

LEGISLATIVE RESEARCH COMMISSION

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VOLUME 4, NUMBER 8

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NOTE: In order to meet the statutory requirement allowing 30 days for interested persons to request a hearing on proposed or amended regulations published in the February Register, the Administrative Regulation Review Subcommittee meeting next month will be held at 8 a.m. EST Friday, March 3, 1978, in Room 9 of the State Capitol.

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 Insurance

A public hearing will be held at 9 a.m. EST March 7, 1978 in Room G-2, Capital Plaza Tower, Frankfort, Ky. 40601 on the following regulation [4 Ky.R. 296]:

806 KAR 12:025. Solicitation of life insurance.

Amended Regulation Now In Effect

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Division of Occupations and Professions Board of Examiners and Registration of Architects As Amended

201 KAR 19:040. Types of examinations.

RELATES TO: KRS 323.050, 323.215

PURSUANT TO: KRS 323.210

EFFECTIVE: February 1, 1978

NECESSITY AND FUNCTION: This regulation is necessary to state the eligibility of candidates for examinations as to education requirements and nature of examinations.

Section 1. Types of Examinations Required [Given]: (1) *The qualifying examination is required to be taken by all applicants not holding a professional degree from a program of architecture accredited by the National Architectural Accrediting Board (NAAB) and by all applicants holding a degree from an accredited program in architecture who have not been admitted to the professional examination prior to [January 1, 1978.] January 1, 1980.*

(a) *Applicants not holding a degree must pass the qualifying examination before admission to the professional examination.*

(b) *Applicants holding a degree from an accredited program in architecture may take the qualifying examination at any time offered after obtaining the degree, but may be admitted to the professional examination when eligible before passing the qualifying examination.*

(2) *The professional examination is required to be taken and passed by all applicants for license.*

(a) *Applicants holding a degree from an accredited program in architecture and subsequently admitted to the professional examination prior to [January 1, 1978] January*

1, 1980 shall not be required to pass the qualifying examination before being granted license.

(b) *Candidates who have failed to pass the professional examination within the three (3) year period of eligibility shall be required to pass both the qualifying and the professional examinations before being granted registration. [The professional examination is required to be taken by all applicants for license.]*

[(2) The equivalency examination is required to be taken by all applicants not holding a professional degree from a school of architecture accredited by the National Architectural Accrediting Board (NAAB).]

(3) The examinations in subsections (1) and (2) are those made available from the National Council of Architectural Registration Boards and are identical to those required to successfully obtain a record for certification.

(a) The board recommends that anyone applying for examination in Kentucky consider the merits of applying concurrently to NCARB for a record and certification upon completion of the examination requirements.

(b) Information concerning the advantages to be gained may be obtained from the office of the board or by writing to the National Council of Architectural Registration Boards, 1734 New York Avenue, N. W., Suite 700, Washington, D. C., Zip Code 20006.

Section 2. Notification: (1) Candidates will be notified well ahead of the date of the examination to which they have been admitted and must advise the board promptly if they will appear at that time.

(2) A statement from a candidate that he will appear must be accompanied by a check made out to the State Treasurer of Kentucky covering the actual cost to the board of the sets of questions required.

L. WAYNE TUNE, Executive Director

ADOPTED: January 31, 1978

RECEIVED BY LRC: February 1, 1978 at 10 a.m.

Proposed Amendments

DEPARTMENT OF TRANSPORTATION Bureau of Highways (Proposed Amendment)

603 KAR 5:096. Highway classifications.

RELATES TO: KRS 189.222

PURSUANT TO: KRS 13.082, 174.050, 189.222

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Secretary of Transportation to establish reasonable weight and dimension limits on all highways included in the State Primary Road System. This regulation is adopted to identify each road in the highway system and indicate its classifications.

Section 1. The weight and dimension limits set forth in 603 KAR 5:066 and 603 KAR 5:070 for truckway classifications shall apply on all highways in the State Primary Road System as indicated herewithin, unless bridge postings prohibit such weights on any particular segment.

Section 2. The maximum weight limits for the three (3) classifications of highways are as follows: "AAA" System, 80,000 pounds gross weight; "AA" System, 62,000 pounds gross weight; "A" System, 44,000 pounds gross weight. There shall be no tolerances allowed on gross weight, axle weight, or combinations of axle weights on the Interstate and National Defense Highway System only.

System 3. The classifications for each highway* in the State Primary Road system are as follows:
KY 70

AAA—From Jct. US 60 at Smithland to a point 1.8 miles east of US 60; [A—] From Jct. KY 855 at Frances in Crittenden Co. to Jct. US 641, N.E. of Mexico in Crittenden Co.; [AAA—] From W.C.L. of Central City to Jct. US 431 [Truck Route] in Central City [at Reservoir St.]; and from Jct. US 41A in Madisonville to *south end of Pond River Bridge at the Muhlenberg Co. Line* [extending east to Jct. KY 85, 1.8 miles southwest of Anton].

AA—From Jct. US 641 at Fredonia to Jct. KY 91, south of Fredonia; from Jct. US 68 at Campbellsville to Jct. KY 1798 at Acton; and from Casey-Taylor Co. Line to Jct. US 27 east of Eubank.

A—From a point 1.8 miles east of US 60 at Smithland to Jct. KY 855 at Frances in Crittenden Co.; [A—] From Jct. KY 91 near E.C.L. of Fredonia to Jct. US 41A in Madisonville; from *south end of Pond River Bridge at the Muhlenberg Co. Line* [Jct. KY 85, east of Madisonville] to W.C.L. of Central City; from Jct. US 431 at Browder, S. of Drakesboro to Jct. US 231 in Morgantown; from Jct. US 231, 1.0 mile N.W. of Aberdeen in Butler Co. to Jct. US 68, north of [to] Edmonton; from Jct. KY 1798 at Acton in Taylor Co. to the Taylor-Casey County Line; and from Jct. US 27 east of [to] Eubank to Jct. US 150 near Brodhead in Rockcastle Co.

*COMPILERS NOTE: Only those particular highways affected by the proposed amendment are shown here. 603

KAR 5:096 is printed in full in Volume 2, "Kentucky Administrative Regulations Service."

CALVIN G. GRAYSON, Secretary

ADOPTED: January 16, 1978

RECEIVED BY LRC: January 25, 1978 at 2:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Ed W. Hancock, Deputy Secretary for Legal Affairs, Department of Transportation, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET Department of Mines and Minerals Division of Explosives and Blasting (Proposed Amendment)

805 KAR 4:010. Licensing blasters.

RELATES TO: KRS 351.315, 351.325 [351.320, 351.330, 351.340, 351.990]

PURSUANT TO: KRS 13.082, 351.335 [351.340]

NECESSITY AND FUNCTION: KRS 351.315 [351.320] requires the Department of Mines and Minerals to license blasters. This regulation spells out the licensing requirements and duties of a blaster to effect this law.

Section 1. Licensing of Blasters. (1) No person shall detonate explosives in any blasting operation in which more than five (5) pounds of explosives or the equivalent are used in a single charge or in which less than five (5) pounds of explosives is used by a regular user, excluding blasting for agriculture and underground coal, unless he is licensed by the department. The department shall issue a license to use explosives to any person who:

(a) Has worked in blasting operations for at least twenty-four (24) months under the immediate supervision of an experienced blaster; and

(b) Has passed an examination, prescribed by the department which shall test the examinee's practice of blasting operations and the storage, moving, handling, and detonation of explosives.

(2) Application for license shall be in writing upon a form furnished by the department and shall be accompanied by a fee of ten dollars (\$10). If the applicant is successful in passing the examination, a license to detonate explosives shall be issued upon the payment of an additional fee of five dollars (\$5).

(3) The department shall have *three (3)* [two (2)] classifications of blasting licenses and *three (3)* [two (2)] tests; *one (1)* termed "Class A Kentucky Blasters License," one (1) termed "Kentucky Blasters License," and one (1) termed "Limited Kentucky Blasters License."

(4) Persons holding a limited Kentucky blasters license shall not conduct a blasting operation in which more than five (5) pounds of explosives are used in a single charge.

(5) Applicants for a Class A Kentucky blasters license shall:

(a) Have held a Kentucky blasters license for at least two (2) years; and

(b) Be tested on explosives and blasting regulations, blasting skills techniques, and engineering skills.

(6) [(5)] Each blaster shall be required to renew his license each year by application to the department, which application shall be accompanied by a fee of five dollars (\$5). The commissioner may suspend any license for due cause but no license may be revoked until the licensee has been granted a hearing.

(7) The commissioner may grant a thirty (30) day non-renewable blaster's license to any person qualified under KRS 351.315(3) upon the payment of a five dollar (\$5) fee.

(8) [(6)] The definitions of a blaster for the purpose of a license is:

(a) A blaster is a person who makes any or all of the following decisions:

1. Decides hole size, spacing, or depth;
2. Decides total quantity of explosives;
3. Decides quantity of explosives in each hole;
4. Decides timing delays to be used.

(b) He must be present when the charge is detonated and either physically detonates the charge or gives the order to detonate the charge.

(9) [(7)] A licensed blaster shall not take instruction on the activities covered in subsection (8) [(6)] from a person not holding a blaster's license.

(10) [(8)] Anyone failing a blaster's examination may not retake the examination in less than thirty (30) days.

H. N. KIRKPATRICK

ADOPTED: January 16, 1978

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: January 30, 1978 at 11:00 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Division of Explosives and Blasting, Department of Mines and Minerals, Post Office Box 680, Lexington, Kentucky 40586.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting
(Proposed Amendment)

805 KAR 4:030. Seismograph measurements.

RELATES TO: KRS [351.320,] 351.330 [351.340, 351.990]

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.330 requires the Department of Mines and Minerals to limit ground vibrations. This regulation effects the provisions of that law.

Section 1. Seismograph Measurements. (1) If a blaster decides that the table provided by the department is too conservative, he may [on fifteen (15) days notification of the Department of Mines and Minerals] use seismograph measurements and increase the charge per delay period, provided the velocity of two (2) inches per second limit is not violated. He must use the seismograph on every shot thereafter so long as the table is not being complied with. [If the blaster decides to return to the use of the table, he may do so by notifying the department fifteen (15) days in advance.]

(2) If a blaster considers the table too conservative for his particular area, he may upon submission of seismograph reports, petition for a modified table for blasting operation at that particular site but in no case shall the department allow a table that would permit velocities above the two inch per second limit on structures covered by KRS 351.330.

(3) In making a seismograph determination of the velocity at a particular position, the following formula shall be used:

$$V = V_0 \left(\frac{D_0}{D} \right)^{1.5}$$

Where V_0 is the maximum ground particle velocity at the seismograph, D_0 is the distance of the seismograph from the blast, and D is the distance from the blast to the position in question and in the same general direction. The distance D_0 may not be greater than D , and D cannot be more than five (5) times D_0 . This determined velocity at the site of any dwelling house, public building, school, church, commercial or institutional building shall not exceed the two (2) inches per second limit.

(4) If the Department believes that a blaster is operating illegally under the provisions of these regulations, the department may require a seismograph recording of any or all blasts.

H. N. KIRKPATRICK, Commissioner

ADOPTED: January 16, 1978

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: January 30, 1978 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Division of Explosives and Blasting, Department of Mines and Minerals, P. O. Box 680, Lexington, Kentucky 40501.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting
(Proposed Amendment)

805 KAR 4:070. Definitions.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Definitions Applicable to 805 KAR 4:070 to 805 KAR 4:150. (1) "American Table of Distances" (also known as Quantity Distance Tables) means "American Table of Distances for Storage of Explosives" as revised and approved by the Institute of the Makers of Explosives, June 5, 1964.

(2) "Approved storage facility" means a facility for the storage of explosive material conforming to the requirements of this part and covered by a license or permit issued under authority of the Internal Revenue Ser-

vice (See 26 CFR Part 181).

(3) "Blast area" means the area in which explosives loading and blasting operations are being conducted.

(4) "Blaster" means the person or persons authorized to use explosives for blasting purposes and meeting the qualifications contained in 805 KAR 4:010.

(5) "Blasting agent" means any material or mixture consisting of a fuel and oxidizer used for blasting, but not classified an explosive and in which none of the ingredients is classified as an explosive provided the furnished (mixed) product cannot be detonated with a No. 8 test blasting cap when confined. A common blasting agent presently in use is a mixture of ammonium nitrate (NH₄ NO₃) and carbonaceous combustibles such as fuel oil or coal, and may either be procured, premixed and packaged from explosive companies or mixed in the field.

(6) "Blasting cap" means a metallic tube closed at one end, containing a charge of one or more detonating compounds, and designed for and capable of detonation from the sparks or flame from a safety fuse inserted and crimped into the open end.

(7) "Block holding" means the breaking of boulders by firing a charge of explosives that has been loaded in a drill hole.

(8) "Conveyance" means any unit for transporting explosives or blasting agents, including but not limited to trucks, trailers, rail cars, barges, and vessels.

(9) "Detonating cord" means a flexible cord containing a center core of high explosives which, when detonated, will have sufficient strength to detonate other cap-sensitive explosives with which it is in contact.

(10) "Detonator" means blasting caps, electric blasting caps, delay electric blasting caps, and non-electric delay blasting caps.

(11) "Electric cap" means a blasting cap designed for and capable of detonation by means of an electric blasting current.

(12) "Electric blasting circuitry" means:

(a) Bus wire. An expendable wire, used in parallel or series, in parallel circuits, to which are connected the leg wires of electric blasting caps.

(b) Connecting wire. An insulated expendable wire used between electric blasting caps and the leading wires or between the bus wire and the leading wires.

(c) Leading wire. An insulated wire used between the electric power source and the electric blasting cap circuit.

(d) Permanent blasting wire. A permanently mounted insulated wire used between the electric power source and the electric blasting cap circuit.

(13) "Electric delay blasting caps" means caps designed to detonate at a predetermined period of time after energy is applied to the ignition system.

(14) "Explosives" means:

(a) Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; that is, with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified by the U. S. Department of Transportation.

(b) All material which is classified as Class A or Class B

[and Class C] by the U. S. Department of Transportation.

(c) Classification of Explosives by the U. S. Department of Transportation is as follows:

1. Class A explosives. Possessing detonating hazard, such as dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder, blasting caps, and detonating primers.

2. Class B explosives. Possessing flammable hazard, such as propellant explosives, including some smokeless propellants.

3. Class C explosives. Include certain types of manufactured articles which contain Class A or Class B explosives, or both, as components, but in restricted quantities.]

(15) "Fuse lighters" means special devices for the purpose of igniting a safety fuse.

(16) "Magazine" means any building or structure, other than an explosives manufacturing building, used for the storage of explosives.

(17) "Misfire" means an explosive charge which failed to detonate.

(18) "Mud-capping" (sometimes known as bulldozing, adobe blasting, or dobbing) means the blasting of boulders by placing a quantity of explosives against a rock, boulder, or other object without confining the explosives in a drill hole.

(19) "Non-electric delay blasting cap" means a blasting cap with an integral delay element in conjunction with and capable of being detonated by a detonation impulse or signal for miniaturized detonating cord.

(20) "Primary blasting" means the blasting operation by which the original rock formation is dislodged from its natural location.

(21) "Primer" means a cartridge or container of explosives into which a detonator or detonating cord is inserted or attached.

(22) "Safety fuse" means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing blasting caps.

(23) "Secondary blasting" means the reduction of oversize material by the use of explosives to the dimension required for handling, including mudcapping and blockholing.

(24) "Stemming" means a suitable inert incombustible material or device used to confine or separate explosives in a drill hole, or to cover explosives in mudcapping.

(25) "Springing" means the creation of a pocket in the bottom of a drill hole by the use of a moderate quantity of explosives in order that larger quantities of explosives may be inserted therein.

(26) "Water gels, or slurry explosives" means a wide variety of materials used for blasting. They all contain substantial proportions of water and high proportions of ammonium nitrate, some of which is in solution in the water. Two (2) broad classes of water gels are:

(a) Those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder; and

(b) Those which contain no ingredient classified as an explosive; these are sensitized with metals such as aluminum or with other fuels. Water gels may be premixed

at an explosives plant or mixed at the site immediately before delivery into the borehole.

H. N. KIRKPATRICK, Commissioner

ADOPTED: January 16, 1978

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: January 30, 1978 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Director, Division of Explosives and Blasting, Department of Mines and Minerals, P. O. Box 680, Lexington, Kentucky 40501.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting
(Proposed Amendment)

805 KAR 4:075. General blasting provisions.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. General Blasting Provisions. (1) The employer shall permit only authorized and qualified persons to handle and use explosives.

(2) Smoking, firearms, matches, open flame lamps, and other fires, flame, or heat producing devices and sparks shall be prohibited in or near explosive magazines or while explosives are being handled, transported, or used.

(3) No person shall be allowed to handle or use explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs.

(4) All explosives shall be accounted for at all times. Explosives not being used shall be kept in a locked magazine, unavailable to persons not authorized to handle them. The employer shall maintain an inventory and use record of all explosives. Appropriate authorities shall be notified of any loss, theft, or unauthorized entry into a magazine.

(5) No explosives or blasting agents shall be abandoned.

(6) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be removed to a safe area and the fire area guarded against intruders.

(7) Original containers or Class II magazines, shall be used for taking detonators and other explosives from storage magazines to the blasting area.

(8) When blasting is done in congested areas or in proximity to a structure, railway, or highway, or any other installation that may be damaged, the blaster shall take special precautions in the loading, delaying, initiation, and confinement of each blast with mats or other methods so as

to control the throw of fragments, and thus prevent bodily injury to employees.

(9) Employees authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution including, but not limited to, visual and audible warning signals, flags, or barricades, to ensure employee safety.

(10) In so far as possible, blasting operations above ground shall be conducted between sunup and sundown.

(11) Due precautions shall be taken to prevent accidental discharge of electric blasting caps or explosives from current induced by radar, radio transmitters, lightning, adjacent power lines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(a) Detonators shall be short-circuited in holes which have been primed and shunted until wired into the blasting circuit.

(b) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm.

(c) The prominent display of adequate signs, warning against the use of mobile radio transmitters, on all roads within 1,000 feet of blasting operations. Whenever adherence to the 1000-foot distance would create an operational handicap, this distance may be modified *so long as the modification is adequately designed in compliance with 805 KAR 4:075(11)(e) to prevent any premature firing of electric blasting caps*. Specimens of signs which would meet these requirements are as follows:

"Blasting Zone 1000 feet" (about 48" X 48");
"Turn off Two-way Radio (about 42" X 36")". Paragraph (c) shall not apply to surface mining operations.

(d) *Mobile radio transmitters which are less than 100 feet away from electric blasting caps in other than original containers, may be left "on" for receiving purposes but may only be used to transmit if in compliance with paragraph (e) of this subsection.*

(e) [(d)] Compliance with the recommendations of The Institute of Makers of Explosives with regard to blasting in the vicinity of radio transmitters as stipulated in Radio Frequency Energy—A Potential Hazard in the use of Electric Blasting Caps, IME Publication No. 20, March 1971.

(12) Empty boxes and paper and fiber packing materials, which have previously contained high explosives, shall not be used again for any purpose, but shall be destroyed by burning at an approved location.

(13) Explosives, blasting agents, and blasting supplies that are obviously deteriorated or damaged shall not be used.

(14) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or approved temporary storage or handling areas.

(15) Blasting operations in the proximity of overhead powerlines, communication lines, utility services, or other services or structures shall not be carried on until the operators and/or owners have been notified and measures for safe control have been taken.

(16) The use of black powder shall be prohibited, except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

(17) All loading and firing shall be directed and supervised by competent persons thoroughly experienced in this field.

(18) All electric blasts shall be fired with an electric blasting machine or properly designed electric power

source, and in accordance with the provisions of 805 KAR 4:110(1) and (18).

(19) No one shall be permitted to carry detonators or primers of any kind on his person.

H. N. KIRKPATRICK, Commissioner

ADOPTED: January 16, 1978

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: January 30, 1978 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Director, Division of Explosives and Blasting, Department of Mines and Minerals, P. O. Box 680, Lexington, Kentucky 40501.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting
(Proposed Amendment)

805 KAR 4:087. Explosives.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Surface Mining Regulations. (1) Explosive magazines shall be posted with suitable danger signs so located that a bullet passing through the face of a sign will not strike the magazine.

(2) Containers of explosives or blasting agents shall be stacked in a stable manner, but not more than eight (8) feet high. [Detonator-storage magazines shall be separated by at least twenty-five (25) feet from explosive-storage magazines.]

(3) Cases or boxes containing explosives shall not be stored in magazines on their ends or sides nor stacked more than six (6) feet high.]

(3) [(4)] Ammonium nitrate fuel oil blasting agents shall be physically separated from other explosives, safety fuse, or detonating cord stored in the same magazine and in such a manner that oil does not contaminate the other explosives, safety fuse or detonating cord.

(4) [(5)] For the protection of underground workers,] Special precautions shall be taken when blasting in close proximity to underground operations, and no blasting shall be done which would be hazardous to persons working underground.

(5) Only nonsparking implements [(6) Only wooden or other non-sparking implements] shall be used to punch holes in an explosive cartridge.

(6) [(7)] Delay connectors for firing detonating cord shall be treated and handled with the same safety precautions as blasting caps and electric detonators.

(7) Primers containing a detonator shall be prepared with the detonator container securely and completely within the explosive charge or within a suitable tunnel or cap well.

[(8) A capped primer shall be prepared so that the detonator is contained securely and is completely imbedded within the explosive charge.]

(8) [(9)] Explosives or blasting agents shall be kept separate from detonators until charging is started.

(9) When blasting electrically, a blasting galvanometer equipped with a silver chloride cell or blasters multimeters approved by M.E.S.A. under 30 CFR 18.68 shall be used to test:

(a) Resistance of individual series or the resistance of multiple balanced series to be connected in parallel prior to their connection to the blasting line.

(b) Continuity of blasting lines prior to the connection of electric blasting cap series, and

(c) Total blasting circuit resistance prior to connection to the power source.

[(10) Completely wired rounds shall be tested before connections are made to the blasting line.]

[(11) At least a five (5) foot air gap shall be provided between the blasting circuit and the power circuit.]

[(12) Safety switches and blasting switches shall be labeled, encased in boxes, and arranged so that the covers of the boxes cannot be closed with the switches in through-circuit or firing position.]

[(13) If branch circuits are used when blasts are fired from power circuits, safety switches located at safe distances from the blast areas shall be provided in addition to the main blasting switch.]

(10) Ammonium nitrate and the components used for the sensitizing thereof shall be stored, mixed, transported and used [(14) Sensitized ammonium nitrate blasting agents, and the components thereof prior to mixing, shall be mixed and stored] in accordance with the recommendations in Bureau of Mines Information Circular 8179, "Safety Recommendations for Sensitized Ammonium Nitrate Blasting Agents," or subsequent revisions.

[(15) When pneumatic loading is employed, before any type of blasting operation using blasting agents is put into effect, an evaluation of the potential hazard of static electricity shall be made. Adequate steps including the grounding and bonding of the conductive parts of the pneumatic loading equipment, shall be taken to eliminate the hazard of static electricity before the blasting agent is used.]

[(16) Pneumatic loading equipment shall not be grounded to waterlines, airlines, rails, or the permanent electrical grounding systems.]

[(17) Hoses used in connection with pneumatic loading machines shall be of the semi-conductive type, having a total resistance low enough to permit the dissipation of static electricity and high enough to limit the flow of stray electric currents to a safe level. Wire-covered hose shall not be used because of the potential hazard from stray electric currents.]

H. N. KIRKPATRICK, Commissioner

ADOPTED: January 16, 1978

APPROVED:

James E. Gray, Secretary

RECEIVED BY LRC: January 30, 1978 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Director, Division of Explosives and Blasting, Department of Mines and Minerals, P. O. Box 680, Lexington, Kentucky 40501.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting
(Proposed Amendment)

805 KAR 4:095. Loading of explosives or blasting agents.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Loading of Explosives or Blasting Agents. (1) Procedures that permit safe and efficient loading shall be established before loading is started.

(2) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(3) Tamping shall be done only with wood rods or plastic tamping poles without exposed metal parts, but non-sparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.

(4) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives and detonators shall be immediately returned to an authorized magazine.

(5) Drilling shall not be started until all remaining butts of old holes are examined for unexploded charges, and if any are found, they shall be refired before work proceeds.

(6) No person shall be allowed to deepen drill holes which have contained explosives or blasting agents.

(7) No explosives or blasting agents shall be left unattended at the blast site.

(8) *Machines and all tools not used for drilling, loading and covering the blast shall be removed from the immediate location of holes before explosives are delivered.*

(9) *No activity of any nature other than that which is required for blasting shall be permitted in a blast area.*

(10) [(8)] Powerlines and portable electric cables for equipment being used shall be kept a safe distance from explosives or blasting agents being loaded into drill holes. Cables in the proximity of the blast area shall be deenergized and locked out by the blaster.

(11) [(9)] Holes shall be checked prior to loading to determine the depth and conditions. Holes shall not be drilled where there is a danger of intersecting a charged or misfired hole.

(12) [(10)] When loading a long line of holes with more than one (1) loading crew, the crew shall be separated by practical distance consistent with efficient operation and supervision of crews.

(13) [(11)] No explosives shall be loaded or used underground in the presence of combustible gases or combustible dusts.

(14) *In underground blasting, explosives in Fume Class I, as set forth by the Institute of the Makers of Explosives, shall be used; provided, however, that Fume Class I explosives are not required when ventilation adequate to dissipate all fumes is provided and the workings are abandoned for a period of time sufficient to allow dissipation of all fumes.*

(15) [(12)] All blast holes in open work shall be stemmed to the collar or to a point which will confine the charge.

(16) [(13)] Warning signs, indicating a blast area, shall be maintained at all approaches to the blast area. The warning sign lettering shall not be less than four (4) inches in height on a contrasting background. This subsection does not apply to surface mining.

(17) [(14)] A borehole shall never be sprung when it is adjacent to or near a hole that is loaded. Flashlight batteries shall not be used for springing holes.

(18) [(15)] Drill holes that have been sprung or chambered, and which are not water-filled, shall be allowed to cool before explosives are loaded.

(19) [(16)] No loaded holes shall be left unattended or unprotected.

(20) [(17)] The blaster shall keep an accurate, up-to-date record of explosives, blasting agents, and blasting supplies used in a blast and shall keep an accurate running inventory of all explosives and blasting agents stored on the operation.

H. N. KIRKPATRICK, Commissioner

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APPROVED:

JAMES E. GRAY, Secretary

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PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting
(Proposed Amendment)

805 KAR 4:100. Surface transportation of explosives.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Surface Transportation of Explosives. (1) Transportation of explosives, blasting agents, and blasting supplies, shall meet the provisions of Department of Transportation regulations contained in 14 CFR Part 103, Air Transportation; 46 CFR Parts 146-149, Water Carriers; 49 CFR Parts 171-179, Highways and Railways; and 49 CFR Parts 390-397, Motor Carriers.

(2) Motor vehicles or conveyances transporting explosives shall only be driven by, and be in the charge of, a licensed driver who is physically fit. He shall be familiar with the local, state and federal regulations governing the transportation of explosives.

(3) No person shall smoke, or carry matches or any other flame-producing device, nor shall firearms or loaded cartridges be carried while in or near a motor vehicle or conveyance transporting explosives, blasting agents, and blasting supplies.

(4) Explosives, blasting agents, and blasting supplies shall not be transported with other materials or cargoes. Explosives or *blasting agents* [and detonators] shall be transported in separate vehicles *from detonators* unless separated by four (4) inches of hardwood or a *type 2 outdoor or type 3 magazine*. [or the equivalent, or a portable magazine.]

(5) Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty, and shall be in good mechanical condition.

(6) When explosives are transported by a vehicle with an open body, a Class II magazine or original manufacturer's container shall be securely mounted on the bed to contain the cargo.

(7) All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood, or other non-sparking material, to prevent contact with containers of explosives.

(8) Every motor vehicle or conveyance used for transporting explosives shall be marked or placarded on both sides, the front and the rear with the word "explosives" in red letters, not less than four (4) inches in height, on white background. In addition to such marking or placarding, the motor vehicle or conveyance may display, in such a manner that it will be readily visible from all directions, a red flag eighteen (18) inches by thirty (30) inches, with the word "explosives" painted, stamped, or sewn thereon, in white letters, at least six (6) inches in height.

(9) Each vehicle used for transportation of explosives shall be equipped with a fully charged fire extinguisher, in good condition. An Underwriters Laboratory-approved extinguisher of not less than ten (10) ABC rating will meet the minimum requirement. The driver shall be trained in the use of the extinguisher on his vehicle.

(10) Motor vehicles or conveyances carrying explosives, blasting agents, or blasting supplies, shall not be taken inside a garage or shop for repairs or servicing.

(11) No motor vehicle transporting explosives shall be left unattended.

H. N. KIRKPATRICK, Commissioner

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TO: Director, Division of Explosives and Blasting,
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PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting
(Proposed Amendment)

805 KAR 4:110. Initiation of explosive charges; electric blasting.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and assembled com-

ponents of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Initiation of Explosive Charges; Electric Blasting. (1) Electric blasting caps shall not be used where sources of extraneous electricity make the use of electric blasting caps dangerous. Blasting cap leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.

(2) Before adopting any system of electrical firing, the blaster shall conduct a thorough survey for extraneous currents, and all dangerous currents shall be eliminated before any holes are loaded.

(3) In any single blast using electric blasting caps, all caps shall be of the same style or function, and of the same manufacture.

(4) Electric blasting shall be carried out by using blasting circuits or power circuits in accordance with the electric blasting cap manufacturer's recommendations, or an approved contractor or his designated representative.

(5) When firing a circuit of electric blasting caps, care must be exercised to insure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendations.

(6) Connecting wires and lead wires shall be insulated single solid wires of sufficient current-carrying capacity.

(7) Bus wires shall be solid single wires of sufficient current-carrying capacity.

(8) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.

(9) A power circuit used for firing electric blasting caps shall not be grounded.

(10) In underground operations when firing from a power circuit, a safety switch shall be placed in the permanent firing line at intervals. This switch shall be made so it can be locked only in the "off" position and shall be provided with a short-circuiting arrangement of the firing lines to the cap circuit.

(11) In underground operations there shall be a "lightning" gap of at least five (5) feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(12) When firing from a power circuit, the firing switch shall be locked in the open or "off" position at all times, except when firing. It shall be so designed that the firing lines to the cap circuit are automatically short-circuited when the switch is in the "off" position. Keys to this switch shall be entrusted only to the blaster.

(13) Blasting machines shall be in good condition and the efficiency of the machine shall be tested periodically to make certain that it can deliver power at its rated capacity.

(14) When firing with blasting machines the connections shall be made as recommended by the manufacturer of the electric blasting caps used.

(15) The number of electric blasting caps connected to a blasting machine shall not be in excess of its rated capacity. Furthermore, in primary blasting, a series circuit shall contain no more caps than the limits recommended by the manufacturer of the electric blasting caps in use.

(16) The blaster shall be in charge of the blasting machines and no other person shall connect the leading wires to the machine except under the direction of the blaster.

(17) Blasters, when testing circuits to charged holes, shall use only blasting galvanometers equipped with a

silver chloride cell [or blasters multimeter] especially designed for this purpose *or blasters multimeter approved by M. E. S. A. under 30 CFR 18.68.*

(18) Whenever the possibility exists that a leading line or blasting wire might be thrown over a live powerline by the force of an explosion, care shall be taken to see that the total length of wires are kept too short to hit the lines, or that the wires are securely anchored to the ground. If neither of these requirements can be satisfied, a non-electric system shall be used.

(19) Leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(20) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited.

H. N. KIRKPATRICK, Commissioner

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PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting
(Proposed Amendment)

805 KAR 4:115. Safety fuses.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Use of Safety Fuses. (1) The use of a fuse that has been hammered or injured in any way shall be forbidden.

(2) The hanging of a fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.

(3) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in each blasting cap.

(4) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible to use.

(5) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and destroyed. *This prohibition shall not apply to surface mining operations.*

(6) No fuse shall be capped or primer made up, in any magazine or near any possible source of ignition.

(7) No one shall be permitted to carry detonators or primers of any kind on his person.

(8) The minimum length of safety fuse to be used in blasting shall be as required by state law, but shall not be

less than thirty (30) inches.

(9) At least two (2) men shall be present when multiple cap and fuse blasting is done by hand lighting methods.

(10) Not more than twelve (12) fuses shall be lighted by each blaster when hand lighting devices are used. However, when two (2) or more safety fuses in a group are lighted as one (1) by means of igniting cord or other similar fuse lighting devices, they may be considered as one (1) fuse.

(11) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is forbidden.

(12) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one (1) charge from dislodging other shots in the blast.

(13) When blasting with safety fuses consideration shall be given to the length and burning rate of the fuse. Sufficient time, with a margin of safety, shall always be provided for the blaster to reach a place of safety.

H. N. KIRKPATRICK, Commissioner

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PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting
(Proposed Amendment)

805 KAR 4:125. Firing the blast.

RELATES TO: KRS 351.330, 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Firing the blast. (1) A code of blasting signals equivalent to Table U-1, shall be posted on one or more conspicuous places at the operations, and all employees shall be required to familiarize themselves with the code and conform to it. Danger signs shall be placed at suitable locations.

Table U-1

WARNING SIGNAL—A one (1) minute series of long blasts five (5) minutes prior to the blast signal.

BLAST SIGNAL—A series of short blasts one (1) minute prior to the shot.

ALL CLEAR SIGNAL—A prolonged blast following the inspection of the blast area.

(2) Before a blast is fired, a loud warning signal shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees,

vehicles, and equipment are at a safe distance, or under sufficient cover.

(3) *No person shall remain in an area within the danger zone after being requested to leave by the blaster in charge or by a state explosives and blasting inspector.*

(4) [(3)] Flagmen shall be safely stationed on highways which pass through the danger zone so as to stop traffic during blasting operations.

(5) [(4)] It shall be the duty of the blaster to fix the time of blasting.

(6) [(5)] Before firing an underground blast, warning shall be given, and all possible entries into the blasting area and any entrances to any working place where a drift, raise or other opening is about to hole through, shall be carefully guarded. The blaster shall make sure that all employees are out of the blast area before firing a blast.

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PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting
(Proposed Amendment)

805 KAR 4:140. Misfires.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules

and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Misfires. (1) If a misfire is found, the blaster shall provide proper safeguards for excluding all employees from the danger zone.

(2) No other work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the danger zone.

(3) No attempt shall be made to extract explosives from any charged or misfired hole; a new primer shall be put in and the hole reblasted. If refiring on the misfired hole presents a hazard, the explosives may be removed by washing out with water or, where the misfire is under water, blown out with air.

(4) If there are any misfires while using cap and fuse, all employees shall remain away from the charge for at least one (1) hour. Misfires shall be handled under the direction of the person in charge of the blasting. All wires shall be carefully traced and a search made for unexploded charges.

(5) *When electric blasting caps have been used, men shall not return to misfired holes for at least fifteen (15) minutes.*

(6) [(5)] No drilling, digging, or picking shall be permitted until all missed holes have been detonated or the authorized representative has approved that work can proceed.

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Proposed Regulations

DEPARTMENT FOR HUMAN RESOURCES Bureau for Health Services Certificate of Need and Licensure Board

902 KAR 20:077. Group home standards; operations and services.

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

PURSUANT TO: KRS 13.082, 216.425

NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of group living, rehabilitative and habilitative residences for the developmentally disabled, is being promulgated pursuant to the mandate of KRS 216.425 that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Definitions. (1) "Group living, rehabilitative and habilitative residences," or group homes as they are designated in this regulation, means a homelike facility for not more than eight (8) developmentally disabled individuals, not adjacent to or part of an institutional campus, operated by a sponsoring agency or individual for individuals who shall participate in community activities and use community resources.

(2) "Developmental disability" means a disability of a person which is attributable to mental retardation, cerebral palsy, epilepsy or autism, or is attributable to any other condition of a person found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons; or is attributable to dyslexia resulting from a disability described above.

(3) "Normalization principle" means the helping of the developmentally disabled to obtain an existence as close as possible to the norms and patterns of everyday life of their peer group; the use of means that are as culturally normative as possible to elicit and maintain behavior that is as culturally normative as possible.

Section 2. Licenses, Certificates of Need and Reports.

(1) No person shall maintain a group home, or provide group home services in a facility so designated, without having first obtained a license from the Certificate of Need and Licensure Board. All group homes shall comply with the provisions of this regulation in order to qualify for a licensing and for the renewal thereof.

(2) Upon submission of a properly completed license application form together with prescribed fee, a group home that has been determined through a site inspection to be in compliance with the standards listed herein, or in substantial compliance and with a plan to achieve compliance as soon as appropriate, may be issued a license by the Certificate of Need and Licensure Board.

(3) A group home, as herein defined, shall not operate without first obtaining a certificate of need unless it was in operation prior to the effective date of this regulation.

(4) The license shall be posted in the facility.

(5) Each group home shall furnish an annual report to the Department for Human Resources which shall consist of information requested by the department, on forms supplied by the department.

Section 3. Administration. (1) Each group home, whether under the auspices of a sponsoring agency or private ownership, shall have a specific group of individuals who shall establish policies concerning the operation of the group home and the welfare of the individuals residing in the home. Such group of individuals shall be organized as a governing body or advisory board depending upon the ownership status of the group home. Such a body or board shall meet at least quarterly.

(2) The governing body or advisory board shall be composed of at least five (5) members and shall include representatives from each of the following groups:

(a) Regional mental health/mental retardation board;

(b) Consumer advocacy groups;

(c) Professionals in the field of developmental disabilities;

(d) Public or private health or social service agencies;

(e) Parents or guardians of an individual who is developmentally disabled or interested citizens who are knowledgeable of the needs of group home residents.

(3) The governing body or advisory board shall develop and at least annually review the following:

(a) Written outline of the philosophy, objectives and goals it is striving to achieve. Such outline shall be available for distribution to staff, consumer groups and the interested public.

(b) A manual which includes the operational authority, policies and procedures, describing the current methods, forms, processes and sequence of events being followed to achieve the objectives and goals. The manual shall include the rights of group home residents and policies and procedures to protect the financial interests of the residents.

(4) The governing body or advisory board shall incorporate the "principle of normalization" into its philosophy and shall implement programs consistent with this principle.

(5) The governing body or advisory board shall establish job description and job qualifications for all group home personnel and shall delegate necessary authority for the daily management of the group home program.

(6) The labels applied to the residents and the way these residents are represented to the public shall be appropriate to the purposes and programs of the group home. These terms shall not emphasize mental retardation or deviancy.

(7) The governing body or advisory board shall insure that a program evaluation be conducted annually. Such evaluation shall be performed by professionals not associated with the facility.

Section 4. Personnel. (1) The group home shall employ adequate number of supervisory and direct care personnel to assure that the facility has staff on duty twenty-four (24) hours a day, seven (7) days a week, 365 days a year. Such personnel shall include:

(a) Resident manager shall be responsible for the full-time management of the facility and for implementing programs as delineated. The resident manager is not required to reside in the facility either on a full or part-time basis. The resident manager shall be at least twenty-one (21) years of age, high school graduate or equivalent and be of good character.

(b) In the absence of the resident manager, such manager shall delegate a staff person, similarly qualified, to be on site, at all times, for implementation of the program.

(2) Volunteers may be utilized, however, they shall be used to augment, not substituted for the employment of full or part-time staff.

(3) All personnel shall:

(a) Be advised as to their job responsibilities. Such job responsibilities shall be delineated in writing.

(b) Present at time of employment or within one (1) week of employment evidence of freedom from communicable disease. All personnel shall have a test for tuberculosis either prior to or within the first week of employment and annually thereafter.

(4) The facility shall provide regular planned programs of inservice training for the entire staff at least four (4) times a year. Volunteers may participate in such programs.

Section 5. Clinical Services. (1) Admissions committee:

(a) Each facility shall have an admissions committee composed of at least three (3) individuals, the resident manager and two (2) other persons, knowledgeable about the group home.

(b) 1. In determining eligibility for admission to the group home, the admissions committee shall utilize all available evaluations to determine that placement is appropriate for the individual.

2. The admissions committee shall be responsible for all decisions pertaining to resident admissions, transfers and discharges.

3. The admissions committee shall assure that a comprehensive program is established for each resident on an individual basis.

(c) Admissions shall be based upon areas of comparable need for programming. In such instances where the chronological age span of the program participants exceeds five (5) years for individuals twelve (12) years or younger, ten (10) years for individuals aged thirteen (13) to eighteen (18), and twenty (20) years for individuals eighteen (18) years and older adequate written justification demonstrating the appropriateness of the program must be a part of the individual program plan.

(d) Referrals may be from state agencies, community services and private parties.

(e) Upon admission, all residents must be free from communicable disease which is reportable to the health department, except a (non-infectious) tuberculosis patient under continuing medical supervision for his/her tuberculosis disease. Within ninety (90) days prior to or within seven (7) days of admission, all residents must have a physical examination.

(f) For all individuals who are admitted to the group home, the admissions committee shall provide the resident manager with the following information which is to become a part of the resident's record:

1. Persons to contact in case of emergency.
2. Next of kin.
3. Legal competency status.
4. Financial resources.

(2) Program planning:

(a) An individual (intermediate) program plan shall be established for each resident within fourteen (14) days of admission into the facility. Such plan shall address the following:

1. Sensorimotor needs.
2. Communicative needs.
3. Social needs.
4. Emotional needs.
5. Educational needs.
6. Work training needs.

(b) The individual program plan shall outline the responsible parties for meeting each of the above listed needs.

(c) Within thirty (30) days of admission to the facility, a comprehensive program plan shall be established for each resident. The resident's program plan shall be reviewed at least every ninety (90) days. In all cases, whether children or adults, the resident or resident's representatives should participate in the development of the comprehensive program plan.

(d) Each resident's program plan shall be maintained as an integral part of the resident's records.

(3) Availability of services:

(a) The facility shall assure that a comprehensive continuum of services is available as needed by each resident. These services may be provided by the facility or through a written agreement. Facilities must assure that the following components are available:

1. Medical services, including emergency medical services and an annual physical examination. For women, this examination should include gynecological services.

2. Dental services including two (2) visits annually.

3. Psychological and psychiatric services. Such services shall be available as needed according to the resident's program plan.

4. Social services. Such services shall include individual, group and family counseling as appropriate, according to individual needs.

5. Occupational rehabilitative services. Such services shall include vocational counseling, planning and training as appropriate, according to individual needs.

6. Speech therapy and/or audiology services shall be available as needed.

7. Persons of school age shall be included in a free, public and appropriate school program, and in accordance with Public Law 94-142.

(b) The facility shall assure that recreational facilities are available to the residents. Such facilities shall provide the resident with adequate physical fitness and constructive leisure time activities.

Section 6. Physical Standards. The ultimate aim of the environment and design of a group home shall be to foster those skills necessary for maximum independence of the resident and enhance the resident's ability to cope with her/his environment. To this end the following shall be required:

(1) General requirements:

(a) The facility shall conform to the life safety code standards adopted by the fire marshal's office relative to group homes.

(b) The group home facility shall meet and comply with applicable standards for accessibility of the handicapped to the facility.

(c) The facility shall be safe and of substantial construction and comply with applicable state and local laws relating to location, zoning, plumbing, and sanitation, in-

cluding insect and rodent control.

(d) The exterior and interior of the residence shall be kept in good repair and in line with neighborhood standards.

(e) Porches, patios and other outside area of the residence shall be of sound construction with protective railings where necessary.

(2) Location:

(a) The group home shall be conveniently accessible to the services normally required by the residents. The home must be within a neighborhood zoned for residential use.

(b) The facility shall be within a convenient walking distance (at least within one (1) mile) of public transportation services. In communities where public transportation is not available, the facility shall be located within walking distance (one (1) mile) of all normally required services provided by other community-based agencies or institutions, or furnish documentation that transportation services will be provided to all needed services.

(c) Group homes shall not be located in house trailers or motor homes.

(3) Size:

(a) The residence shall house no more than eight (8) nor less than four (4) residents.

(b) Other than residents, no persons other than the residence's staff and the staff's immediate family may reside in the home.

(c) The residence shall have the style and appearance of neighborhood houses.

(4) Bedrooms:

(a) Bedrooms shall contain no more than two (2) beds.

(b) Beds occupied by residents shall be placed so that no residents may experience discomfort because of proximity to radiators, heat outlets or exposure to drafts.

(c) Beds shall be no less than thirty-three (33) inches wide and six (6) feet long.

(d) Bunk beds shall not be used.

(e) Each resident shall have his/her own bed equipped with substantial springs, a clean comfortable mattress, two (2) sheets and a pillow, and such bed covering as required for the resident's health and comfort.

(f) Closet space and drawer space shall be provided for personal belongings.

(g) Residents shall not be housed in rooms or detached buildings or other enclosures which have not been previously inspected and approved for resident use, or in basements not constructed for sleeping quarters. Approved basements must have an outside door.

(5) Toilet and bathing facilities:

(a) Appropriate sanitary toilet and bathing facilities shall be conveniently available for resident use.

(b) One (1) toilet, lavatory and shower/tub per six (6) persons residing in the home, including residents and staff, shall be required.

(6) Windows:

(a) Adequate ventilation in all resident use areas shall be maintained. If there is no window in toilet rooms, such rooms shall be vented to the outside.

(b) Each resident bedroom shall have an exterior screened window which can be opened.

(7) Water:

(a) The local health department shall certify that the water supply is safe and sanitary.

(b) The facility shall have an ample supply of hot and cold running water, available at all times for general use.

(8) Lighting. The facility shall have adequate lighting by natural or artificial means in each hall, stairway, entryway,

vestibule, resident area, kitchen, and bathroom.

(9) Heating. A heating system which can maintain an even temperature, and capable of maintaining seventy-two (72) degrees Fahrenheit in resident used areas shall be provided.

(10) Common living areas. Adequate common living areas shall be provided in the group home. This shall include separate living, recreational and eating areas, each large enough to accommodate residents and their visitors.

(11) Laundry facilities. Adequate laundry facilities shall be provided except where the programs offered call for a conveniently located laundromat.

(12) Telephone. Telephone service shall be provided to the residents. This service shall be accessible to the residents and shall afford a certain amount of resident privacy.

(13) Resident staff living quarters. Resident staff living quarters shall provide privacy. Resident staff includes house managers.

Section 7. Resident Care and Safety. (1) Dietary:

(a) The group home shall provide at least three (3) meals per day. One or more of these meals may be provided outside the group home depending upon the resident's program plan, but all meals are the financial responsibility of the group home.

(b) Nutrition needs shall be met in accordance with the current recommended dietary allowances of the Food and Nutrition Board of the National Research Council and in accordance with resident dietary restrictions.

(c) A written record shall be kept of all foods served.

(d) All food shall be stored above the floor in such a manner as to be protected from dust, flies, vermin, or other forms of contamination. All type food showing evidence of spoilage or infestation shall be disposed of immediately upon detection.

(e) Refrigerators shall have a complete seal, be clean, free of odors, and kept at a temperature below forty-five (45) degrees Fahrenheit. A thermometer that is readily visible shall be placed in each refrigerator and freezer.

(2) Housekeeping and sanitation:

(a) The facility shall be kept in good repair and shall be kept clean, uncluttered and sanitary at all times. Floors, walls, ceilings, lighting fixtures, storage areas and equipment shall be kept clean and in good repair. Windows and doors shall be screened, kept in repair, and clean.

(b) The facility shall collect and dispose of all garbage, refuse, trash, and litter in compliance with applicable state and local laws and regulations. Garbage containers shall be made of metal or other impervious material, approved by the fire marshal, that will not emit harmful vapors upon exposure to extreme heat, and shall be water tight and rodent proof and shall have tight-fitting covers.

(3) Emergency procedures:

(a) Each facility shall have a fire control and evacuation plan. Such plan must be practiced at least quarterly with all staff participating.

(b) An on-duty staff member shall be designated at all times, to be in charge of evacuation of residents in the event of a fire or other natural disaster.

(c) Phone numbers of a hospital, an ambulance service, fire department, and a physician for emergencies shall be posted by the telephone in large legible print.

(d) A report on all accidents requiring medical treatment of a resident shall be written and one (1) copy kept on file and made available to the advisory board within seven (7) days of the incident. The original shall be sent to the

Department for Human Resources, Division for Licensing and Regulation, 275 East Main Street, Frankfort, Kentucky.

(e) Incident reports for minor accidents shall be written, kept on file and made available upon request.

(4) Medications:

(a) All medications administered to residents of the facility shall be upon written orders of a physician. Each dose shall be noted, upon administration, in the resident's record.

(b) All prescriptions and changes in medication must be recorded after each administration in the resident's individual record.

(c) The facility must comply with all federal and state laws and regulations relating to the procurement, storage, dispensing, administration and disposal of drugs subject to Federal Controlled Substances Act.

(d) All medications shall be kept in a locked cabinet.

(5) Restraints. Physical and chemical restraints shall not be used.

Section 8. Resident Rights. (1) The residents shall be treated in a manner which preserves their feelings of self-worth and human dignity, have visitation rights, the right of privacy and be allowed to worship in the way they choose.

(2) A resident's correspondence shall not be opened, except as authorized by the resident or resident's legal guardian or committee.

(3) Residents shall not be physically punished in any way.

(4) Residents shall be appropriately dressed at all times.

(5) Each resident shall have their individual:

(a) Clean wash cloth and towel;

(b) Toothbrush;

(c) Brush and comb;

(d) Other appropriate toilet articles; and

(e) Bureau or cupboard for storage of his personal belongings.

(6) Each resident shall have his own bed equipped with adequate springs, a clean comfortable mattress, two (2) sheets and a pillow, and such bed covering as required for resident's health and comfort.

(7) Residents shall not be denied the privilege of rest periods in their beds.

(8) Residents shall be allowed free movement within the group home and shall have access to all common living areas.

(9) Residents shall have access to the community.

MASON C. RUDD, Chairman

ADOPTED: January 11, 1978

RECEIVED BY LRC: February 10, 1978 at 11:45 a.m.

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

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of February 1, 1978 Meeting

(Subject to Subcommittee approval at its next meeting on March 3, 1978.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on February 1, 1978, at 10 a.m., in Room 9 of the Capitol.

The minutes of the January 4 meeting were approved. Present were:

Members: Representative William T. Brinkley, Chairman; Senator Donald L. Johnson and Representative Albert Robinson.

Guests: L. Wayne Tune, Anthony Eardley and Ben B. Fowler, Board of Examination and Registration of Architects; Lee Sims, Michael Jacobs, Charles Jolly, Joseph B. Parker, III and Barry L. Donaldson, Architecture Alumni; Don L. Johnston, George E. Dudley, Tim Lemon and Stephen R. Schmidt, Kentucky State Fair Board; Bob Watkins and Robert W. Keats, Louisville-Jefferson County Metropolitan Sewer District; Joe Bruna and Carl Kays, Department of Fish and Wildlife Resources; Chandler Robinson, Office of State Fire Marshal; A. A. Flatt, J. R. Cook and Lewis Dotson, Department of Transportation; Larry W. Potter and Steven Forbes, Department of Labor; Carl B. Larsen, Harness Racing Commission; James E. Baker and Titus Lyle, Department of Education; Andrew Cammack, Environmental Quality Commission.

LRC Staff: Mabel D. Robertson, Joe Hood, Garnett Evins and Louise Johnson.

At the request of Eugene Perkins, Department for Natural Resources and Environmental Protection, proposed regulation 401 KAR 1:105, Division of Plumbing, was deferred until the March 3 meeting.

Senator Johnson requested that proposed regulation 303 KAR 1:041, Kentucky State Fair Board, be deferred until the March 3 meeting, and directed the staff to request an opinion from the Attorney General as to the constitutionality of the "consent to search" provision contained in the regulation.

704 KAR 4:010, Health and Physical Education Programs and 902 KAR 20:007, Certificate of Need and Licensure Board were deferred until the March 3 meeting.

201 KAR 19:040, Board of Examiners and Registration of Architects, deferred from the January meeting, was amended in committee and ordered filed.

On motion of Senator Johnson, seconded by Representative Robinson, the following regulations were approved and ordered filed:

CABINET FOR DEVELOPMENT**Department of Fish and Wildlife Resources****Hunting and Fishing**

301 KAR 3:053. Spring gun and archery season for wild turkey.

Kentucky State Fair Board**Fair Grounds and Exhibition Center**

303 KAR 1:075. Conduct and operation of concessions and exhibits.

303 KAR 1:080. Exposition Center, grounds; dissemination of material; demonstrations.

DEPARTMENT OF TRANSPORTATION**Bureau of Vehicle Regulation****Motor Vehicle Tax**

601 KAR 9:014. County decals for license plates.

Bureau of Highways**Traffic**

603 KAR 5:096. Highway classifications.

DEPARTMENT OF EDUCATION**Bureau of Vocational Education****Administration**

705 KAR 1:020. Occupational and vocational appeals officer.

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

803 KAR 2:015. General industry standards.

803 KAR 2:016. Construction industry standards.

803 KAR 2:020. Adoption of 29 CFR Part 1910.

Department of Insurance**Fire Marshal**

806 KAR 50:205. Recreational vehicles.

Kentucky Harness Racing Commission**Harness Racing Rules**

811 KAR 1:035. Claiming races.

811 KAR 1:125. Pari-mutuel rules.

The meeting adjourned at 10:40 a.m. to meet again on Friday, March 3, at 8 a.m. in Room 9 of the Capitol.

Administrative Register ^{of} *kentucky*

Cumulative Supplement

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Regulation Locator—Effective Dates

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ADMINISTRATIVE REGISTER

H3

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15.440	503 KAR 5:030		702 KAR 2:090	199.660	905 KAR 1:005
18.170	101 KAR 1:050		702 KAR 2:100		905 KAR 1:065
18.190	101 KAR 1:050	156.070	705 KAR 1:020		905 KAR 1:091
18.210	101 KAR 1:050		705 KAR 7:050	199.670	905 KAR 1:005
18.240	101 KAR 1:050	156.100	705 KAR 1:010		905 KAR 1:065
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Chapter 44	200 KAR 2:050		707 KAR 1:003	205.222	904 KAR 2:014
Chapter 45	200 KAR 2:050	156.160	704 KAR 4:010	205.223	904 KAR 2:014
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