall never include striking.

(c) There shall be no pushing of children.

(d) Children shall never be allowed to discipline other children; this is solely the responsibility of staff, and all employees shall abide by this policy.

(e) Groups may recommend certain kinds of constructive discipline that will assist fellow group members, but staff shall always have the final word.

(f) There shall be no work projects without some expected tangible and meaningful results that are clearly understood by the youth involved. The executive director shall insure that work projects are constructive and never demeaning.

(g) Unusually hard work or strenuous physical "exercises" for disciplinary reasons shall not be used.

(h) Sustained screaming, yelling, or any other means of verbal abuse from staff or children shall never be allowed.

(i) All informal group meetings shall be directly supervised by a staff member.

(13) Accepted methods of treatment shall be utilized by primary treatment agents which are harmonious in nature and designed to produce goal attainment within reasonable time parameters. All methods used shall be coordinated among all staff members as a part of the therapeutic milieu.

(14) All aspects of a program of treatment shall be directed toward the return of the client to his home and community. This shall involve:

(a) Use of planned treatment specific to the client's behavioral problems;

(b) Fostering healthy and meaningful relationships with adults and peers;

(c) Maintaining contacts between the client in residence and his or her parent(s), parent substitute(s), or other significant adult.

Section 5. Use of Security Rooms: (1) A security room shall be used only when there is need for external controls



not afforded by the regular program, as in the case of the client who has lost control of himself and is in imminent danger of hurting himself or others through his actions or where the client has demonstrated an inability to adjust to the routine of the treatment process, for example the impulsive client, the chronic AWOL, etc.

(2) No client shall be placed in a security room without the advance approval in writing of the treatment director or his designee.

(3) Prior to being placed in a security room the client shall have a thorough understanding of the reasons for such action.

(4) Immediately after the client is placed in a security room, appropriate staff shall meet to develop a security treatment plan for the particular client, which clearly defines what is expected of him.

(5) The client shall be apprised of the security treatment plan and given a thorough explanation of it so that he can clearly understand what is expected of him during the time he is in a security room.

(6) The primary treatment agent shall see the client at least twice a day.

(7) The security treatment plan shall be reviewed every twenty-four (24) hours to determine the appropriateness and therapeutic benefits of the placement.

(8) All meals shall be served to the client at mealtimes.

(9) The client shall have clothing, clean bed linens, pillow and pillow case, blanket and mattress, regular showers, mail, and be provided writing material.

(10) While in a security room the client shall wear clothing that can not be used for self-abuse. Objects that are potentially dangerous to the client such as belts, pens, matches, etc., shall be removed.

(11) A staff member shall check on the condition of the client at least once every hour.

(12) Checks of the security room shall be made to see that there is adequate heat and ventilation.

(13) Regular and frequent contacts by staff with the client shall occur to prevent the client from feeling rejected and to provide him with the security of interested persons.

(14) The client shall spend no more time in a security room than is required to produce a therapeutic effect.

(15) Security rooms shall not be used for punishment but shall be used as a treatment tool.

(16) A group may recommend placement in a security room, but the final decision shall be made in writing by the treatment director or his designee after a consideration of the appropriateness of the recommendation.

(17) A security room shall be constructed and furnished in a manner so as to prevent the client from injuring himself and will not contain materials which produce poisonous nor noxious gases when burned.

(18) The client's security record shall contain the reasons for placement in the security room, the date and time of client's placement, all contacts made to the client while in the security room, the treatment plan in use during the client's stay in the security and the time and date of release from security.

(19) When the client has progressed to the point of being released from a security room, a structured written plan for the clients' functioning in regular treatment program shall be developed and initiated to help the client adjust to release from security.

Section 6. Termination of Service and Aftercare: (1) The decision that the client no longer needs or can benefit

by what the particular institution can offer him, and is ready to leave the institution, shall be reached in a joint conference in which the client, parent(s) (when possible), child care worker, primary treatment agent, teacher, and other staff as indicated, participate with the treatment director carrying final responsibility.

(2) No client shall be discharged to a placement unless a process of preparation for the placement has been completed which shall include at least one (1) conference with the parent(s) or parent substitute(s) to update them on the client's problems, his accomplishments at overcoming the problems, and his continuing needs, and at least one (1) pre-placement visit by the client to the placement.

(3) Discharge planning shall begin early enough to allow for proper planning for custody, for return home or into another placement, for special education or other special programs, and for continuing or terminating treatment.

(4) The client and parent(s) shall have adequate preparation for termination of placement in the institution, whether the child is to return home or move to a foster family, another institution, or the home of relatives.

(5) In the event the treatment facility does not provide aftercare services to families, then the facility shall have the responsibility of providing the services through referral to other agencies. A written agreement shall be made if aftercare supervision is made by referral.

(6) The client shall have the help he needs to become independent of the facility.

(7) Written reports shall be made of all contacts with the client and shall be reviewed monthly to determine the need for continued aftercare services or release from custody.

(8) The client shall be discharged from supervision when he is with his own family and making a satisfactory adjustment, when he is legally adopted, when he is capable of self-care, or when another agency has accepted responsibility for him.

Section 7. Treatment Records: (1) A treatment record containing personal data and treatment information shall be maintained for each client.

(2) Treatment records shall be considered confidential and available only to the appropriate staff through proper channel.

(3) Treatment records shall contain when completed: fact sheet data; order vesting legal custody; copies of original reports from the court and welfare agencies; birth and health certificates; reports from the client's school; diagnostic workups including social background information, school reports, psychometric data, medical and dental records; summary of conferences and record of treatment program recommendations; chronological recording by the primary treatment agent assigned to the client, reports of various staff members submitted for evaluation conferences, including educational achievement; preplacement plans; summary of placement and recording of aftercare supervision, and closing summary.

(4) If the aftercare supervision is not carried by the institution or group home staff, a final summary report as well as ongoing reports of the child's adjustment and other pertinent data shall be forwarded to the facility responsible for treatment.

(5) The client's complete treatment record shall be kept

by the institution or group home until aftercare supervision has been terminated.

(6) Following the termination of aftercare supervision, the client's record shall be disposed of according to the regulations under 905 KAR 1:091, Section 8.

JAMES C. LEWIS, Commissioner  
PETER D. CONN, Secretary

ADOPTED: October 14, 1977

RECEIVED BY LRC: October 14, 1977 at 4:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Secretary for Human Resources, 275 E. Main Street,  
Frankfort, Kentucky 40601.

## DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Services

### 905 KAR 1:130. Operation of juvenile delinquent centers.

RELATES TO: KRS 208.130

PURSUANT TO: KRS 13.082, 194.050, 208.130

NECESSITY AND FUNCTION: This regulation is to carry out provisions of KRS 208.130(4). It serves to provide the minimum standards for operation of a juvenile detention facility whether by a public agency, private organization, city or county government.

#### Section 1. Definitions:

- (1) "Department" means the Department for Human Resources.
- (2) "Child" means any person who has not reached his eighteenth (18th) birthday.
- (3) "Court" means the juvenile session of county court and of the district court after January 1, 1978.
- (4) "Delinquency action" is an action brought in the interest of a child who is accused of committing a public offense, which if committed by an adult would be a crime. Only upon adjudication by the court shall the child's behavior be termed delinquent.
- (5) "Violation" means any offense, other than a traffic infraction, for which a sentence to a fine only can be imposed.
- (6) "Secure detention facility" is a physically secure setting which is entirely separated from sight and sound from all other portions of the jail containing adult prisoners.
- (7) "Child care staff" shall mean employees of the approved juvenile detention facility who provide basic custodial care.
- (8) "Youth counselors" shall mean the professional counseling staff of the approved juvenile detention facility.

Section 2. Types of Juvenile Detention Facilities: (1) Juvenile detention facilities shall be considered to be of two (2) types. One (1) type shall be termed a minimum standards secure juvenile detention facility located within a jail. The other type shall be termed an approved juvenile detention facility in a location geographically separated from an adult jail with separate staff and social service program. However, a juvenile detention facility located in a multi-story building which is used for both adult deten-

tion and juvenile detention can qualify as an approved juvenile detention facility provided that the juvenile detention facility is located on a separate floor from the adult jail and meets the other requirements as defined above.

(2) Only approved juvenile detention facilities shall be used for the detention of children adjudicated as misdemeanor or violation offenders and whose cases are disposed of under the provisions of KRS 208.200(5), (6), (7) and (8).

(3) A minimum standards secure juvenile detention facility, if located in a county jail, shall consist of at least a cell or cells, which shall be located in a position relative to the adult jailer's quarters to facilitate adequate observation and supervision of detained children, but shall be out of the sound and sight of adult prisoners and shall have a separate entry way from that used by adult prisoners.

Section 3. Administration of Minimum Standards Secure Juvenile Detention Facilities: (1) The appropriate controlling agency, institution, or governing body shall provide a written policy manual setting forth allowable procedures and responsibilities for the operation of a minimum standards secure juvenile detention facility.

(2) All children, upon admission to a minimum standards secure juvenile detention facility, shall be provided with necessary bed linen, blankets, and pillows; opportunity to call parents, attorney, or appropriate relative; and a physical inspection to determine acute illness, possible drug usage, alcohol usage and extent, and any other noticeable abnormal behavior or physical problems.

(3) Any child upon such inspection shall be provided with medical, psychological, and any other needed services if indicated.

(4) Staff of the facility shall provide for reasonable visitation privileges by parents, friends, relatives, and attorney of record.

(5) All foods shall meet the same requirements as the food served adults, or meet the requirements of 902 KAR 45:005.

(6) Minimum standards secure detention facilities shall maintain a daily log for children admitted and discharged, along with any court dispositions granted.

(7) Where both male and female children are admitted, there shall be a staff person of each sex to provide supervision.

(8) Minimum standards secure juvenile detention facility staff shall notify the trial commissioner, or the district judge assigned juvenile court responsibility if the trial commissioner is not available, of the admission of any child to the detention facility. Such notification shall be accomplished as soon as possible, not to exceed twelve (12) hours from the time of the child's admission to the detention facility. Such notification shall include all relevant information concerning the detention of the child.

Section 4. Administration of Approved Juvenile Detention Facilities: (1) The fiscal court, with the juvenile session of the district court acting in an advisory capacity, shall appoint a person who shall be considered an officer of the juvenile session of the district court and who shall serve as the person in charge of the facility and to be responsible for its internal management.

(2) The fiscal court with the juvenile session of district court advising shall develop a written policy statement and operations manual defining function, procedures, and responsibilities involved in the operation of all approved juvenile detention facilities under its jurisdiction. This

shall include all applicable personnel policies and procedures.

**Section 5. Admission to Approved Juvenile Detention Facilities:** (1) Each child shall be given an opportunity to bathe upon admission.

(2) Changes of clothing shall be made available.

(3) Each child shall be given an initial inspection by a nurse for any observable physical or psychological problems. The child shall be provided with necessary services as indicated. If upon such inspection there is any indication of any communicable disease, the child shall be immediately placed in isolation. If as a result of such inspection, it is determined that any child's psychological condition is such that the child presents a danger to himself/herself, or to others within the facility, then this child shall be isolated from the rest. Such a child shall be observed regularly during this isolation. The results of the above inspection shall be recorded.

(4) The child's personal property shall be removed, signed for, and safely stored for him until his release.

(5) Any child whose vital signs (blood pressure, pulse, and respiration) are abnormal shall be examined by a physician immediately.

**Section 6. Staff in Approved Juvenile Detention Facilities:** (1) The individual placed in charge of the facility shall be termed the director and shall direct staff supervision and be responsible for all aspects of the program which affect the treatment of children, including the handling of behavior problems. The director shall have at least an undergraduate degree in the behavioral sciences, ministry, or related field, and possess three (3) years experience in the child welfare field. Responsible work experience may be substituted for the college degree on a year-for-year basis.

(2) Youth counselors shall have at least an undergraduate degree in the behavioral sciences.

(3) One youth counselor shall be employed for every twenty (20) children.

(4) Arrangements shall be made for religious services and counseling as needed.

(5) Arrangements shall be made for a physician to be on call.

(6) If volunteers are used, they shall be carefully selected and work under close supervision.

(7) Child care staff shall be of good moral character.

(8) There shall be sufficient child care staff to provide for relief duty in excess of forty (40) hours per week. During evening and night hours there shall be no less than two (2) persons on duty at all times. Day time staff shall be one (1) child care staff for each five (5) children present.

(9) Staff involved in admitting children shall be bonded in an amount not less than \$1,000.

(10) There shall be staff of both sexes provided where both males and females are detained.

(11) Each approved juvenile detention facility shall have available sufficient numbers of nursing personnel to provide screening for all admissions to the facility.

(12) Approved juvenile detention facility staff shall notify the trial commissioner, or the district judge assigned juvenile court responsibility if the trial commissioner is not available, of the admission of any child to the detention facility. Such notification shall be accomplished as soon as possible, not to exceed twelve (12) hours from the time of

the child's admission to the detention facility. Such notification shall include all relevant information concerning the detention of each child.

**Section 7. In-service Training and Staff Development for Approved Juvenile Facilities:** The facility shall provide an ongoing in-service training to all detention staff to include training in the practical routines of the job, training in specific activities, and development of special skills and methods for handling behavior incidents.

**Section 8. Records for Approved Juvenile Detention Facilities:** (1) The following records shall be kept for each child and maintained in individual case folders:

(a) Social history.

(b) Copies of all documents relating to the child's court activity.

(c) Psychological and medical information, when available.

(d) Record of personal possessions.

(e) Record of disciplinary problems and the actions taken.

(2) A daily log shall be kept for recording special situations or conditions, staff on duty, visits, interviews, admissions and releases. Each person on duty shall sign the log daily.

(3) Records shall be kept in a locked file in the facility secure from fire and other hazards.

(4) All laws relating to confidentiality of the individual shall be strictly adhered to by staff.

**Section 9. Medical and Dental Care Approved Juvenile Detention Facilities:** (1) Medical and dental care shall be made available to each child.

(2) Emergency or short-term medical treatment shall be provided during the child's stay in detention.

**Section 10. Meals in Approved Juvenile Detention Facilities:** (1) All menus shall be approved by a qualified person.

(2) Meals shall provide basic dietary requirements.

**Section 11. Clothing in Approved Juvenile Detention Facilities:** Appropriate clothing, in styles commonly worn by other children in the community, when needed, shall be made available.

**Section 12. Personal Hygiene in all Detention Facilities:** (1) Personal grooming shall be encouraged.

(2) Children shall be provided with the necessary toilet articles.

**Section 13. Recreation in Approved Juvenile Detention Facilities:** (1) Each facility shall have a program of recreation.

(2) The recreation program shall be geared to specific diagnostic and treatment goals for individuals as well as for the group as a whole.

(3) Recreational activities shall include but not necessarily be limited to:

(a) Vigorous games and sports;

(b) Books, magazines;

(c) Television, radio; and

(d) Writing.

**Section 14. Linen and Bedding in all Juvenile Detention Facilities:** (1) Clean sheets and pillowcase shall be issued to

each child on admission and as indicated thereafter, but at least weekly.

(2) Towels shall be issued as needed but at least twice weekly.

(3) All children shall be furnished with a bed; mattress, fitted with a waterproof cover; and a pillow.

**Section 15. Education in all Juvenile Detention Facilities:** (1) Children shall be provided the opportunity to continue their school work.

(2) Arrangements shall be made to continue the education of the child who is subject to KRS 208.200(7) and (8). This shall mean that no detention shall be imposed on such a child during school hours.

**Section 16. Discipline and Control in all Juvenile Detention Facilities:** (1) Visual supervision of secure detention facilities should be maintained at all times.

(2) All exits from secure detention facilities shall be designed in such a way as to prevent children from running away.

(3) Corporal punishment shall not be used to discipline children.

(4) A system of rewarding positive behavior shall be incorporated in the daily program of the detention facility.

(5) In no case shall a child be denied or forced to receive food as a method of discipline.

(6) Periodic searches shall be made of secure detention facilities in order to remove articles dangerous to the health and welfare of the children.

**Section 17. Rights and Privileges of Children in all Juvenile Detention Facilities:** (1) Children shall have the right to get in touch by phone with an attorney, parent, friend, or relative at reasonable times and intervals.

(2) Children shall be allowed visits by parents, friends, attorney and relatives at reasonable times and intervals.

(3) Children shall be allowed to correspond with parents, attorney, friends, and relatives. They shall be provided with writing materials, and be allowed to receive all mail.

**Section 18. Physical Facilities of Approved Juvenile Detention Facilities:** (1) Plans for all new construction or an existing structure which is to be converted for use as a juvenile detention facility shall be submitted to the Office of the Fire Marshal, and Department for Human

Resources for approval before such construction is begun or an existing building is put into use.

(2) All existing buildings used for juvenile detention shall be brought into and maintained in compliance with applicable regulations of the Office of the Fire Marshal.

(a) All facilities for juvenile detention shall maintain written emergency fire plan and diagrams including evacuation routes and procedures as well as location of fire extinguishers.

(b) These plans and diagrams shall be posted conspicuously and reviewed periodically.

(c) Fire drills shall be conducted regularly.

(3) All detention facilities shall provide at least the following minimum space requirements:

(a) Not less than 500 cubic feet of air space in each sleeping room per child.

(b) Not less than forty (40) square feet of clear floor space per child in activity areas.

(c) Sufficient bath facilities shall be provided, with separate facilities for males and females. There shall be one (1) toilet for each eight (8) children, one (1) lavatory for each six (6) children, and one (1) bath for each ten (10) children.

(4) Adequate lighting, heating, and ventilation are required in all areas of the facility.

(5) Adequate quarters for staff and child use, including rooms for use in interviewing and visiting shall be provided.

(6) Adequate provision shall be made for the sanitary and secure storage of equipment, supplies, and children's clothing and possessions.

(7) Dining areas shall be arranged and furnished to comfortably accommodate the children in residence.

(8) Provision shall be made for secure storage of medical supplies for use in treatment of minor illness or injury.

(9) At least one (1) room shall be provided where children who are ill can be isolated from the others.

(10) All areas of the facility shall be kept clean and sanitary at all times.

JAMES C. LEWIS, Commissioner  
PETER D. CONN, Secretary

ADOPTED: October 14, 1977

RECEIVED BY LRC: October 14, 1977 at 4:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, 275 E. Main Street, Frankfort, Kentucky 40601.

## Reprinted Regulations

(As a convenience to subscribers the following regulations, which became effective on October 5, 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.)

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Department of Mines and Minerals**  
**Division of Miner Training,**  
**Education and Certification**

**805 KAR 7:030. Annual retraining program.**

RELATES TO: KRS 351.105

PURSUANT TO: KRS 13.082, 351.106

NECESSITY AND FUNCTION: KRS 351.106 empowers the Commissioner of the Department of Mines and Minerals to promulgate such reasonable regulations as are necessary to establish a program for miner training and examination according to the criteria and standards established by the Board of Miner Training, Education and Certification. This regulation effects the provisions of that law.

Section 1. Annual Retraining Program. (1) All certified persons shall receive a minimum of sixteen (16) hours of annual retraining.

(2) The annual retraining program set forth in this regulation shall be administered to each certified person during the first full calendar year subsequent to the date on which the certified person received his certification and during every calendar year thereafter.

(3) The annual retraining program shall include but not be limited to the following courses of instructions:

(a) Transportation controls and communications systems: the course shall include instruction in procedures for riding on and in mine conveyances, the controls in effect for the transportation of miners and material, and the use of the mine communication system, warning signals and directional signs.

(b) Barricading: the course shall include instruction and review of the methods of barricading and locations of barricading materials.

(c) Roof control and ventilation plans: the course shall include instruction and review of the roof control plan in effect at the mine and the procedures for roof and rib control, and instruction and review of the ventilation plan in effect at the mine and the procedures for maintaining ventilation and control of ventilation.

(d) First-aid: the course shall include instruction and review of first-aid methods.

(e) Electrical hazards, moving equipment: the course shall include instruction on recognition and avoidance of electrical hazard and procedures for working on and near moving equipment throughout the mine.

(f) Accident prevention: the course shall include instruction and review of the prevention of accidents, both electrical and mechanical.

(g) Self-rescue devices: the course shall include instruction in the use, care and maintenance of self-rescue devices.

(h) Explosives: the course shall include review and in-

struction on the hazards related to explosives and instruction in procedures for the safe handling and use of explosives.

(i) Health and safety standards: instruction shall be given on health and safety standard requirements contained in KRS Chapters 351 and 352 and Part 75 of the Federal Coal Mine Health and Safety Act of 1969 which are related to the tasks and work assignments of each miner.

Section 2. Annual retraining programs for certified persons may be conducted at various times throughout the calendar year, but no session shall be less than thirty (30) minutes of actual instruction time and the persons to be instructed shall be notified that the session is part of the annual retraining.

Section 3. The operator shall annually verify in the form of an affidavit to the department that each certified person in his employ has received the minimum sixteen (16) hours of annual retraining as required by this regulation. Such affidavit shall state the dates on which the annual training sessions were conducted and the names and corresponding social security numbers of those persons receiving the annual retraining; provided, however, that no person shall be required to disclose his social security number for purposes of this affidavit. In the event that a person who has received the annual retraining refuses to disclose his social security number, the operator shall make a notation to that effect in the affidavit in lieu of stating that person's social security number.

Section 4. Willful failure of a certified person to attend a minimum of sixteen (16) hours of annual retraining shall constitute grounds for revocation, suspension, or probation of the certificate.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Department of Mines and Minerals**  
**Division of Miner Training,**  
**Education and Certification**

**805 KAR 7:040. Training of newly hired miners.**

RELATES TO: KRS 351.105

PURSUANT TO: KRS 13.082, 351.106

NECESSITY AND FUNCTION: KRS 351.106 provides that the Commissioner of the Department of Mines and Minerals shall promulgate such reasonable regulations as are necessary to establish and implement a program of miner training and examination according to the criteria and

standards established by the Board of Miner Training, Education and Certification pursuant to KRS Chapter 351. This regulation effects the provisions of that law.

Section 1. Training of Newly Hired Miners. (1) Each newly hired miner, whether experienced or inexperienced, shall receive a minimum of eight (8) hours training provided by the mine operator in mine specifics as applied to the particular mine wherein the miner is to be employed.

(2) Such training shall include instruction in the courses set forth in 807 KAR 7:020, Section 2, subsections (2), (3),

(4), (5), (6), (7), and (9), and shall be completed before the newly hired miner can be assigned any work duties.

(3) The operator shall verify in the form of an affidavit to the department that the newly hired miner has received the eight (8) hours training in mine specifics required by this regulation.

(4) Upon proof by an operator that a re-hired experienced miner has received the training set forth in this regulation within twelve (12) months preceding re-employment at the mine, such miner need not repeat the training set forth in this regulation.

## ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

### Minutes of October 5, 1977 Meeting

(Subject to Subcommittee approval at its next meeting on November 2, 1977.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, October 5, 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:** E. F. Perkins and Arthur S. Curtis, Jr., Department for Natural Resources and Environmental Protection; Bernard Keene and R. Coleman Endicott, Department of Alcoholic Beverage Control; Dr. J. W. Holladay, Board of Dentistry; Alice Towber, Certificate of Need and Licensure Board; C. J. Henry, Department of Transportation; H. N. Kirkpatrick, William E. Clayton, Sam S. Johnson and Steve Huddleston, Department of Mines and Minerals; Joe Holland and Bobby R. Dukes, U. M. W. A.; J. H. Mosgrove, Kentucky Coal Association; Charles E. Yates and Elmer Steier, Department of Labor; Roy V. Thurman and Richard Nolan, Division of Occupations and Professions; Robert C. Stockler, Board for Licensing Hearing Aid Dealers; Bill Myers, Kentucky Association of Plumbing, Heating and Cooling Contractors; Mrs. Jackie Swigart, Environmental Quality Commission; Reba Page, KIPDA 208; Bob Watkins and Robert W. Keats, Louisville and Jefferson County Metropolitan Sewer District; Charles E. Weiter, Louisville and Jefferson County Health Department; W. M. Horn and David Disponette, Anderson County Development; Jim Wilson, Kentucky Chamber of Commerce.

**Press:** Sy Ramsey, Associated Press.

**LRC Staff:** William H. Raines, Mabel D. Robertson, Ollie Fint, Garnett Evins and Joe Hood.

The minutes of the September meeting were approved.

The Chairman, on behalf of the Subcommittee, commended William Raines for his most able assistance as counsel to the Subcommittee for the past two years, and said it is with regret that this will be Mr. Raines last meeting due to his pressing work load as assistant statute reviser. Joe Hood, LRC staff attorney, will assume the duties of counsel to the Subcommittee on November 1.

201 KAR 7:090, Board for Licensing Hearing Aid Dealers, was deferred until the November meeting on motion of Senator Johnson, seconded by Representative Mason, and asked the board to clarify the words "unethical conduct."

201 KAR 8:220, Board of Dentistry, was deferred until the November meeting on motion of Senator Johnson, seconded by Representative Mason, to allow the board to define "misconduct."

302 KAR 20:010, 302 KAR 20:040, 302 KAR 20:060, 302 KAR 20:070, and 302 KAR 20:080, Department of Agriculture, were deferred until the November meeting on motion of Chairman Brinkley, seconded by Representative Mason, with the request that a representative from the department be present at the next meeting to speak to the regulations.

401 KAR 1:105, Division of Plumbing, was deferred until the December meeting on motion of Senator Johnson, seconded by Representative Mason. Chairman Brinkley stated there was a great deal of confusion relating to the regulation and he felt that the December date would give interested persons and the department enough time to work the problems out.

603 KAR 5:010, Bureau of Highways, was deferred until the November meeting at the request of Representative Mason for further study.

803 KAR 1:010, Department of Labor, was deferred until the November meeting at the request of Representative Mason for further study.

The following regulations were approved and order filed.

### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

#### Division of Occupations and Professions

#### Board for Licensing Hearing Aid Dealers

201 KAR 7:010. Definitions.

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

201 KAR 7:030. Trainee apprenticeship.

201 KAR 7:040. Examinations and grading.

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

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

201 KAR 7:070. License renewal.

201 KAR 7:080. Buyer's receipt.

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

201 KAR 7:110. Board meetings.

**DEPARTMENT FOR NATURAL RESOURCES  
AND ENVIRONMENTAL PROTECTION  
Bureau of Environmental Protection**

**Division of Plumbing**

- 401 KAR 1:017. Truck and equipment identification.
- 401 KAR 1:080. Traps and cleanouts.
- 401 KAR 1:100. House sewers and storm water piping; methods of installation.

**PUBLIC PROTECTION AND REGULATION CABINET  
Department of Alcoholic Beverage Control**

**Retail Premises**

- 804 KAR 7:045. Convention center caterer's license.

**Quotas**

- 804 KAR 9:010. Retail liquor license limit.

**Department of Mines and Minerals**

**Division of Miner Training, Education and Certification**

- 805 KAR 7:010. Definitions. (Amended after hearing)
- 805 KAR 7:020. Training and certification of inexperienced miners. (Amended after hearing)
- 805 KAR 7:030. Annual retraining program. (Not amended after hearing)
- 805 KAR 7:040. Training of newly hired miners. (Not amended after hearing)
- 805 KAR 7:050. Training of miners for new work assignments. (Amended after hearing)

Chairman Brinkley requested that the record reflect that no one appeared in opposition to the regulations of the Department of Mines and Minerals.

**DEPARTMENT FOR HUMAN RESOURCES  
Bureau for Health Services**

**Drug Formulary**

- 902 KAR 1:017. Amoxicillin Trihydrate.
- 902 KAR 1:030. Erythromycin.
- 902 KAR 1:090. Trisulfapyrimidine.
- 902 KAR 1:100. Reserpine.
- 902 KAR 1:125. Trihexyphenidyl Hydrochloride.
- 902 KAR 1:140. Sulfisoxazole Tablet.
- 902 KAR 1:180. Tetracycline Hydrochloride.
- 902 KAR 1:190. Meprobamate Tablet.
- 902 KAR 1:200. Phenazopyridine Hydrochloride Tablet.
- 902 KAR 1:280. Chloral Hydrate Capsules.
- 902 KAR 1:322. Triprolidine and Pseudoephedrine Hydrochloride.
- 902 KAR 1:324. Hyoscyamine and Atropine Sulfates, Hyoscine Hydrobromide, and Phenobarbital Tablets and Elixirs.
- 902 KAR 1:326. Glutethimide Tablet and Elixirs.
- 902 KAR 1:328. Chlordiazepoxide Hydrochloride Capsule.

**Certificate of Need and Licensure Board.**

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

**Hazardous Substances**

- 902 KAR 47:020. Labeling and identification standards.

**Milk and Milk Products**

- 902 KAR 50:070. Standards of identity.

**Bureau for Social Insurance**

**Public Assistance**

- 904 KAR 2:014. Repeal of 904 KAR 2:012.
- The meeting adjourned at 3:30 p. m., EDT to meet again on Wednesday, November 2, 1977, at 10 a. m. in Room 327 of the Capitol.





# *Administrative Register* <sup>of</sup> *kentucky*

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11 KAR 5:030	750	7-6-77						

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