

# Public Hearings Scheduled

## KENTUCKY BOARD OF OPTOMETRIC EXAMINERS

A public hearing will be held at 10 a.m. EDT August 30, 1978, in Room 120, of the Hospitality Inn, Lexington, Kentucky, on the following proposed regulation:

**201 KAR 5:035. Advertising. [4 Ky.R. 464]**

## PUBLIC SERVICE COMMISSION

A public hearing will be held at 1:30 p.m. EDT August 30, 1978, in the Office of the Public Service Commission, 730 Schenkel Lane, Frankfort, Kentucky 40601 on the following proposed regulation:

**807 KAR 2:045. Sewage. [4 Ky.R. 529]**

# Emergency Regulations Now In Effect

**JULIAN M. CARROLL, GOVERNOR**  
Executive Order 78-508  
June 14, 1978

**SECRETARY OF THE CABINET**  
Department of Personnel  
(Proposed Amendment)

## EMERGENCY REGULATION Department of Personnel Personnel Board

WHEREAS, the 1978 General Assembly enacted Senate Bill 317, House Bill 100, and House Bill 405, all of which have specific impact on operations of the Department of Personnel and the Personnel Board; and

WHEREAS, each of the aforementioned Acts become effective and enforceable on June 17, 1978; and

WHEREAS, changes in federal law and recent decisions of the Personnel Board necessitate enactment of new regulations to assure adequate notice to agencies and employees of this Commonwealth; and

WHEREAS, the Commissioner of Personnel and the Personnel Board have drafted and submitted proposed regulations pursuant to KRS 18.210 and 18.220 which must be adopted on an emergency basis to comply with the aforementioned state and federal laws, and Personnel Board procedures:

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

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

## 101 KAR 1:040E. Classification plan.

RELATES TO: KRS 18.110, 18.170, 18.210, 18.220, 18.240

PURSUANT TO: KRS 13.082, 18.170, 18.210

EFFECTIVE: June 16, 1978

EXPIRES: October 14, 1978

NECESSITY AND FUNCTION: KRS 18.210 requires the Commissioner of Personnel to prepare and submit to the board rules which provide for a position classification plan for all positions in the classified service so that the same qualifications may reasonably be required for and the same schedule of pay equitably applied to all positions in the same class. This rule is to assure uniformity and equity in administering the plan, in accordance with requirements of the statutes.

Section 1. Preparation of Plan. The commissioner shall, after consultation with the appointing authorities, prepare and recommend to the board a comprehensive classification plan. The board shall present the plan to the Governor, through the Secretary of the Executive Department for Finance and Administration, for his adoption. The plan shall be based on investigation and analysis of all the duties and responsibilities assigned to each position, and each position shall be allocated to its proper class in the classification plan after consultation with appointing authorities. When complete, the classification plan shall include for each class of position an appropriate title, description of duties and responsibilities, and the required education, experience and other qualifications.

Section 2. Allocations of Positions. (1) Every position shall be allocated to the appropriate class by the Commissioner who shall consult with appointing authorities and take their recommendations into consideration in making the decision. Every position shall be placed in a specific class before final administrative action can be taken on appointments, transfers, promotions, changes in pay-grade status, or payment of salary involving the position. Such allocations become effective only after written approval of the commissioner.

(2) The Secretary of the Executive Department for Finance and Administration may review and approve all proposed position establishments, allocations, and reallocations on the basis of the availability of funds.

(3) Those positions which are sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience, or skill, and which merit approximately equal pay shall be allocated to the same class.

(4) The commissioner shall allocate new positions to classes upon receipt of the prescribed forms of statements of duties, responsibilities and requirements of such positions from the appointing authority.

(5) The commissioner shall change the classification of existing positions when a material and permanent change in the duties or responsibilities of a position occurs. This type of action is known as reclassification. In all cases of reclassification, the employee within a position at the time it is reclassified, shall be entitled to serve therein with the corresponding status he had before the position was reclassified, providing he meets the qualification requirements for the class to which his position is reclassified.

(6) The commissioner shall change the allocation of existing positions when it is determined that the position is incorrectly allocated, and that there has been no substantial change in duties from those in effect when the position was immediately previously classified. This type of action is known as reallocation. In all cases of reallocation, the employee within the class of position when it is reallocated shall be entitled to serve therein with the corresponding status that he had before the position was reallocated.

(7) Any employee affected by the allocation of his position to a class shall, after filing with the commissioner a written request for reconsideration thereof in such manner and form as the commissioner may prescribe, be given a reasonable opportunity to be heard thereon.

Section 3. Interpretation of Class Specifications. (1) Class Specifications are descriptive and explanatory and are not restrictive. They are designed to indicate the kinds of positions which should be allocated to the several classes as determined by their duties or responsibilities and shall not be construed as describing what the duties or responsibilities of any position shall be. The use of an individual expression or illustration as to duties or responsibilities shall not be regarded as excluding assignment of others not mentioned which are of similar kind or quality. The language of class specifications is not to be construed as limiting or modifying the authority which appointing authorities have to take from, add to, eliminate entirely, or otherwise change the duties and responsibilities, to assign duties or delegate responsibility to employees, or direct and control their work.

(2) In determining the class to which any position shall be allocated, the specification for each class shall be considered as a whole and be construed as a general descrip-

tion of the kinds of work characteristics of positions which shall be allocated to the class and not as limiting the authority to prescribe or alter the duties of any position.

(3) Minimum qualifications are comprehensive statements of the minimum background as to education, experience, and other qualifications which will be required in all cases as evidence of an appointee's ability to perform the work properly. Although not expressed, such qualifications as should properly be required of all persons applying for or holding any positions such as *suitable* [good] physical condition, [freedom from disabling defects,] honesty, [sobriety,] and industry are to be considered as being required.

Section 4. Title of Position. The class title of a position shall be used to designate such position in all budget estimates, payrolls and other official records, documents, vouchers, and communications in connection with all personnel processes. For purposes of internal administration or for any other purposes not involving the Personnel processes, any abbreviation or code symbol may be used in lieu of the class title in such instances and any other office title desired by the appointing authority may be used alone to designate the position for purposes not involving personnel processes.

Section 5. Official Copy of Class Specifications. (1) The Department of Personnel shall maintain a master set of all approved class specifications. Such specifications shall constitute the official class specifications in the classification plan. The copies of the specification for each class shall indicate the date of adoption or the last revision of the specification for such class.

(2) The Department of Personnel shall provide each appointing authority with a set of the class specifications of those classes to which positions in his department are allocated and such other classes as it sees fit. Such class specifications in the Department of Personnel or office of the appointing authorities shall be open for inspection by the appointing authorities and the employees or the public under reasonable conditions during business hours.

ADDIE D. STOKLEY, Commissioner

ADOPTED: June 14, 1978

RECEIVED BY LRC: June 16, 1978 at 10 a.m.

## SECRETARY OF THE CABINET Department of Personnel

101 KAR 1:060E. Applications and examiners.

RELATES TO: KRS 18.190, 18.210, 18.250

PURSUANT TO: KRS 13.082, 18.170, 18.190, 18.210, 18.212

EFFECTIVE: June 16, 1978

EXPIRES: October 14, 1978

NECESSITY AND FUNCTION: KRS 18.170 requires the Personnel Board to adopt comprehensive rules consistent with the provisions of KRS Chapter 18. KRS 18.190 requires the Commissioner of Personnel to prepare and



recommend to the Personnel Board rules relating to competitive examinations. KRS 18.210 requires the commissioner to prepare and submit to the board rules which provide for open competitive exams to test the relative fitness of applicants; and for the rejection of candidates or eligibles who fail to meet reasonable requirements of the commissioner. This rule is necessary to implement these statutory requirements and to assure uniformity in administering exams.

**Section 1. Notices of Examinations.** Examinations for entrance to the classified service shall be conducted on an open-competitive basis. For those classes in which there is expected to be a considerable and recurring need of eligibles, the commissioner shall establish a recruitment program which shall be both positive and continuous. Under such plan, applications may be accepted at any time and examinations held whenever and wherever the commissioner deems it desirable for the service. Eligibles will be listed in rank order irrespective of dates on which the examination was taken. Notice of examinations shall be posted in important centers throughout the Commonwealth; and copies shall be sent to public officials, employment service offices, newspapers, educational institutions, professional and vocational societies, and such other individuals and organizations as the commissioner may deem expedient. The public notice of examination shall specify the title and salary range of the class positions; typical duties to be performed; the minimum qualifications required; the final date on which application will be received; the relative weights to be assigned to different parts of the examination; and all pertinent information and requirements.

**Section 2. Minimum Qualifications for Filing.** Open-competitive examinations shall be open to all applicants who are citizens of the United States and who are residents of the Commonwealth of Kentucky, and who meet the standards or requirements fixed by the commissioner with regard to education, experience, age, physical condition, and such other factors as may be held to relate to the ability of the candidate to perform with reasonable efficiency the duties of the position. The citizenship and residence requirements may be waived by the commissioner.

**Section 3. Filing Applications.** All applications shall be made on forms prescribed by the commissioner and must be filed with him on or prior to the closing date specified in the announcement or postmarked before midnight of that date. For those classes for which there is to be continuous recruitment, a statement shall be included in the announcement to the effect that applications will be received until further notice. Such application may require information concerning personal characteristics, education, experience, references, and other pertinent information. When the nature of the work is such that age limits are necessary, the commissioner after consultation with the appointing authority may recommend to the board the age limits, which limits, if approved by the board, shall be stated in the examination announcement. All applications shall be signed and the truth of the statements contained therein certified by such signatures. Applicants must meet the minimum qualifications specified in announcements as to education and experience, but in no case shall admittance to the examinations constitute assurance of a passing grade in education and experience.

**Section 4. Disqualification of Applicants.** The commissioner may refuse to examine an applicant, or, after examination, may disqualify such applicant or remove his name from a register or refuse to certify any eligible on a register or may consult with the appointing authority in taking steps to remove such person already appointed if:

(1) It is found that he does not meet any one of the preliminary requirements established for the examination for the class of position;

(2) He is so disabled as to render him unfit for the performance of the duties of the class;

[(3) He is addicted to the use of narcotics or the habitual use of intoxicative liquors to excess;]

(3) [(4)] He has made a false statement of material fact in his application;

(4) [(5)] He has used or attempted to use political pressure or bribery to secure an advantage in the examination;

(5) [(6)] He has directly or indirectly obtained information regarding the examination to which, as an applicant, he was not entitled.

(6) [(7)] He has failed to submit his application correctly or within the prescribed time limits;

(7) [(8)] He has taken part in the compilation, administration, or correction of the examination for which he is an applicant;

(8) [(9)] He has previously been dismissed from a position in the state service for cause or has resigned while charges for dismissal for cause were pending;

(9) [(10)] He has been convicted of a felony, a *job related misdemeanor*, or a *misdemeanor for which a jail sentence may be imposed* [involving infamous, criminal, or notoriously disgraceful conduct];

(10) [(11)] He has otherwise wilfully violated the provisions of the Act or these rules.

**Section 5. Advance Examination.** Any applicant who does not meet minimum requirements as to training and experience but who will meet these requirements as a result of the completion of further educational work which he has scheduled for the six (6) months immediately following the closing date for receipt of applications, may be allowed to take the examination. A successful applicant taking the examination under this provision shall have his or her name entered on the register in the same manner as other successful applicants, and his or her name may be certified for appointment if he furnishes the commissioner with administratively acceptable evidence of the successful completion of the required academic work at the time of appointment. Failure to complete the qualifying training within the six (6) months period allocated shall necessitate the removal of the applicant's name from the register.

**Section 6. Character of Examinations.** Examinations shall be practical in nature, constructed to reveal the capacity of the candidate for the particular class of position for which he is competing and his general background and related knowledge, and shall be rated impartially. The commissioner may use a rating of education and experience and any test of capacity, knowledge, manual skill, character, personal traits, or physical fitness which in his judgment serves the need to discover the relative fitness of applicants.

**Section 7. Conduct of Examinations.** (1) Examinations shall be conducted in as many places in the Commonwealth as are found convenient for applicants and practicable for administration.



(2) The commissioner may designate monitors in various parts of the Commonwealth to take charge locally of examinations under instructions prescribed by him, provide for the compensation of such monitors, and make arrangements for the use of public buildings in which to conduct the examinations.

(3) When practicable, the identity of persons taking competitive assembled tests shall be concealed from the examiners by use of identification numbers.

(4) An applicant shall be allowed to take examinations for not more than fifteen (15) classifications in a calendar year. This limit may be exceeded on approval of the commissioner when he or she deems it justified in the public interest.

**Section 8. Rating Examinations.** In any examination the minimum rating or standing through which eligibility on a register may be earned shall be determined by the commissioner. Such final rating shall be based upon a weighted average of the various parts of the total examination. All applications for the same class of position shall be accorded uniform and equal treatment in all phases of the examination procedure.

**Section 9. Rating Education and Experience.** (1) When the rating of education and experience forms a part of the total examination, the commissioner shall determine a procedure for the evaluation of the education and experience qualifications of the applicants. The formula used in appraisal shall give due regard to recency and quality as well as quantity, of experience and the pertinency of the education.

(2) Prior to certification from the register, the commissioner shall investigate the candidate's educational record form. The commissioner may investigate the candidate's work history. If the results of this investigation bring out information affecting the rating of education and experience, the commissioner may rate the candidate accordingly or make the necessary revision of the rating and so notify the candidate.

**Section 10. Oral Examinations.** When an oral examination forms a part of the total examination for a position, the commissioner shall appoint one (1) or more oral examination boards as needed. An oral examination board shall consist of three (3) or more members who shall be known to be interested in the improvement of public administration and in the selection of efficient government personnel of whom one (1) shall be technically familiar with the character of work in the position for which the applicants will be examined. Whenever practicable, all candidates for the same class of position who qualify for the oral examination board, shall be rated by the same oral examination board. A member of an oral examination board shall disclose each instance in which he knows the applicant personally and may refrain from rating such applicant.

**Section 11. Notice of Examination Results.** Each competitor shall be notified by mail of his final rating as soon as the rating of the examination has been completed and the register established. Eligibles shall be entitled to information concerning their relative position on the register upon request and presentation of proper identification.

**Section 12. Adjustment of Errors.** A manifest error in the rating of an examination, if called to the attention of

the commissioner within thirty (30) days after receipt by the applicant of the notice of examination results shall be corrected by the commissioner provided, however, that such corrections shall not invalidate any certification and appointment previously made.

**Section 13. Special Examinations.** Except in the case of a manifest error in the examining of an applicant, no applicant shall be given a special examination unless the board by formal recorded action finds that the applicant's failure to take or complete an examination was due to circumstances entirely beyond the control of the applicant. The board's findings and recommendations shall be recorded in its minutes. No claim for a special examination shall be allowed unless it is filed in writing with the board within fifteen (15) days after the date of the original examination. Any special examination shall be constructed on a pattern similar to, and as extensive as, the original examination. Any such special examination shall not invalidate any certification or appointment previously made.

**Section 14. Examination Records.** The commissioner shall be responsible for the maintenance of all records pertinent to examination programs. Applications and other necessary examination records shall be kept during the life of the register.

ADDIE D. STOKLEY, Commissioner

ADOPTED: June 14, 1978

RECEIVED BY LRC: June 16, 1978 at 10 a.m.

## SECRETARY OF THE CABINET Department of Personnel

### 101 KAR 1:090E. Types of appointments.

RELATES TO: KRS 18.110, 18.140, 18.210, 18.250  
PURSUANT TO: KRS 13.082, 18.170, 18.190, 18.210  
EFFECTIVE: June 16, 1978

EXPIRES: October 14, 1978

**NECESSITY AND FUNCTION:** KRS 18.170 requires the Personnel Board to adopt comprehensive rules consistent with KRS Chapter 18. KRS 18.190 requires the Commissioner of Personnel to prepare and recommend to the board rules which provide for the manner of the completing appointments and promotions. KRS 18.210 requires the commissioner to prepare and submit to the board rules which provide for various types of appointments, such as probationary, emergency, provisional, reinstatement, and for such other rules, not inconsistent with KRS Chapter 18, as may be proper and necessary. This rule is necessary to comply with these statutory requirements.

**Section 1. Filling of Vacancies.** All vacancies in the classified service which are not filled by transfer, promotion, or demotion, shall be filled by probationary appointment, re-employment, reinstatement, temporary appointment, emergency appointment or provisional appointment.



**Section 2. Probationary Appointment.** The appointment to a permanent position in the classified service through certification in accordance with 101 KAR 1:080 from an open competitive register shall constitute probationary appointment.

**Section 3. Provisional Appointment.** When a vacancy is to be filled in a position of a class for which there are less than three (3) eligibles available for certification, the appointing authority, with the prior approval of the commissioner, may make a provisional appointment to fill the position. A provisional appointee must be certified by the commissioner as meeting at least the minimum qualifications established for the class of position. No such provisional appointment shall be continued longer than six (6) months nor shall successive provisional appointments of the same person be made to the same position.

**Section 4. Emergency Appointment.** The appointment of an employee without regard to the examination requirements of these rules to any position by reason of a governmental emergency shall constitute an emergency appointment. An emergency appointment may not exceed thirty (30) working days in duration and is non-renewable. Emergency appointments shall have the prior consent of the commissioner.

**Section 5. Temporary Appointments.** The appointment of a person to a temporary position shall constitute a temporary appointment. Such appointments shall be subject to the prior approval of the commissioner. Each appointee must be approved by the commissioner as meeting at least the minimum qualifications established for the class. Such appointment shall be for a specified period of time not to exceed six (6) months and shall not be renewable.

**Section 6. Re-employment.** An employee with status who has been laid off by reasons of lack of funds or work, curtailment of program abolishment of position or organization unit, or material change in duties or organization, and through no fault of his own, may request that his name be placed on a re-employment list for the class in accordance with 101 KAR 1:070, Section 7. The name of an employee with status, who has been dismissed for reasons found to be insufficient by the board after hearing the appeal, may be placed on the re-employment list at the discretion of the board. In either case, eligibility to remain on the re-employment list shall expire one (1) year from the effective date of the layoff or separation. The appointment of a person from such list shall constitute re-employment. A person so re-employed shall be subject to the successful completion of a probationary period in accordance with 101 KAR 1:100.

**Section 7. Reinstatement.** (1) An employee with permanent status who has resigned or been laid off through no fault of his own may be reinstated to any class of position for which he is qualified with the same or lower entrance rate of pay within five (5) years from the effective date of his separation. Such reinstatement shall be made only with the prior approval of the commissioner and shall be subject to the successful completion of a probationary period in accordance with 101 KAR 1:100. The commissioner's approval of a reinstatement shall include a finding that the candidate meets the current qualifications for the class. If the reinstatement is to a different class series the applicant must pass the appropriate examination prior to reinstatement. Age and education requirements may be waived by

the commissioner upon recommendation of the appointing authority for reinstatement.

(2) An employee with status who has been dismissed for reasons found by the board after hearing the employee's appeal to be political, religious, or ethnic reasons, or reasons due to race, sex, age (between forty (40) and sixty-five (65)), or handicap, shall be reinstated to his former position or a position of like status and pay, without loss of pay for the period of his separation.

(3) An employee with status who has been dismissed for reasons found by the board after hearing the employee's appeal to be without just cause shall be reinstated to his former position or a position of like status and pay, without loss of pay for the period of his separation.

**Section 8. Seasonal Appointment.** The appointment of a person to a position which recurs on a seasonal basis may be made of any applicant meeting the established minimum qualifications. Such appointments shall be subject to the prior approval of the commissioner and shall be made only after the seasonal recurring needs have been established by the appointing authority and shall not exceed eleven (11) months.

**Section 9. Unclassified Service.** Appointing officers may fill positions in the unclassified service in the manner in which positions in the classified service are filled.

ADDIE D. STOKLEY, Commissioner

ADOPTED: June 14, 1978

RECEIVED BY LRC: June 16, 1978 at 10 a.m.

## SECRETARY OF THE CABINET Department of Personnel

### 101 KAR 1:100E. Probationary period

RELATES TO: KRS 18.110, 18.210, 18.250

PURSUANT TO: KRS 13.082, 18.170, 18.190, 18.210

EFFECTIVE: June 16, 1978

EXPIRES: October 14, 1978

**NECESSITY AND FUNCTION:** KRS 18.170 requires the Personnel Board to adopt comprehensive rules consistent with KRS Chapter 18. KRS 18.190 requires the Commissioner of Personnel to prepare and recommend to the board rules which provide for the manner of completing appointments and promotions. KRS 18.210 requires the commissioner to prepare and submit to the board rules which provide for a period of probation not to exceed one (1) year before appointment or promotion may be complete, and during which the probationer may be dismissed or demoted. This rule is necessary to comply with these statutory requirements.

**Section 1. Nature, Duration, and Purpose.** The first six (6) months of service in a position to which an employee has been probationally appointed, promoted, re-employed, or reinstated under the provisions of these rules shall, constitute a probationary period. An exception being that when the board finds, after an appeal, that the separa-



tion of an employee was taken by the appointing authority for political, religious, or ethnic reason, or reasons due to race, sex, age (between forty (40) and sixty-five (65)) or handicap and orders the employee reinstated, a new probationary period will not be required. The commissioner, with the approval of the board, may fix a longer length for the probationary period providing it applies to all positions of a class or classes, but in no case shall the probationary period exceed a twelve (12) month period. Provisional service in a class immediately prior to probationary appointment to the class shall be credited toward the probationary period. The probationary period shall be an essential part of the examination process and shall be utilized for the most effective adjustment of a new employee and for the elimination of any employee whose performance does not meet the required standard of performance. *In computing probationary period service, only those months in which the employee works more than half of the work days and earns service credit shall be counted.*

Section 2. Conditions Preliminary to Attaining Merit Status. An employee shall attain status in the classified service unless the appointing authority separates the employee during the probationary period.

Section 3. Separation During the Probationary Period.

(1) If at any time during the probationary period the appointing authority determines that the services of the employee have been unsatisfactory, an employee may be separated from his position without the right of appeal or hearing. The appointing authority shall notify the employee in writing at least ten (10) working days prior to the effective date of separation, and such notification shall be dated and shall include the effective date of the separation, and [of] the reasons for separation and [such notification] shall be delivered to the employee personally on a date within the probationary period or shall be postmarked on a date within the probationary period. The reasons for the separation shall be submitted in writing to the commissioner after which they shall be filed for permanent record. After the probationer has been separated, his name may be replaced on the eligible list by the commissioner if he determines such action to be in the best interest of the service, but he shall not again be certified from that list to the agency from which separated unless the agency requests such certification.

(2) When an employee has been promoted but fails to successfully complete the probationary period, he will revert to a position of his former class. *Notice that the employee has not successfully completed the probationary period and the reasons therefore shall be delivered to the employee personally on a date within the probationary period or shall be postmarked on a date within the probationary period; in such cases, the employee shall not have the right to appeal.* If there is no vacancy in a position of the former class, the rules pertaining to lay-offs shall apply. *When an employee is serving a probationary period due to a promotion, and the employee had status in his former position, and the appointing authority dismisses the employee for cause, other than failure to satisfactorily complete the probationary period, reversion to a position of the employee's former class is not necessary; however, in such cases, the employee shall have the right to appeal his dismissal in accordance with 101 KAR 1:130. Such dismissals shall be done in accordance with 101 KAR 1:120, Section 3.*

(3) A promoted employee may request and, if approved by the appointing authority, be reverted to a position of his former class during the probationary period.

ADDIE D. STOKLEY, Commissioner

ADOPTED: June 14, 1978

RECEIVED BY LRC: June 16, 1978 at 10 a.m.

## SECRETARY OF THE CABINET Department of Personnel

101 KAR 1:120E. Separations and disciplinary actions.

RELATES TO: KRS 18.110, 18.170, 18.210, 18.240, 18.270

PURSUANT TO: KRS 13.082, 18.170, 18.190, 18.210

EFFECTIVE: June 16, 1978

EXPIRES: October 14, 1978

NECESSITY AND FUNCTION: KRS 18.170 requires the Personnel Board to adopt comprehensive rules consistent with KRS Chapter 18. KRS 18.190 requires the Commissioner of Personnel to prepare and recommend to the board rules which provide for layoffs and for separation of employees deemed unsatisfactory or excessive by agency or department heads. KRS 18.210 requires the commissioner to prepare and submit to the board rules which provide for layoffs, imposition of fines of not more than ten (10) days' pay, suspension without pay for not longer than thirty (30) days, and for discharge or reduction in rank. This rule is necessary to comply with these statutory requirements.

Section 1. General Provisions. Except as otherwise provided in these rules, the tenure of an employee with status shall be during good behavior and the satisfactory performance of his duties.

Section 2. Layoffs. (1) An appointing authority may layoff an employee in the classified service whenever he deems it necessary by reason of shortage of funds or work, abolishment of a position, or other material change in duties or organization. The employee shall be notified of the effective date and shall be given written notice of the reasons for the layoff.

(2) Seniority, performance appraisals, conduct, qualifications and type of appointment shall be considered in determining the order of layoffs in a manner prescribed or approved by the commissioner. No status employee is to be separated by layoff while there are provisional, temporary, emergency, or probationary employees serving in the agency in the same class in the same locality.

(3) The appointing authority and the department shall attempt to place the employee in another position for which the employee is qualified.

Section 3. Dismissals. (1) The appointing authority may remove any employee with status only for cause after furnishing the employee and the commissioner with a written statement of the specific reasons for dismissal. Such reasons shall be specific as to the statutory and/or rule violation, the time, place, and persons by name involved in the alleged violation, and a specific description of the alleg-



ed unlawful activity. Notification of dismissal that do not properly specify the reasons shall be considered invalid and the employee shall remain on the payroll until such time as proper charges are affected.

(2) Notifications of dismissal shall inform the employee that he has ten (10) working days, not including the date the notice is received, to reply thereto in writing, or upon request, to appear personally with counsel and reply to the appointing authority or his deputy.

(3) An employee with status may appeal his dismissal as set forth in 101 KAR 1:130.

(4) A dismissed employee may be required to forfeit all accrued leave.

**Section 4. Separation During Probationary Period.** An employee may be separated without the right of appeal at any time during the probationary period as set forth in 101 KAR 1:100, Section 3.

**Section 5. Resignations.** An employee who desires to terminate his service with the state shall submit a written resignation to the appointing authority. Resignations shall be submitted at least fourteen (14) calendar days before the final working day. A copy of an employee's resignation shall be attached to the advice effecting the separation and be filed in the employee's service record in the department. Failure of an employee to give fourteen (14) calendar days notice with his resignation may result in forfeiture of accrued annual leave.

**Section 6. Retirement.** If an employee with status is retired, he is considered as separated without prejudice and does not have the right of appeal.

**Section 7. Suspensions.** An appointing authority, upon written notice stating the reasons therefor, a copy of which shall be sent to the commissioner, may suspend an employee without pay or other compensation as punishment for disciplinary cause. In the case of an employee with status, such reasons shall be specific as to the statutory and/or rule violation, the time, place, and persons by name involved in the alleged violation, and a specific description of the alleged unlawful activity. Such a suspension shall not exceed thirty (30) working days during any twelve (12) month period. The twelve (12) month period begins with the first day of the suspension. An employee with status may appeal his suspension as set forth in 101 KAR 1:130.

**Section 8. Disciplinary Fines.** An appointing authority may impose as a disciplinary measure, a fine of not more than ten (10) days pay to be computed on the basis of the employee's current salary. The employee will be notified in writing by the appointing authority of the reasons for the action, a copy of which shall be sent to the commissioner. In the case of an employee with status, such reasons shall be specific as to the statutory and/or rule violation, the time, place, and persons by name involved in the alleged violation, and a specific description of the alleged unlawful activity. An employee with status may appeal the action in accordance with the provisions of 101 KAR 1:130.

**Section 9. Written Reprimands.** An appointing authority may give an employee a written reprimand as a preliminary disciplinary measure. A copy of the written reprimand shall be placed in the employee's personnel file in the agency and a copy shall be given to the employee.

*The employee shall be given the opportunity to reply in writing to the written reprimand and to include this reply in his personnel file with the written reprimand. The employee shall be informed of his right to reply at the time the written reprimand is given.*

ADDIE D. STOKLEY, Commissioner

ADOPTED: June 14, 1978

RECEIVED BY LRC: June 16, 1978 at 10 a.m.

## SECRETARY OF THE CABINET Department of Personnel

### 101 KAR 1:130E. Appeals.

RELATES TO: KRS 18.170, 18.270, 18.272

PURSUANT TO: KRS 13.082, 18.170, 18.210, 18.270

EFFECTIVE: June 16, 1978

EXPIRES: October 14, 1978

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

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

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

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

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

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

**Section 4. Appeal From Removal From Register.** An eligible whose name has been removed from a register for



any of the reasons specified in 101 KAR 1:070, Section 6(1) and (2), may appeal to the board for reconsideration.

**Section 5. Appeal Procedure for Applicants or Eligibles.** The appeal to the board by applicants or eligibles under 101 KAR 1:130, Sections 1, 2, 3, 4, must be filed in writing with the commissioner not later than fifteen (15) calendar days after the notification of the action in question was mailed. The applicant or eligible shall have the right to appear before the board and to be heard. [The decisions of the Board on such appeals shall be final.]

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

(2) An employee may appeal a transfer which he considers to be a penalization. Following notification of a transfer, an employee must report for work, or make himself known to be available for work, at either his old work station or the new one to which assigned.

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

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

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

(4) If the board finds that the action complained of was taken by the appointing authority for any political, religious, or ethnic origin, or due to sex, race, age (between forty (40) and sixty-five (65)), or handicap, the employee shall be reinstated to his former position or a position of like status and pay, without loss of pay for the period of his penalization, [dismissal, demotion or suspension] and without penalization, or shall otherwise be made whole.

(5) If the Board finds that the action complained of was taken by the appointing authority without just cause, the board shall order the employee reinstated to his former position or a position of like status and pay, without loss of pay for the period of his penalization, or otherwise make the employee whole. In all other cases, if the board finds that the action taken by the appointing authority was excessive or erroneous in view of all the surrounding circumstances, the board shall alter, modify or rescind the disciplinary action. [In all other cases, the findings and

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

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

**Section 8. Hearing of Appeals.** (1) Evidentiary hearings in appeals filed pursuant to KRS 18.270 and 101 KAR 1:130 shall be conducted by the full board or quorum thereof, except as otherwise provided in this rule. The board may adopt a rotating schedule for the attendance of members at evidentiary hearings to be conducted by the board in order to assure the presence of a quorum, but notwithstanding any such schedule any member of the board may attend and participate in any such hearing.

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

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

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

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

(d) If felt necessary by a majority of the board, remanding the case or any part thereof for rehearing by the same presiding member-hearing examiner, with such hearing examiner to prepare and submit to the parties and the board such additional findings of fact and dispositive recommendations as he feels are necessary upon the conclusion of the rehearing. A stenographic record shall be taken of this additional testimony and the presiding member-hearing examiner shall submit to the board a synopsis of the evidence presented. The board shall then consider the findings of fact, synopsis of the evidence presented, and dispositive recommendations from the original hearing and any additional rehearings ordered, and shall, upon request of any



member of the board, instruct the commissioner to prepare a complete or partial record. The board, upon consideration of these items and such additional written or oral arguments or exceptions as the parties have presented as a matter of right or may present with leave or upon request of the board, shall render its final decision in the case.

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

(4) Hearing examiners selected by the board, but who are not themselves members of the board, shall conduct evidentiary hearings in the same manner as board member hearing examiners. In all cases, upon the conclusion of the hearing, the hearing examiner shall submit to the board a synopsis of the evidence presented, his findings of fact, and dispositive recommendations in the case before him, and the commissioner shall transmit by certified mail to both parties a copy of the findings of fact and dispositive recommendations. In the presence of the hearing examiner and with his advice, the board shall review these documents, and after consideration of such written or oral arguments or exceptions as the parties have presented as a matter of right or may present with leave or upon request of the board, shall make a final determination of the appeal by either:

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

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

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

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

(5) Transcripts: At any time after a hearing but prior to a final order of the Personnel Board, either party may request that an official transcript be prepared concerning said hearing. The party so requesting such official transcript shall bear the entire expense thereto unless otherwise ordered by the Personnel Board. Said request shall be in written motion or request to the board and said motion or request shall be served on the opposing party. A certified check or money order for not less than \$100 made payable to the official court reporter shall accompany said

motion or request. The balance due said official court reporter shall be paid in full before said reporter shall file said transcript with the board. Said transcript shall be filed within sixty (60) days after said motion or request is made unless the court reporter, for good reason, requests a thirty (30) day extension in writing. If the court reporter is not paid in full or to her satisfaction as to credit extended, she shall not file said transcript and the deposit described above shall be retained by her for expenses incurred in preparing the transcript.

ADDIE D. STOKLEY, Commissioner

ADOPTED: June 14, 1978

RECEIVED BY LRC: June 16, 1978 at 10 a.m.

## SECRETARY OF THE CABINET Department of Personnel

### 101 KAR 1:140E. Service regulations.

RELATES TO: KRS 18.170, 18.190, 18.210

PURSUANT TO: KRS 13.082, 18.170, 18.190, 18.210

EFFECTIVE: June 16, 1978

EXPIRES: October 14, 1978

NECESSITY AND FUNCTION: KRS 18.170 requires the Personnel Board to adopt comprehensive rules consistent with KRS Chapter 18. KRS 18.190 and 18.210 require the Commissioner of Personnel to prepare and submit to the board rules which provide for annual leave, sick leave, special leaves of absence, and for other conditions of employment. This rule is necessary to comply with these statutory requirements.

Section 1. Attendance. Hours of Work: The number of hours full-time employees in state offices in Frankfort are required to work shall be uniform for all positions unless specified otherwise by the appointing authority or the statutes. The normal work day shall be from 8:00 a.m. to 4:30 p.m., local time, Monday through Friday. Employees in other than Frankfort state office buildings shall be subject to such hours of work as set by the appointing authority.

Section 2. Annual leave. (1) Each full-time employee in the state service, except seasonal, temporary and emergency employees, shall be allowed annual leave with pay at the following rate:

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

An employee must have worked more than half of the work days in a month to qualify for annual leave. In computing years of total service for the purpose of allowing annual leave, only those months for which an employee earned annual leave shall be used. Employees serving on a part-



time basis who work more than 100 hours a month shall be allowed four (4) hours annual leave for each month of service. Employees serving on a part-time basis who work less than 100 hours a month or per-diem basis shall not be entitled to annual leave. Part-time employees who work more than 100 hours a month shall not be allowed to carry forward annual leave from one calendar year to the next.

(2) Annual leave may be accumulated and carried forward from one calendar year to the next not to exceed the following amounts:

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

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

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

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

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

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

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

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

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

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

(11) Upon the death of an employee, his estate shall be entitled to receive pay for the unused portion of the

employee's accumulated annual leave not to exceed the maximum amounts as set forth in Section 2(2) above.

Section 3. Sick Leave. (1) Each employee in the state service, except an emergency, part-time, or per-diem employee, shall be allowed sick leave with pay at the rate of one (1) working day for each month of service. Employees serving on a part-time basis who work more than 100 hours a month shall be allowed four (4) hours sick leave for each month of service. An employee must have worked more than half of the work days in a month to qualify for sick leave with pay. Employees serving on a part-time basis who work less than 100 hours a month or per-diem basis shall not be entitled to sick leave.

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

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

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

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

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

(b) Is disabled by sickness or injury;

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

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

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

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

(6) An appointing authority shall grant sick leave without pay for so long as an employee is disabled by sickness, or illness, or pregnancy and confinement, and the total continuous leave does not exceed two (2) years. At the termination of sick leave without pay, the appointing authority shall reinstate the employee to a position for which he is qualified, and which resembles his former position as closely as circumstances permit.

(7) Absence for a fraction or part of a day that is chargeable to sick leave shall be charged in hours or one-half (½) hours.

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

(9) Employees shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty (30) working days. The employee's amount of accumulated sick leave shall be listed in the remarks section of the advice



effecting the separation. Former employees who are reinstated or re-employed may have up to five (5) days of their accumulated and unused sick leave balance revived upon appointment and placed to their credit upon request of the appointing authority and approval of the commissioner. Any additional balance may be revived after sixty (60) days of work upon similar request.

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

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

(12) Supporting evidence:

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

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

**Section 4. Court Leave.** An employee shall be entitled to leave of absence from duties, without loss of time or pay for that amount of time necessary to comply with subpoenas by any court, federal, state, or political subdivision thereof, to serve as a juror or a witness except in cases where the employee himself or a member of his family is a party plaintiff in court action. This leave shall include necessary travel time. If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work.

**Section 5. Compensatory Leave.** [(1)] Accumulated compensatory time shall be granted by the appointing authority in accordance with agency needs and requirements and, insofar as practicable, in accordance with the employee's request. To maintain a manageable level of accumulated compensatory time and for the specific purpose of reducing the employee's compensatory time balance, an appointing authority may direct an employee to take accumulated compensatory time off from work.

[(2)] An employee who is exempt from overtime provisions of wage and hour laws and who is authorized in advance by the appointing authority to work one (1) or more hours in excess of his prescribed hours of duty shall be granted compensatory leave on an hour-for-hour basis.]

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

[(4)] An employee subject to overtime provisions of wage and hour laws shall be paid in accordance with such provi-

sions for actual hours worked in excess of the applicable statutory maximum hours. Compensatory leave earned and used during the same workweek does not constitute "hours worked" for computing overtime pay.]

**Section 6. Military Leave.** Any employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from his civil duties upon request therefor, to serve under orders on training duty without loss of his regular compensation for a period not to exceed ten (10) working days in any one (1) calendar year, and any such absence shall not be charged to leave. Absence in excess of this amount will be charged as annual leave or leave without pay. The appointing authority may require a copy of the orders requiring the attendance of an employee before granting military leave.

**Section 7. Voting Leave.** Appointing authorities shall allow all employees ample time to vote. Such absence shall not be charged against leave.

**Section 8. Special Leave of Absence.** (1) In addition to leaves as above provided, an appointing authority may grant leave without pay for a period or periods not to exceed thirty (30) working days in any calendar year.

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

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

**Section 9. Absence Without Leave.** An employee who is absent from duty without approval shall report the reason therefore to his supervisor immediately. Unauthorized and/or unreported absence shall be considered absence without leave and deduction of pay may be made for each period of such absence. Such absence may constitute grounds for disciplinary action and will serve to interrupt continuous service as defined in 101 KAR 1:050.

**Section 10. Performance Appraisal.** Quality and quantity of work shall be considered in determining salary advancements, in promotions, in determining the order of layoff, in re-employment, and as a means of identifying employees who should be promoted, demoted, or dismissed.

**Section 11. Records and Reports.** (1) Personnel action forms: The commissioner shall prescribe personnel action forms which appointing authorities shall use to report such personnel actions and status changes as he may require. The commissioner shall inform the appointing authorities which personnel actions and status changes must be reported to him.

(2) Leave records: Each appointing authority shall in-



stall and maintain a leave record showing for each employee:

- (a) Annual leave earned, used and unused;
- (b) Sick leave earned, used and unused; and
- (c) Special leave or any other leave with or without pay.

Such record shall be documentary evidence to support and justify authorized leave of absence with pay. Each appointing authority shall notify his employees of their annual and sick leave balances as of January 1; a summary of which shall be sent to the department by February 1.

(3) Official roster: The commissioner shall prepare and maintain a record of all employees showing for each employee his name, address, title of position, salary rate, changes in status, transfer, sick leave and annual leave.

**Section 12. Confidentiality of Records.** (1) Except as otherwise provided in the rules, all records of the department shall be considered public records and may be inspected, when in the public interest, upon application made to the commissioner during normal working hours.

(2) Unless the board shall determine otherwise, records of the department involving investigation correspondence and data related to the moral character and reputation of applicants for employment or employees in state service; and examination materials, questions, data and examination papers and records relating in any way to competitive examinations and tests conducted and held by the department shall be held confidential.

**Section 13. Dual Employment.** No employee holding a full time position with the Commonwealth may hold another state position except upon recommendation of the appointing authority and the written approval of the Commissioner of Personnel. A copy of such written approval and a statement of the reasons therefor shall be transmitted to the Governor and the Director of the Legislative Research Commission. A complete list of all employees holding more than one (1) state position shall be furnished to the Legislative Research Commission quarterly by the commissioner.

**Section 14. Minimum Hiring Age.** The minimum age for hiring of state employees shall conform to federal and state labor laws, rules and regulations.

**Section 15. Maximum Hiring Age.** (1) The maximum hiring age for permanent employment subject to these rules is sixty-five (65).

(2) Agencies may request that individuals over sixty-five (65) be tested and/or employed. The request must be justified in writing by the appointing authority, stating the reasons why it serves the public interest, and must have the prior approval of the Commissioner of Personnel. Applicants so approved shall be certified only to those agencies requesting such waivers.

**Section 16. Retirement.** (1) The normal retirement age for employees subject to these rules shall be sixty-five (65).

(2) Employees over sixty-five (65) may be allowed to continue employment from year to year with prior approval of the Commissioner of Personnel when it serves the public interest. Such requests must be justified in writing by the appointing authority.

**Section 17. Restoration From Military Leave.** (1) State appointing authorities shall comply with the provisions of KRS 61.371, 61.373, 61.375, 61.377, 61.379.

(2) The Department of Personnel shall require proper compliance with these statutes as they pertain to state employees.

(3) The appointing authorities for employees in county, city, or political subdivisions thereof, are responsible for compliance with these statutes, in keeping with normal personnel practices and procedures of each.

(4) Appeals may be filed by an employee or previous employee pursuant to 101 KAR 1:130. The governmental agency from which the appeal is filed shall bear the expense of the hearing of the appeal.

(5) A former employee seeking restoration, who has been rejected or otherwise penalized, must file an appeal within thirty (30) days, after notification of such rejection or penalization by an appointing authority.

ADDIE D. STOKLEY, Commissioner

ADOPTED: June 14, 1978

RECEIVED BY LRC: June 16, 1978 at 10 a.m.

### SECRETARY OF THE CABINET Department of Personnel

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

RELATES TO: KRS 18.220

PURSUANT TO: KRS 13.082, 18.220

EFFECTIVE: June 16, 1978

EXPIRES: October 14, 1978

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

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

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

An employee must have worked more than half of the work days in a month to qualify for annual leave. In computing years of total service for the purpose of allowing annual leave, only those months for which an employee earned annual leave shall be used. Employees serving on a part-



time basis who work more than 100 hours a month shall be allowed four (4) hours annual leave for each month of service. Employees serving on a part-time basis who work less than 100 hours a month or per-diem basis shall not be entitled to annual leave. Part-time employees who work more than 100 hours a month shall not be allowed to carry forward annual leave from one calendar year to the next.

(2) Annual leave may be accumulated and carried forward from one (1) calendar year to the next not to exceed the following amounts:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Is disabled by sickness or injury;

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

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

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

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

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

(7) Absence for a fraction or part of a day that is chargeable to sick leave shall be charged in hours or one-half (½) hours.

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

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



(60) days of work upon similar request.

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

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

(12) Supporting evidence:

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

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

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

Section 4. Compensatory Leave. [(1)] Accumulated compensatory time shall be granted by the appointing authority in accordance with agency needs and requirements and, insofar as practicable, in accordance with the employee's request. To maintain a manageable level of accumulated compensatory time and for the specific purpose of reducing the employee's compensatory time balance, an appointing authority may direct an employee to take accumulated compensatory time off from work.

[(2) An employee who is exempt from overtime provisions of wage and hour laws and who is authorized in advance by the appointing authority to work one (1) or more hours in excess of his prescribed hours of duty shall be granted compensatory leave on an hour-for-hour basis.]

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

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

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

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

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

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

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

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

ADDIE D. STOKLEY, Commissioner

ADOPTED: June 14, 1978

RECEIVED BY LRC: June 16, 1978 at 10 a.m.



**JULIAN M. CARROLL, GOVERNOR**

Executive Order 78-494

June 14, 1978

**EMERGENCY REGULATIONS  
State Board of Medical Licensure**

WHEREAS, the 1978 General Assembly enacted House Bill 101 relating to the certification of paramedics which will become effective on June 17, 1978; and

WHEREAS, House Bill 101 provides in part that:

No person shall:

"Hold himself out as certified pursuant to this act nor use the term "paramedic" when he does not hold a current valid certification issued pursuant to this Act;"

WHEREAS, approximately 80 paramedics have heretofore been certified by the Department for Human Resources and are actively engaged in providing paramedic services throughout the state; and

WHEREAS, the regulations of the State Board of Medical Licensure will "grandfather" all certifications made by the Department for Human Resources; and

WHEREAS, the State Board of Medical Licensure has determined and finds that an emergency exists and that it is an immediate necessity to adopt regulations authorizing the certification of paramedics heretofore made by the Department for Human Resources so that they may continue to provide paramedic services throughout Kentucky:

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 State Board of Medical Licensure that an emergency exists and direct that the attached regulations become effective on June 17, 1978, upon being filed in the Office of the Legislative Research Commission.

JULIAN M. CARROLL, Governor

DREXELL R. DAVIS, Secretary of State

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
State Board of Medical Licensure**

**201 KAR 9:101E. Definitions relating to paramedics.**

RELATES TO: KRS 311.650 to 311.658, 311.990(18)

PURSUANT TO: KRS 13.082, 311.654

EFFECTIVE: June 16, 1978

EXPIRES: October 14, 1978

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to define terms that are used in regulations promulgated by the Board relating to paramedics.

Section 1. Definitions. As used in board regulations relating to paramedics, the following terms shall have the meanings set forth below unless the context requires otherwise:

(1) "Advanced life support unit" means a motor vehicle, vessel, or aircraft designed and used primarily for on-the-scene care or transportation of critically ill or critically injured patients and is equipped with such equipment as specified by the board as being essential to the proper functioning of an advanced life support unit.

(2) "Applicant" means any person applying for training or certification as a paramedic under this regulation.

(3) "Board" means the State Board of Medical Licensure.

(4) "Certificate" means the certificate issued by the Board of Medical Licensure pursuant to this regulation to any individual qualifying pursuant to this regulation to perform the duties of a paramedic.

(5) "Certified" means one who holds a certificate issued pursuant to this regulation.

(6) "Committee" means the Paramedic Advisory Committee as appointed by the board to act in an advisory capacity.

(7) "Emergency situation" means an unforeseen circumstance or combination of circumstances, regardless of place of occurrence, requiring immediate and continued medical response and intervention to safeguard the life or physical well-being of any patient.

(8) "Emergency medical technician (EMT)" means a qualified individual currently certified by the Kentucky Department for Human Resources as an emergency medical technician, emergency medical technician-ambulance, emergency medical technician-instructor, or emergency medical technician instructor-trainer.

(9) "Equipment" means that equipment required by the board to be carried and maintained on an advanced support unit.

(10) "Graduate paramedic" means any person who has successfully completed a board-approved paramedic training course and who has not yet taken the board's certifying examination provided for in these regulations.

(11) "Medical advisor" means a licensed physician whose responsibility and duty is to provide medical care in the emergency room of a hospital, and who shall be primarily responsible for the training and supervision of paramedics.

(12) "Paramedic" means a person who is primarily involved in the delivery of emergency medical services and is certified under KRS 311.652 to 311.658

(13) "Paramedic trainee" means a qualified person who is enrolled in a paramedic training course authorized and approved by the board pursuant to this regulation.

(14) "Patient" means an individual who is sick, injured, dead or otherwise incapacitated or helpless.

(15) "Provider" means the operator of any advanced life support unit within the Commonwealth of Kentucky, or any person utilizing a paramedic, paramedic-trainee, or graduate paramedic, except a person utilizing a paramedic as an instructor in a training course authorized and approved by the board.

(16) "Supervising physician" means a licensed physician selected by the medical advisor to supervise paramedics.

DR. JOHN C. QUERTERMOUS, President  
Kentucky State Board of Medical Licensure

ADOPTED: May 25, 1978

RECEIVED BY LRC: June 16, 1978 at 3:15 p.m.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
State Board of Medical Licensure**

**201 KAR 9:111E. Application, certification requirements.**

RELATES TO: KRS 311.650 to 311.658, 311.990(18)

PURSUANT TO: KRS 13.082, 311.654

EFFECTIVE: June 16, 1978

EXPIRES: October 14, 1978

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to establish requirements for applicants; requirements and exemptions for certification of paramedics; prohibitions relating to the use of paramedics; and to define inactive service of paramedics.

Section 1. Requirements for Applicants, Selection of Applicants, and Training. No paramedic training course shall be authorized or approved by the board that does not conform with the standards set forth in this regulation for requirements for applicants, selection of applicants, and training course requirements, except that any paramedic training course that began prior to the effective date of this regulation and otherwise conforms with the standards for training course requirements set forth in this regulation may be approved by the board.

Section 2. Requirements for Applicants. Each applicant shall:

- (1) Be eighteen (18) years of age or older.
- (2) Hold a valid motor vehicle operator's license.
- (3) Be of good moral character.
- (4) Not be habitually addicted to or an abuser of alcoholic beverages, drugs, or controlled substances.
- (5) Understand and be able to read, speak, and write the English language.
- (6) Have a physical examination performed by a physician licensed in this state within the twelve (12) months immediately preceeding the date of application verifying that the applicant is in good physical and mental health and has no disabilities that would prevent the applicant from functioning as a paramedic, which shall include a chest x-ray or tuberculin test.
- (7) Be currently certified by the Kentucky Department for Human Resources as an emergency medical technician, emergency medical technician-ambulance, emergency medical technician instructor, or emergency medical technician instructor-trainer.
- (8) Have a high school diploma or general equivalency diploma.
- (9) Submit a notarized application form provided by the board to the board and to the medical advisor.

Section 3. Selection Committee. Each medical advisor shall appoint a selection committee to administer tests and to conduct interviews for the purpose of qualifying applicants to be accepted into paramedic training courses.

Section 4. Prohibition or Usage of Unauthorized Person. No provider shall employ, utilize, permit the operation of, or advertise or represent that said provider employs or utilizes certified paramedics, graduate paramedics, or paramedic trainees personnel unless provider is in compliance with the provisions of this regulation.

Section 5. Prohibited Utilization of Certified Paramedics. Nothing in this regulation shall be construed to permit certification or utilization of any certified paramedic, graduate paramedic, or paramedic trainee for the purpose of such individual working full-time with primary responsibility and duties limited to hospitals, physician's offices, clinics, or other definitive care facilities.

Section 6. Inactive Status of Certified Paramedics. In the event a certified paramedic discontinues his employment with a provider or with a training institution, he shall be deemed to be in inactive status and shall not perform the services of a certified paramedic unless subsequently employed by a new provider or training institution. Upon re-employment by a new provider, the certified paramedic shall immediately notify the board of the name and address of his new provider or training institution.

DR. JOHN C. QUERTERMOUS, President  
ADOPTED: May 25, 1978  
RECEIVED BY LRC: June 16, 1978 at 3:15 p.m.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
State Board of Medical Licensure**

**201 KAR 9:121E. Certification renewal.**

RELATES TO: KRS 311.650 to 311.658, 311.990(18)

PURSUANT TO: KRS 13.082, 311.654, 311.656

EFFECTIVE: June 16, 1978

EXPIRES: October 14, 1978

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to establish requirements for training, and renewal of paramedic certification.

Section 1. Paramedic Training Course Requirements. The training course shall:

- (1) Include the U.S. Department of Transportation curriculum and such additions to the curriculum as prescribed by the board.
- (2) Be of at least 500 hours duration.
- (3) Be supervised by a medical advisor with such assistance of a registered nurse or certified paramedic as the medical advisor deems necessary.
- (4) Have a training course faculty composed of appropriate professionals, clinical, academic, and technical instructors.
- (5) Be conducted at locations approved and authorized by the board including, as part of the instruction, training at a hospital licensed to operate in this state.

Section 2. Issuance of Certification and Renewal. Certificates shall be issued by the board pursuant to the standards set forth in these regulations. A paramedic trainee shall be eligible to take the certifying examination prescribed by the board, provided that:



(1) Within thirty (30) months of the commencement of a paramedic training course authorized and approved by the board, the paramedic trainee has successfully completed said training course; and

(2) Within thirty (30) months of commencement of such training course, the paramedic trainee has successfully completed a field clinical evaluation of at least five (5) months duration.

(3) A paramedic trainee is eligible to take the certifying examination upon the written recommendation of the medical advisor and verification that the paramedic trainee has completed the requirements of subsections (1) and (2) of this section.

Section 3. Paramedic Certification Examination. The board shall prescribe the format and content of the paramedic certification examination which shall include written, oral, and practical examination. Such examination shall be held in a manner and at times and locations prescribed by the board.

Section 4. Expiration of Certification. Upon successful completion of the certification examination, the graduate paramedic shall be issued a certificate which shall be valid for two (2) years from date of issuance.

DR. JOHN C. QUERTERMOUS, President

ADOPTED: May 25, 1978

RECEIVED BY LRC: June 16, 1978 at 3:15 p.m.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
State Board of Medical Licensure**

**201 KAR 9:131E. Recertification.**

RELATES TO: KRS 311.650 to 311.658, 311.990(18)

PURSUANT TO: KRS 13.082, 311.654

EFFECTIVE: June 16, 1978

EXPIRES: October 14, 1978

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to authorize the board to issue certificates to paramedics previously certified by the Department for Human Resources as "Emergency Medical Technician-Paramedic."

Section 1. Certification of Emergency Medical Technician-Paramedics Previously Certified by the Department for Human Resources. The board shall, upon proper certification by the Department for Human Resources, issue current paramedic certificates to persons holding valid certificates, heretofore issued by the Department for Human Resources, as emergency-medical technician-paramedics.

DR. JOHN C. QUERTERMOUS, President

ADOPTED: May 25, 1978

RECEIVED BY LRC: June 16, 1978 at 3:15 p.m.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
State Board of Medical Licensure**

**201 KAR 9:141E. Denial, revocation and suspension of certificate.**

RELATES TO: KRS 311.650 to 311.658, 311.990(18)

PURSUANT TO: KRS 13.082, 311.654

EFFECTIVE: June 16, 1978

EXPIRES: October 14, 1978

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to establish procedures for taking disciplinary action against certified paramedics.

Section 1. Denial, Revocation, and Suspension of Certificates. The board may deny, revoke or suspend the certificate of any person who:

(1) Has engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;

(2) Becomes a drug dependent person or drug abuser as defined in KRS 222.011(8);

(3) Becomes an alcoholic person who suffers from alcoholism as defined in KRS 222.011(3);

(4) Develops such physical or mental disability or other condition that continued practice or performance of his duties may be dangerous to patients or the public; or

(5) Fails to comply with any regulation of the board relating to the certification of paramedics.

Section 2. Hearings. The board shall furnish the certificate holder with written notice setting out the substance of each offense charged with sufficient detail to reasonably apprise such person the nature, time and place thereof. The certificate holder shall have the right to be present in person or be represented by counsel and to present evidence and to be heard in opposition to the charges which may be instituted. The board shall make a finding of fact and conclusion of law. The hearing may be conducted by a hearing officer appointed by the board.

DR. JOHN C. QUERTERMOUS, President

ADOPTED: May 25, 1978

RECEIVED BY LRC: June 16, 1978 at 3:15 p.m.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
State Board of Medical Licensure**

**201 KAR 9:151E. Contracts for support services.**

RELATES TO: KRS 311.650 to 311.658, 311.990(18)

PURSUANT TO: KRS 13.082, 311.654, 311.656

EFFECTIVE: June 16, 1978

EXPIRES: October 14, 1978

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this

regulation is to authorize contracts for support services; establish a fee schedule; and to establish a Paramedic Advisory Committee.

Section 1. Contract for Support Services. The board may contract with the Department for Human Resources for the selection of training sites, student selection, monitoring and evaluation of training courses of paramedics, and to perform such other services as may be necessary to implement the provisions of these regulations.

Section 2. Fees. The following schedule of fees is established pursuant to KRS 311.656:

- (1) Application Fee: \$10;
- (2) Examination Fee: \$35;
- (3) Renewal Fee: \$20;
- (4) Fee for Duplicate Certificate: \$10.

Section 3. Advisory Committee. (1) There is hereby created a Paramedic Advisory Committee consisting of the following:

- (a) Four (4) physicians, two (2) of them shall be appointed for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year.
  - (b) Two (2) emergency department nurses, one (1) of whom shall be appointed for a term of three (3) years, and one (1) for a term of two (2) years.
  - (c) One (1) certified paramedic, who shall be appointed for a term of one (1) year.
  - (d) One (1) EMT instructor, who shall be appointed for a term of three (3) years.
  - (e) One (1) member of the Emergency Medical Services Coordination Association, who shall be appointed for a term of two (2) years.
  - (f) One (1) advanced life support provider, who shall be appointed for a term of one (1) year.
  - (g) One (1) consumer, who shall be appointed for a term of one (1) year.
  - (h) The manager of the EMS Branch of the Department for Human Resources or his designee shall serve as an ex-officio member.
- (2) The duties of the committee shall be to advise the board on matters pertaining to paramedics.

DR. JOHN C. QUERTERMOUS, President  
 ADOPTED: May 25, 1978  
 RECEIVED BY LRC: June 16, 1978 at 3:15 p.m.

**EXECUTIVE DEPARTMENT FOR FINANCE  
 AND ADMINISTRATION  
 State Board of Medical Licensure**

201 KAR 9:161E. Skills, authorized procedures.

RELATES TO: KRS 311.650 to 311.658, 311.990(18)  
 PURSUANT TO: KRS 13.082, 311.654  
 EFFECTIVE: June 16, 1978  
 EXPIRES: October 14, 1978

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this

regulation is to prescribe procedures which certified paramedics, graduate paramedics and paramedic trainees are authorized to perform.

Section 1. Authorized Certified Paramedic Procedures. Certified paramedics may perform the procedures and skills of a certified emergency medical technician (EMT). In addition, a certified paramedic may perform any of the procedures set forth in Section 3 of this regulation provided:

- (1) A verbal order is given by radio or telephone by the medical advisor or supervising physician (or a direct verbal or written order is given by a licensed physician who is physically present at the scene of the emergency call); and
- (2) Provided, further that the certified paramedic is under the supervision of the medical advisor or the supervising physician during the performance of authorized procedures. In addition, a certified paramedic may perform procedures pursuant to written standing orders issued by his medical advisor.

Section 2. Authorized Graduate Paramedic and Paramedic Trainee Procedures. Graduate paramedics and paramedic trainees may perform the procedures and skills of a certified emergency medical technician (EMT). In addition, graduate paramedics and paramedic trainees may, subject to any limitations imposed by the medical advisor or the supervising physician, perform any other procedures specified in Section 3 of this regulation, provided:

- (1) Verbal order is given by radio or telephone by the medical advisor or supervising physician (or a direct verbal or written order given by a licensed physician who is physically present at the scene of the emergency call); and
- (2) Provided further that the graduate paramedic or paramedic trainee is under the direct supervision of the medical advisor or the supervising physician directing the performance of such authorized procedures.

Section 3. Authorized Procedures. Any certified paramedic, graduate paramedic or paramedic trainee, subject to the limitations of this regulation may perform the following procedures:

- (1) Suctioning; nasopharyngeal and endotracheal;
- (2) Endotracheal and nasotracheal intubation;
- (3) Insert nasopharyngeal airway(s);
- (4) Defibrillation;
- (5) Venipuncture and drawing venous blood for analysis;
- (6) Upon proper approval by applicable licensing and regulator authorities possess and administer by the appropriate route (intravenously, subcutaneously, or intramuscularly) the following drugs:
  - (a) Anticonvulsant(s);
  - (b) Antiarrhythmic agents;
  - (c) Bronchodilators;
  - (d) Narcotics;
  - (e) Narcotic antagonists;
  - (f) Intravenous fluids or plasma expanders, or both;
  - (g) Diuretics;
  - (h) Antihistamine;
  - (i) Vasoactive drugs;
  - (j) Poison antidotes;
  - (k) Cardiotonic drugs;
  - (l) Alkalizing drugs;
  - (m) Vagolytic;
  - (n) Antihypoglycemic agents;
  - (o) Or such other fluid drugs or medications as the board may prescribe.



- (7) Perform nasogastric intubation and suctioning;
- (8) Perform urinary catheterization and urine collection;
- (9) Perform electrocardiographic monitoring and biomedical telemetry;
- (10) Utilize rotating tourniquets;
- (11) Apply "anti-shock" trousers;
- (12) Conduct such physical examinations for which they have been trained; and
- (13) Perform such other procedures as the board may prescribe.

DR. JOHN C. QUERTERMOUS, President

ADOPTED: May 25, 1978

RECEIVED BY LRC: June 16, 1978

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
State Board of Medical Licensure**

**201 KAR 9:171E. Utilization of services.**

RELATES TO: KRS 311.650 to 311.658, 311.990(18)

PURSUANT TO: KRS 13.082, 311.654

EFFECTIVE: June 16, 1978

EXPIRES: October 14, 1978

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to establish minimum requirements relating to providers utilizing the services of certified paramedics, graduate paramedics, and paramedic trainees.

Section 1. Utilization of Paramedic Personnel. No provider shall utilize the services of a certified paramedic, graduate paramedic, or paramedic trainee, except in accordance with the provisions of this regulation.

Section 2. Medical Advisor. A provider shall have a written agreement with the medical advisor to provide medical supervision and control of paramedics in the employ of the provider. The scope of the medical advisor's duties shall be set forth in a written contract with a provider.

Section 3. Hospital Requirements. The hospital designated as resource hospital or base hospital responsible for supervising paramedics shall have an emergency room staffed with licensed physicians present in the emergency room twenty-four (24) hours a day who have agreed to supervise the provider's certified paramedics, graduate paramedics, or paramedic trainees. The hospital shall have two-way radio voice communication capability with the provider's certified paramedic, graduate paramedic, or paramedic trainee.

Section 4. Recording of Verbal Orders. The provider shall record on magnetic tape all verbal orders other than those issued by a physician physically present at the scene of an emergency and any biomedical telemetry received by the hospital. All such recordings shall be retained in a per-

manent file for a minimum of one (1) year and for such additional time as is deemed appropriate based upon all relevant factors by the provider.

Section 5. Staffing of Advanced Life Support Units. All advanced life support units used by a provider shall as a minimum be staffed by at least:

- (1) One (1) certified paramedic, or physician, and one (1) registered nurse, or graduate paramedic, or paramedic trainee or emergency medical technician; or
- (2) One (1) graduate paramedic or paramedic trainee, and one (1) physician, or registered nurse or certified paramedic.

Section 6. Motor Vehicles Used by Advanced Life Support Units. All motor vehicles used by a provider for advanced life support for patient transportation shall meet the minimum requirements of Federal GSA Standards, KKK-A-1822.

Section 7. Advanced Life Support Equipment and Supplies. The provider shall provide and maintain on each advanced life support unit as a minimum all equipment required for conforming ambulances pursuant to 902 KAR 20:115 and, in addition, the following equipment and supplies:

- (1) An endotracheal intubation set consisting of:
  - (a) Laryngoscope handle;
  - (b) Laryngoscope blades, curved and straight in adult and pediatric sizes;
  - (c) Extra batteries and light bulb for laryngoscope;
  - (d) Endotracheal tubes, for oro and nasotracheal intubation, with appropriate sizes for adult and pediatric use;
  - (e) McGill's forceps;
  - (f) Hemostats;
  - (g) Syringes (5cc);
  - (h) One-half (½) inch wide twill tape or equivalent for securing endotracheal tubes;
  - (i) Water soluble lubricant suitable for lubrication of endotracheal and nasopharyngeal tubes;
  - (j) Bite block;
  - (k) Nasopharyngeal airways in sizes suitable for adult and pediatric usage;
- (2) A portable monitor-defibrillator which:
  - (a) Is capable of displaying a visual display of electrical activity;
  - (b) Is capable of providing a hard copy of electrical activity measure;
  - (c) Is capable of delivering up to 320 watt/seconds direct current energy over a variable range suitable for pediatric and adult usage;
  - (d) Has a pair of external paddle electrodes capable of utilization for immediate monitoring of heart activity and delivery of countershock;
  - (e) Is capable of being operated from internal rechargeable batteries, with appropriate accessory for recharging battery;
  - (f) Preferably, but not necessarily, has synchronized countershock capability for cardio version;
  - (g) Has a patient monitoring cable; and
  - (h) Has accessories: electrode paste, gel, or equivalent; electrode pads, or equivalent for use with patient cable; one (1) additional roll of paper for hard-copy printout.
- (3) Needles, sterile, disposable: 20 gauge, 1 inch and 1½ inch; 22 gauge, 1½ inch; 23 gauge, 1 inch; 25 gauge, 1 inch;
- (4) Syringes, disposable: 1 cc tuberculin, 3 cc, 5 cc, 10cc, 20cc, 50cc;

(5) Appropriate containers for collection of blood samples;

(6) Tourniquet appropriate for use with venipuncture procedure;

(7) Dextrostix(R) or equivalent for measurement of blood sugar;

(8) Disposable, individually packaged antiseptic wipes;

(9) Pole suitable for attachment to ambulance cot for hanging intravenous fluids;

(10) Intravenous fluids: five (5) percent dextrose in water; 500cc containers; lactated ringers, or therapeutic equivalent, 1,000 cc containers; normal saline for infusion, 1,000cc containers;

(11) Intravenous fluid administration sets and extension sets: regular 15gtt/cc; microdrip 60gtt/cc;

(12) Intravenous catheter over needle devices: 15 gauge, 16 gauge, 18 gauge, 20 gauge;

(13) Butterfly needles: 19 gauge, 23 gauge;

(14) Nasogastric tubes: 10 French, 14 French, 18 French;

(15) Water soluble lubricant;

(16) Portable suction apparatus;

(17) Sterile suction catheters: 10 French, 14 French, 18 French;

(18) Rotating tourniquet apparatus: 3 elastic bands of two (2) inch or greater;

(19) Stethoscope, aneroid manometer, sphygmomanometer, and flashlight.

Section 8. Additional Equipment on Advanced Life Support Units. The provider shall provide and maintain on each advanced life support unit such additional equipment as the board may deem essential.

Section 9. Availability of Equipment. All equipment and supplies specified in this regulation shall be immediately available at all times to the certified paramedic, graduate paramedic, or paramedic trainee when he is engaged in patient care. Where the vehicle used for advanced life support is not the vehicle that will provide the patient transportation and where a complete set of equipment is not available in the patient transportation vehicle, the advanced life support units shall accompany the patient transportation unit at all times when the patient being cared for by a certified paramedic, graduate paramedic, or paramedic trainee is being transported in the patient transportation vehicle.

Section 10. Neonatal Isolettes. The provider shall have at least one (1) neonatal transportation isolette for use on his patient transportation vehicles.

Section 11. Limitation of Paramedic Services; Emergency Situations. In the event advanced life support equipment and supplies are not available, a certified paramedic, graduate paramedic, or paramedic trainee shall perform only those services which a certified emergency medical technician shall perform. Provided, however, that this restriction shall not apply in emergency situations where a physician orders the use of advanced life support equipment and techniques after the certified paramedic, graduate paramedic, or paramedic trainee has apprised the physician as to which procedures he is unable to perform due to equipment unavailability or breakdown of equipment.

Section 12. Annual Evaluation. The provider and the provider's medical advisor shall provide an annual written evaluation on each certified paramedic, graduate paramedic, or paramedic trainee to the committee.

Section 13. Utilization of Paramedic Personnel by Training Institutions. Any training institution conducting a paramedic training course authorized and approved by the board may utilize a certified paramedic; graduate paramedic, or paramedic trainee provided that:

(1) Utilization of the certified paramedic, graduate paramedic, or paramedic trainee is approved by the medical advisor and the board; and

(2) The certified paramedic, graduate paramedic, or paramedic trainee's primary responsibilities and duties are in the training of paramedic personnel.

DR. JOHN C. QUERTERMOUS, President

ADOPTED: May 25, 1978

RECEIVED BY LRC: June 16, 1978 at 3:15 p.m.

**JULIAN M. CARROLL, GOVERNOR**

Executive Order 78-582

June 30, 1978

#### EMERGENCY REGULATION

Kentucky Department for Human Resources

WHEREAS, the 1978 General Assembly enacted House Bill 686 relating to mental health and mental retardation which will become effective on June 17, 1978; and

WHEREAS, House Bill 686 provides in part that: "The Secretary for the Department for Human Resources shall distribute to community mental health-mental retardation boards those general funds appropriated to the Department for the operation of regional community mental health-mental retardation programs. This distribution shall be by a formula which includes provisions for: (a) Per capita allocations; (b) Incentive allocations which require local matching funds based on the per capita wealth of the area served; and (c) Discretionary allocations to be available to the Secretary to maintain essential services pursuant to Section 6 of this Act. The formula for allocation of community mental health-mental retardation program general funds shall be prescribed by administrative regulations;" and

WHEREAS, the Secretary, after receiving the advice and suggestions of representatives from the community mental health-mental retardation centers, has developed a formula for the allocation of funds to these centers; and

WHEREAS, the new Fiscal Year will begin on July 1, 1978, and funds cannot be allocated to the community mental health-mental retardation centers unless a regulation embodying the formula is adopted; and

WHEREAS, there is insufficient time to adopt this regulation through normal channels so that it will be effective at the beginning of the new Fiscal Year; and

WHEREAS, the Secretary for the Department for Human Resources has determined and finds that an emergency exists and that it is an immediate necessity to adopt a regulation setting forth the formula for distribution of funds to community mental health-mental retardation centers so that they can meet their financial obligations and thus continue to provide services to the people of Kentucky;



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 Secretary of the Department for Human Resources that an emergency exists and direct that the attached regulation shall become effective upon being filed in the Office of the Legislative Research Commission.

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

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Health Services**

**902 KAR 6:050E. Formula for allocation of funds.**

RELATES TO: KRS 210.420, 210.440  
PURSUANT TO: KRS 13.082, 210.420, 210.450  
EFFECTIVE: June 30, 1978  
EXPIRES: October 28, 1978

NECESSITY AND FUNCTION: KRS 210.440 requires the Secretary of the Department for Human Resources to allocate funds to the mental health-mental retardation boards at the beginning of each fiscal year. KRS 210.430 requires the Secretary to prescribe, by regulation, a formula for the allocation of these funds, including provisions

for per capita allocations, incentive allocations which require local matching funds based on the per capita wealth of the area served, and discretionary allocations to be available to the Secretary to maintain essential services pursuant to KRS 210.410. This regulation prescribes the formula for allocation of these funds.

Section 1. Secretary's Discretionary Funds. The discretionary allocations available to the Secretary to maintain essential services pursuant to KRS 210.410 shall be equal to ten (10) percent of the general funds allocated to the Department for the operation of regional community mental health-mental retardation programs.

Section 2. Per Capita Allocations. Of the general funds allocated to the Department for the operation of regional community mental health-mental retardation centers, seventy and two-tenths (70.2) percent thereof shall be distributed based on a per capita allocation.

Section 3. Incentive Allocations. Of the general funds allocated to the Department for the operation of regional community mental health-mental retardation centers, nineteen and eight-tenths (19.8) percent thereof shall be allocated to the regions based on local matching funds, weighted to reflect the per capita wealth of the region.

ROBERT SLATON, Commissioner  
ADOPTED: June 28, 1978  
APPROVED: PETER D. CONN, Secretary  
RECEIVED BY LRC: June 30, 1978 at 3:25

## Proposed Amendments

**SECRETARY OF THE CABINET**  
**Kentucky Teachers' Retirement System**  
**(Proposed Amendment)**

**102 KAR 1:037. Administrative staff membership.** ✓

RELATES TO: KRS 161.220  
PURSUANT TO: KRS 13.082, 161.310  
NECESSITY AND FUNCTION: KRS 161.220(4)(e) provides that the Board of Trustees may designate by regulation the members of the staff of the Teachers' Retirement System who shall be members of the system. This regulation sets out the positions which will be covered by this section.

Section 1. The executive secretary, the deputy executive

secretaries, and other staff employees requiring a professional level of training as a condition of employment [the Retirement System Field Services Supervisor, the Principal Accountant, and such other professional level employees that may from time to time be so designated by the Board of Trustees] shall be included in the membership of the Teachers' Retirement System.

PAT N. MILLER, Executive Secretary  
ADOPTED: June 19, 1978  
RECEIVED BY LRC: July 6, 1978 at 1:30 p.m.  
SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Pat N. Miller, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.



**SECRETARY OF THE CABINET  
Kentucky Teachers' Retirement System  
(Proposed Amendment)**

**102 KAR 1:070. Application for retirement.**

RELATES TO: KRS 161.600, 161.640

PURSUANT TO: KRS 13.082, 161.310

NECESSITY AND FUNCTION: KRS 161.600 and 161.640 provide that members who are eligible for retirement may apply for an annuity and receive benefit payments. This regulation sets out procedures for filing of retirement applications and for determining effective dates of annuity payments.

Section 1. Applications for retirement shall be filed on forms furnished by the Teachers' Retirement System.

Section 2. Applications for retirement for service to be effective at the beginning of the next fiscal year shall be filed on or before June 1. A member eligible to retire may exercise this right during a school year in which he has been in employment provided there is filed with the application a notarized statement from the chief administrative officer of the employing board or agency to the effect that the member is being released from the employment contract for the purpose of retirement. Applications filed during the school year shall be effective as of the first of the month following the date the application is received in the Teachers' Retirement System office.

Section 3. An application received by mail and bearing the U. S. Postal Service postmark dated on or before the filing date set out in Section 2 shall be accepted as having been filed in compliance with that section.

[Section 4. The annuity calculation shall be based upon the age of the applicant as of July 1 of the fiscal year in which the retirement is to be effective.]

PAT N. MILLER, Executive Secretary

ADOPTED: June 19, 1978

RECEIVED BY LRC: July 6, 1978 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Pat N. Miller, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

**SECRETARY OF THE CABINET  
Kentucky Teachers' Retirement System  
(Proposed Amendment)**

**102 KAR 1:100. Insurance.**

RELATES TO: KRS 161.675

PURSUANT TO: KRS 13.082, 161.310

NECESSITY AND FUNCTION: KRS 161.675 provides that the trustees are authorized to enter into contracts with insurance carriers for provision of hospital-medical insurance to members retired for service or disability and

for certain dependents of such retirees. This regulation sets out procedures under which this coverage is to be provided.

Section 1. The Board of Trustees of the Teachers' Retirement System of the State of Kentucky shall provide for members retired for service; [age fifty-five (55) years or older] members retired for disability; spouses and minor children of retired members as provided in KRS 161.675; spouses receiving monthly benefits under the provisions of KRS 161.525; and minor children of members deceased prior to retirement if such member [was fifty-five (55) years of age or older at the time of death and] was eligible for retirement as provided in KRS 161.600, a medical benefit program including but not limited to hospital room and board, drugs and medicines, doctor fees, nursing care, and convalescent hospital care.

Section 2. Specific provisions and exclusions are as provided in blanket contract with Aetna Life and Casualty Insurance Company, the master policy issued under the contract and any modifications thereto approved by the Board of Trustees.

Section 3. Members retiring under reciprocal provisions of KRS 61.680, who have less than five (5) years service credit in the Teachers' Retirement System shall not be included for coverage under the medical insurance program as set out above and in KRS 161.675.

PAT N. MILLER, Executive Secretary

ADOPTED: June 19, 1978

RECEIVED BY LRC: July 6, 1978 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Pat N. Miller, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

**SECRETARY OF CABINET  
Kentucky Retirement Systems  
(Proposed Amendment)**

**105 KAR 1:010. Contributions and interest rates.**

RELATES TO: KRS 16.505 to 16.652, 61.510 to 61.702 [61.692], and 78.510 to 78.852

PURSUANT TO: KRS 13.082, 16.576, 16.640, 61.559, 61.645, 78.780

NECESSITY AND FUNCTION: KRS 16.645, 61.565 and 78.545, require the board to determine the employer contribution rate based on an actuarial valuation. KRS 61.552 requires the board to adopt a rate of interest payable on a retribution of refund. KRS 16.560, 61.575 and 78.640 provide that the board may determine the rate of interest payable on the members' contribution account. KRS 61.670 provides that the board shall adopt such actuarial tables as are necessary for the administration of the system. This regulation sets the employer contribution rates, and rate of interest on a retribution of refund and member contribution account and establishes the actuarial tables for computation of retirement allowances for

members of the Kentucky Employes Retirement System (KERS), County Employes Retirement System (CERS) and State Police Retirement System (SPRS).

Section 1. The employer contribution rate payable by a participating agency applicable to creditable compensation earned on or after July 1, 1978 [1976] shall be as follows:

KRS 61.565 State Police Retirement System . . . . .	16½ % [13½ %]
KRS 61.656 Kentucky Employes Retirement System . . . . .	7¼ %
KRS 61.565 County Employes Retirement System . . . . .	7¼ %
KRS 61.592 Kentucky Employes Retirement System . . . . .	19¼ % [17¼ %]
KRS 61.592 County Employes Retirement System . . . . .	16 %

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

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

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

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

TABLE A

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

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

[TABLE B

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

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

TABLE B [(C)]

Years Required to Complete 30 Years Service	Percentage Payable
1	95.0%
2	90.0%
3	85.0%
4	80.0%
5	75.0%
6	71.0%
7	67.0%
8	63.0%
9	59.0%
10	55.0%

(3) [(4)] A KERS or CERS non-hazardous member who dies prior to age fifty-five (55) or who retires prior to age fifty-five (55) based on SPRS or hazardous early retirement eligibility, and would have attained thirty (30) or more years of service (fifteen (15) of which would be current service) on or before reaching his sixty-fifth (65th) [fifty-fifth (55th)] birthday, if employment were continued, shall have benefits computed by first multiplying his deferred benefit by the percentage payable as determined from Table B [C] in subsection (2) [(3)] based on the number of years required to complete thirty (30) years of service and then multiply this result by the percentage payable as determined from Table C [B] in subsection (2)] below based on said member's age at the time of death [thirty (30) years of service (fifteen (15) years of which would be current service) would have been attained].

TABLE C

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



TABLE D

Early Age	Normal Retirement Age	
	65	55
64	95.0%	
63	90.0%	
62	85.0%	
61	80.0%	
60	75.0%	
59	71.0%	
58	67.0%	
57	63.0%	
56	59.0%	
55	55.0%	
54	51.3%	94.5%
53	47.9%	89.0%
52	44.9%	83.5%
51	42.1%	78.0%
50	39.5%	72.5%
49	37.1%	68.8%
48	34.9%	65.2%
47	33.0%	61.7%
46	31.3%	58.2%
45	29.9%	54.7%
44	28.7%	51.3%
43	27.6%	47.9%
42	26.7%	44.9%
41	25.8%	42.1%
40	25.1%	39.5%
39	24.4%	37.1%
38	23.8%	34.9%
37	23.2%	33.0%
36	22.5%	31.3%
35	21.9%	29.9%
34	21.2%	28.7%
33	20.6%	27.6%
32	20.0%	26.7%
31	19.5%	25.8%
30	19.0%	25.1%
29	18.5%	24.4%
28	18.0%	23.8%
27	17.5%	23.2%
26	17.0%	22.5%
25	16.5%	21.9%

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

Section 5. Conversion factors to be applied to determine immediate annuity which could be purchased by \$1,000 of contributions and interest after doubling as provided in KRS 16.576 and 61.559.

TABLE E

Non-Hazardous	Age	Male		Female
	65	\$ 8.229		\$ 7.432
	66	\$ 8.423		\$ 7.596
	67	\$ 8.628		\$ 7.767
	68	\$ 8.848		\$ 7.951
	69	\$ 9.087		\$ 8.147
	70	\$ 9.332		\$ 8.355
	71	\$ 9.605		\$ 8.565
	72	\$ 9.882		\$ 8.796
	73	\$10.180		\$ 9.042
	74	\$10.468		\$ 9.304
	75	\$10.792		\$ 9.567
	76	\$11.139		\$ 9.848
	77	\$11.510		\$10.149
	78	\$11.908		\$10.450
	79	\$12.286		\$10.775
	80	\$12.684		\$11.121
Hazardous	55	\$ 6.809		\$ 6.257
	56	\$ 6.899		\$ 6.349
	57	\$ 7.020		\$ 6.449
	58	\$ 7.150		\$ 6.546
	59	\$ 7.281		\$ 6.635
	60	\$ 7.419		\$ 6.745
	61	\$ 7.561		\$ 6.870
	62	\$ 7.692		\$ 7.002
	63	\$ 7.860		\$ 7.138
	64	\$ 8.039		\$ 7.279
	65	\$ 8.229		\$ 7.432
	66	\$ 8.423		\$ 7.596
	67	\$ 8.628		\$ 7.767
	68	\$ 8.848		\$ 7.951
	69	\$ 9.087		\$ 8.147
	70	\$ 9.332		\$ 8.355
	71	\$ 9.605		\$ 8.565
	72	\$ 9.882		\$ 8.796
	73	\$10.180		\$ 9.042
	74	\$10.468		\$ 9.304
	75	\$10.792		\$ 9.567
	76	\$11.139		\$ 9.848
	77	\$11.510		\$10.149
	78	\$11.908		\$10.450
	79	\$12.286		\$10.775
	80	\$12.684		\$11.121

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

MIM C. CLARK, General Manager

ADOPTED: May 17, 1978

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: June 22, 1978 at 1:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: General Manager, Kentucky Retirement Systems, 226 West Second Street, Frankfort, Kentucky 40601.

**DEVELOPMENT CABINET**  
**Department of Agriculture**  
**(Proposed Amendment)**

**302 KAR 5:020. Claim filing procedure.**

RELATES TO: KRS 258.275(2)

PURSUANT TO: KRS 13.082, 258.275(2)

NECESSITY AND FUNCTION: KRS 258.275(2) prescribes rules governing the manner of filing a claim with the Department of Agriculture when said claim is upon the livestock fund. This regulation sets forth additional rules that shall be followed when filing a claim.

Section 1. The following procedures shall govern the filing of a claim with the department when said claim is upon the livestock fund:

(1) The claimant shall notify the dog warden or agent of the department within *seventy-two (72)* [twenty-four (24)] hours after the livestock loss occurs or the claim may be declared invalid.

(2) When registered livestock is killed or damaged by dogs, suitable proof of registration must be submitted with the claim form to the department.

THOMAS O. HARRIS, Commissioner

ADOPTED: June 22, 1978

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: June 26, 1978 at 8:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Commissioner, Department of Agriculture, Capital Plaza Tower, Frankfort, Kentucky 40601.

**DEPARTMENT OF JUSTICE**  
**Kentucky Law Enforcement Council**  
**(Proposed Amendment)**

**503 KAR 1:020. School's certification.**

RELATES TO: KRS 15.330

PURSUANT TO: KRS 15A.160, 15.330

NECESSITY AND FUNCTION: KRS 15.330 provides that the Kentucky Law Enforcement Council shall prescribe standards for approval and continuation of approval of schools at which law enforcement training courses are conducted. This regulation is to insure that schools certified by KLEC possess basic minimum requirements.

Section 1. Definitions: (1) "Applicant" means an individual applying or having already been selected to attend a course of study approved by KLEC.

(2) "Approved school" means a police training facility approved and certified by KLEC to conduct police training courses.

(3) "Certification" means a written document attesting to the qualification of an approved school or instructor; or to the successful completion by a trainee of a recognized police training course conducted by an approved school.

(4) "Instructor" means an individual certified by KLEC to conduct instruction.

(5) "KLEC" means the Kentucky Law Enforcement Council.

(6) "Subject" means a specific course of instruction within a curriculum approved by KLEC.

(7) "Trainee" means an individual undergoing training at an approved school.

(8) "Certification Committee" means the committee appointed by KLEC for certification of schools, instructors, and trainees.

(9) "Office of Law Enforcement Programming" means Office of Law Enforcement Programming, Kentucky Department of Justice.

(10) "Certification and Standards Section" means that section within the Office of Law Enforcement Programming, Kentucky Department of Justice, which is responsible to the KLEC for the certification of schools, instructors and trainees.

(11) [(9)] "Bureau of Training" means Bureau of Training, Kentucky Department of Justice.

Section 2. Any lawfully organized police unit or force of state, county, or city government, that is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state, or combination of lawfully organized police units within the Commonwealth of Kentucky desiring to establish an approved school offering basic police training shall make written application [through the Bureau of Training] to the *Certification and Standards Section of the KLEC* indicating this desire and setting forth all pertinent facts concerning the curricula to be taught, instructors to be used, and equipment and facilities available. Applications for certification may be obtained from the *Certification and Standards Section of the KLEC* [Commissioner of the Bureau of Training].

Section 3. When the *Certification and Standards Section* [Bureau of Training] receives a properly completed application for certification for a school, the application shall be referred to the Certification Committee for review and inspection. The Certification Committee or a designated *KLEC* [Bureau of Training] staff *supervisor* [member] shall conduct an on-site inspection of the facilities and equipment to be used for the training and shall carefully examine the curricula and instructors of the applying school.

Section 4. The Certification Committee shall in the course of its inspection determine whether the applying school offers a curriculum equal at least to the length and subject matter contained in the basic training course conducted by the Bureau of Training at the time the application is submitted. The Certification Committee shall also determine whether the applicant's personnel and facilities including instructional staff, classrooms, firing range and training aids are adequate to conduct an approved basic training course. Schools found lacking in curricula, qualified personnel or facilities shall not be certified.

Section 5. Upon completion of its evaluation of an applying school, the Certification Committee shall report its findings to KLEC at the first regular meeting occurring after the evaluation is completed.

Section 6. Based upon the evaluation report and recommendations of the Certification Committee, KLEC shall vote whether to certify or not to certify the applying school.



Section 7. As soon as possible following the vote of the council the applying school shall be notified as to whether it has been certified. Notification of certification shall be in the form of a certificate issued by KLEC naming the applying school.

Section 8. Any police training school certified by KLEC is subject to inspection by council members, or a KLEC [Bureau of Training] staff supervisor [member], for the purpose of determining whether the school is maintaining those standards deemed necessary for certification.

Section 9. Certification may be revoked by KLEC whenever a school is deemed inadequate. In such event, the school shall be notified of the revocation by KLEC. KLEC may recertify any school when it deems the deficiencies have been corrected.

Section 10. Each approved school shall offer a basic training course with a curriculum at least equal and comparable to that specified by KLEC.

[Section 11. Written notification of all absences in an approved school must be submitted to the Bureau of Training by the approved school.]

[Section 12. The Bureau of Training will conduct final examinations at all approved schools for all applicants for certification on subjects required in the Bureau of Training basic training curriculum.]

[Section 13. Each approved school shall, at the conclusion of each basic training course, complete in triplicate an application for training (form KLEC-29) for each student who has attended the course and this form shall be sent to the Bureau of Training. After certification by the Bureau of Training, one (1) copy of the form shall be sent to the trainee and one (1) copy shall be sent to the training school.]

[Section 14. When any approved school trains an officer from a department other than its own, the Bureau of Training shall send a copy of the completed application for training to the commanding officer of the trainee's department.]

[Section 15. All required records shall be maintained and retained by the approved school and shall be available to KLEC or Bureau of Training staff members for inspection.]

[Section 16. No person shall act in the capacity of regular instructor for KLEC certified training unless that person has been certified as an instructor by KLEC.]

JOHN L. SMITH, Secretary

ADOPTED: July 3, 1978

RECEIVED BY LRC: July 12, 1978 at 2:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Secretary of Justice, State Office Building,  
Frankfort, Kentucky 40601.

**DEPARTMENT OF JUSTICE  
Kentucky Law Enforcement Council  
(Proposed Amendment)**

**503 KAR 1:030. Instructor's certification.**

RELATES TO: KRS 15.360

PURSUANT TO: KRS 15A.160, 15.330, 15.360

NECESSITY AND FUNCTION: KRS 15.360 requires the Kentucky Law Enforcement Council to certify police instructors. This regulation is to assure that all police instructors certified by KLEC possess basic minimum qualifications.

Section 1. Definitions: [(1) "Formal police training," as used in this regulation, includes all police training activities in the Commonwealth, including all training or similar activities for any member of a lawfully organized police unit or force of state, county, or city government who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the State of Kentucky.]

[(2) "Not formal police training," as used in this regulation, formal police training does not include on-the-job training, courses conducted by institutions of higher education, roll-call training, training for persons or agencies enforcing federal law exclusively or training for Commonwealth's detectives.]

(1) [(3)] "Roll-call training," as used in this regulation, is instruction or training of short duration, one (1) hour or less, within any organization, conducted when officers change shifts.

(2) [(4)] "On-the-job training," as used in this regulation, is instruction, training or skill practice rendered to an officer by another officer or officers on a tutorial basis during a tour of duty while performing normal activities of his employment.

*Section 2. This regulation shall apply to all police training activities in the Commonwealth including all training or similar activities for any member of a lawfully organized police unit or force of state, county, or city government who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the State of Kentucky.*

*Section 3. This regulation shall not apply to roll-call training, on-the-job training, training for persons or agencies enforcing federal law exclusively, courses conducted by institutions of higher education or training for Commonwealth's detectives.*

Section 4. [2.] The chief of police, or head of any certified school, may waive on an ad hoc basis certification requirements for any person whose qualifications in the field of instruction to be taught are in his opinion worthy of such waiver, subject to the following conditions:

- (1) A permanent written record shall be kept noting:
  - (a) The instances of the waiver;
  - (b) The name and detailed qualifications of the instructor;
  - (c) The subject taught;
  - (d) The reasons for the waiver; and
  - (e) The number of times this individual has been waived in the past, together with the dates of the waivers.
- (2) No blanket waiver may be given to any instructor from, or representing, any group or organization. Each waiver shall be granted only upon an individual basis and

upon good cause shown for such waiver.

(3) (a) No chief of police or head of a certified school shall utilize waived instructors as a means of subverting the intention of this Act or these regulations.

(b) The KLEC may refuse to accept a waived instructor when in its judgment such waiver is granted as a means of subverting the intent of this Act or these regulations.

Section 5. [3.] (1) To qualify as a certified (licensed) instructor the person shall *apply on a form approved by KLEC and shall meet the following requirements* [have a minimum of three (3) years of law enforcement experience or experience in a specific field, subject matter or academic discipline. This law enforcement experience or experience in a specific field, subject matter or academic discipline must be directly related to the subjects for which certification is sought. Applicants must possess the following additional qualifications]:

(a) *Three (3) years of law enforcement experience or experience in the specific field, subject matter or academic discipline to be taught* [A Bachelor's Degree, or higher degree];

(b) *A Bachelor's Degree, or higher degree, or [Or], lacking an academic degree, applicant must have a minimum of a high school diploma, or the equivalent as determined by the council, and must have successfully completed an instructor's training course of council approved classroom instruction;*

(c) Be of good moral character;

(d) Sincere interest, ability and desire to instruct law enforcement officers, as supported by a signed statement from the applicant's department head, training school director or supervisor;

(e) Submission of a sample lesson plan which includes a unit description and unit objectives.

(2) KLEC will certify approved instructors to instruct in those specific subjects for which the council has found them qualified. Each certified instructor shall be listed in an official register of the council, and each subject that each instructor is certified to teach shall be noted in said register. *The register will be published every two (2) years with a supplement in odd years.* The certificates issued by the council shall note the highest academic degree after the instructor's name, if he is the holder of a degree. A pocket credential shall be issued to each instructor containing a list of subjects he is authorized to teach.

Section 6. [4.] Any applicant for an instructor's certificate who is employed by a lawfully organized police unit shall be endorsed by the head of that unit. If he is employed by a police training school, he shall also be endorsed by the school director. If he is employed by an institution of higher education, he shall be endorsed by a duly authorized official of that institution. The Kentucky Law Enforcement Council may require recommendations as to proficiency for other applicants for certification.

Section 7. [5.] Instructional certification, shall be issued for periods of twelve (12) months. At the end of a twelve (12) month period, certificates may be renewed by the council if the instructor has participated in approved training programs during the life of the certificate; and if the instructor is recommended by the school director under whose supervision he last instructed. In cases where the last director is unwilling to recommend, the applicant may obtain the recommendation from at least two (2) school directors under whose supervision he has instructed during the

life of the certificate. After five (5) years of continuous certification instructors may, in the discretion of the Kentucky Law Enforcement Council, be certified for five (5) years. *In order to determine his instructional capabilities, each certified instructor shall, where practical, be monitored by a KLEC staff supervisor within twelve (12) months following his certification or after he begins teaching.* [For the purpose of this section approved training programs shall include those conducted by the College of Law Enforcement of Eastern Kentucky University and School of Police Administration and Southern Police Institute of the University of Louisville, and such other institutes of higher learning approved by the Certification Committee.]

Section 8. [6.] KLEC may deny applications for instructor certification for failure to satisfy the required qualifications and may revoke certificates at any time for demonstrated incompetence, immoral conduct or other good cause. In addition, any instructor who has not utilized his certificate by teaching during the twelve (12) month period of certification *may [will]* be required to apply for original certification after that time.

Section 9. [7.] Applicants for certification and applications for renewal of certifications shall be made to:

*Kentucky Law Enforcement Council  
Certification and Standards Section  
Second Floor  
State Office Building Annex  
Frankfort, Kentucky 40601*

*[Kentucky Law Enforcement Council  
Certification and Standards Program  
P. O. Box 608  
Eastern Kentucky University  
Richmond, Kentucky 40475]*

Section 10. [8.] In cases of recertification, the council may, on written request by the instructor applicant and on the recommendation of the Certification Committee, waive any of the requirements.

Section 11. [9.] Applicants for instructor certification and renewal shall be referred to KLEC Certification Committee for investigation and review. The Certification Committee shall make its report and recommendation concerning approval or disapproval of an application to KLEC at its first regularly scheduled meeting following the committee's review and investigation of the application.

Section 12. [10.] (1) Whenever the council denies an application for certification, revokes an existing certificate or denies recertification of an instructor, KLEC will notify the applicant or holder in writing within fifteen (15) days from the date of the council's action. Persons so notified shall have fifteen (15) days from the date of receipt of notification to file with the KLEC chairman a written appeal from the denial or revocation. This appeal shall set forth signed recommendations, signed witness statements, and other written evidence concerning the appellant's qualifications and ability as a law enforcement instructor.

(2) Upon receiving a written appeal, the chairman or other Certification Committee member designated by the chairman shall examine de novo all of the written evidence submitted by the appellant. Within thirty (30) days from receipt of the appeal, the chairman or designated commit-



tee member shall determine whether there is substantial evidence which warrants reconsideration by the Certification Committee of the denial or revocation of certification.

(3) If he determines that there is no such substantial evidence, he shall notify the appellant in writing that the appeal is denied. If he determines that there is such substantial evidence, he shall forward the evidence together with a written recommendation for reconsideration to the Certification Committee. The Certification Committee shall then examine the written evidence de novo and return a final decision on the denial or revocation of certification or the denial or recertification. During the period of the appeal, the certificate shall remain in effect, unless it has expired.

*Section 13. No person shall act in the capacity of regular instructor for KLEC certified training unless that person has been certified as an instructor by KLEC.*

JOHN L. SMITH, Secretary

ADOPTED: July 3, 1978

RECEIVED BY LRC: July 12, 1978 at 2:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Secretary of Justice, State Office Building,  
Frankfort, Kentucky 40601.

**DEPARTMENT OF JUSTICE  
Kentucky Law Enforcement Council  
(Proposed Amendment)**

**503 KAR 1:040. Basic training certification.**

RELATES TO: KRS 15.330

PURSUANT TO: KRS 15A.160, 15.330

NECESSITY AND FUNCTION: KRS 15.330 requires the Kentucky Law Enforcement Council to approve and issue certificates of approval to law enforcement officers having met the requirements for participation in law enforcement training programs. This regulation establishes the requirements for determination of completion of the basic training curriculum of those programs.

Section 1. The KLEC may certify a graduate of a certified school for basic training.

Section 2. In order to be certified, a graduate of a certified school for basic training must be a member of a lawfully organized police unit or force of state, county, or city government, that is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state.

Section 3. In order to successfully complete a Bureau of Training basic course, the cadets must have achieved a minimum score of seventy (70) percent on each of ten (10) weekly examinations. Failure to achieve seventy (70) percent on the weekly examination will require that the police cadet retake a different examination covering the same material and pass the second examination with seventy (70) percent success. Failure to pass the second examination will require the cadet to repeat the entire week of instruc-

tion and retake the examination for that week. This process of weekly instruction and examination must be repeated until such time as the cadet attains the score of seventy (70) percent on the examination for that week. In addition, the police cadet must satisfactorily complete a research paper and participate actively in all assigned projects. The ten (10) weekly examinations plus the research projects and other assignments will weigh fifty (50) percent of the overall score. A minimum overall score of seventy (70) percent shall constitute a passing grade for the academic portion of the basic training course.

Section 4. The graduate of a certified basic course must demonstrate safety and proficiency in the use of firearms in a combat firearms course, proficiency in first aid, proficiency in physical agility, and proficiency in mechanics of arrest, restraint and control.

Section 5. The graduate of any certified school, other than the Bureau of Training, who requests certification without attending the complete basic training course, must attain a grade of seventy (70) percent on the Bureau of Training final examination, as well as a score of seventy (70) percent on all other training which may be required.

Section 6. The graduate of a Bureau of Training basic course must participate in a total of 400 hours training. Absences must be made up through additional training assignments.

Section 7. A KLEC staff supervisor [The Bureau of Training] will conduct final examinations at all approved schools for all applicants for certification on subjects required in the [Bureau of Training] basic training curriculum except at the Bureau of Training whose staff members will conduct their final examinations.

Section 8. In a certified school other than a Bureau of Training basic course an applicant who fails to make the minimum standing of seventy (70) percent on the Bureau of Training final examination may, by written appeal authorized and countersigned by a duly responsible member of the department of the certified school, request a make-up examination. This appeal must be submitted within thirty (30) days of the time that the applicant was notified of his failure.

Section 9. The time and location of the make-up examination shall be at the sole discretion of the Bureau of Training.

Section 10. The second failure of an applicant to meet the minimum examination requirements shall necessitate his repeating the required basic training curriculum.

Section 11. The graduate must have complied with all rules and regulations of the KLEC and the certified school.

Section 12. Each approved school shall, at the conclusion of each basic training course, complete in triplicate an application for training (Form KLEC-29) for each student who has attended the course and this form shall be sent to the Bureau of Training. After certification by the supervisor of the Certification and Standards Section, one (1) copy of the form shall be sent to the Office of Law Enforcement Programming, one (1) copy shall be sent to the

department head of the trainee's agency and one (1) copy shall be maintained by the Bureau of Training.

*Section 13. When any approved school trains an officer from a department other than its own, the Bureau of Training shall send a copy of the completed application for training to the commanding officer of the trainee's department.*

*Section 14. All required records shall be maintained and retained by the approved school and shall be available to KLEC or KLEC staff members for inspection.*

JOHN L. SMITH, Secretary

ADOPTED: July 3, 1978

RECEIVED BY LRC: July 12, 1978 at 2:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Secretary of Justice, State Office Building,  
Frankfort, Kentucky 40601.

**DEPARTMENT OF JUSTICE  
Kentucky Law Enforcement Council  
(Proposed Amendment)**

**503 KAR 1:050. In-service schools; certified graduates.**

RELATES TO: KRS 15.330

PURSUANT TO: KRS 15A.160, 15.330

NECESSITY AND FUNCTION: KRS 15.330 provides that the Kentucky Law Enforcement Council shall prescribe standards for certified schools which may also include minimum standards for curriculum conducted at certified schools. This regulation establishes the minimum standard for participation as a certified school to conduct in-service training and the requirements for completion of in-service training.

Section 1. KLEC may certify a school to conduct in-service training programs provided that:

(1) The proposed in-service training program curriculum is presented in writing to the council for approval at least thirty (30) days prior to the start of the training program.

(2) Subject matter must be appropriate to the officer's rank, responsibility, and the size and location of his department as determined by the KLEC Certification Committee [or designated Bureau of Training staff member].

(3) The curriculum must be relevant to the criminal justice system as determined by the KLEC.

(4) Instruction must be provided by KLEC certified or approved instructors.

(5) A total of forty (40) hours training shall be completed within fourteen (14) consecutive days of the first hour taught in the training program.

(6) In departments of cities of the first and second class or county departments of counties containing cities of the first and second class training for the rank of sergeant and

all ranks above sergeant or their equivalent as determined by the KLEC shall not consist totally of officers from any one department but shall substantially reflect representation from several departments.

(7) Bureau of Training shall conduct or require to be conducted by the directors of approved in-service training programs appropriate examination of all courses of instruction to enable the council to properly certify the successful completion of the training courses approved by the council.

(8) Written examinations will be given on textbook and lecture portions of instruction. Certification of satisfactory performance is required for firearms and driving courses.

(9) Certified schools desiring to conduct their own examinations shall so advise the council in writing at the time the curriculum is submitted to the council for approval. Upon completion of the training course the Bureau of Training shall be furnished a list of all officers who attended the course and the grade each made on the examination. *The KLEC or KLEC staff supervisors* [Bureau of Training] may conduct or monitor any examinations given under this program. Examination papers must be retained by the school administering them for a one (1) year period and made available to the [Bureau of Training or] KLEC on request. If inadequate testing procedures are found to exist in any in-service training programs, the council may suspend the right of the local unit to conduct its own testing until satisfactory testing procedures are approved.

Section 2. KLEC may certify a graduate of a certified in-service training program provided that:

(1) The graduate is a member of a lawfully organized police department of county or city government who is responsible for the enforcement of the general criminal laws of the state.

(2) The trainee must participate actively for a total of forty (40) hours of training.

(3) The trainee must score a minimum of seventy (70) percent on any evaluation or examination required during the course.

(4) If a trainee fails to attain a minimum of seventy (70) percent on the final examination, he may request a second examination. The second examination may be administered orally provided:

(a) The officer makes his request in writing certifying that he lacks sufficient reading perception to understand written questions;

(b) The request is endorsed by the head of his department. The request for the second examination must be made within seven (7) calendar days from the date the officer received notification of his failure in person or by certified mail.

(5) The second examination must contain a completely different set of questions from the first examination and it must be administered within twenty-one (21) days from the date of the request.

(6) An oral examination must be administered personally by the director of the in-service program and a written transcript of the questions and answers furnished to the Supervisor of the Certification and Standards Program [of the Bureau of Training].

(7) The time and location of the second examination, either written or oral, shall be at the sole discretion of the director of the in-service program.

(8) A second failure of an officer to meet the minimum examination requirements shall necessitate the officer repeating or taking another in-service course.



*Section 3. Each approved school shall, at the conclusion of each in-service course, complete in triplicate an application for training (Form KLEC-29) for each student who has attended the course and this form shall be sent to the Bureau of Training. After certification by the supervisor of the Certification and Standards Section, one (1) copy of the form shall be sent to the Office of Law Enforcement Programming, one (1) copy shall be sent to the department head of the trainee's agency and one (1) copy shall be maintained by the Bureau of Training.*

*Section 4. [3.] Roll Call, or on-the-job, training will not meet the requirement for certification.*

*Section 5. [4.] (1) Decisions and approvals required by this regulation may be granted by the Program Supervisor for Certification and Standards endorsed by the Administrator of the Office of Law Enforcement Programming [Director or Assistant Director of the Division of Law Enforcement Training].*

*(2) Any decision made by the staff of the KLEC [Bureau of Training] may be appealed to the council through the executive committee of the council.*

*Section 6. [5.] Training courses and/or schools such as the F.B.I. National Academy, Southern Police Institute, Northwestern Traffic Institute, or seminars or classes conducted by institutions of higher education may be certified as in-service training courses and successful graduates certified for completion of in-service training at the discretion of the Certification Committee or KLEC [Bureau of Training] staff supervisor [member] designated by the Certification Committee.*

JOHN L. SMITH, Secretary

ADOPTED: July 3, 1978

RECEIVED BY LRC: July 12, 1978 at 2:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Secretary of Justice, State Office Building,  
Frankfort, Kentucky 40601.

**DEPARTMENT OF TRANSPORTATION**  
Bureau of Vehicle Regulation  
(Proposed Amendment)

**601 KAR 25:020. Identification numbering system.**

RELATES TO: KRS 235.040, 235.100, 235.110,  
235.120, 235.140

PURSUANT TO: KRS 13.082, 174.080, 235.320

NECESSITY AND FUNCTION: KRS 235.040 provides that motorboats must be numbered, and KRS 235.110 provides certain specifications for these identification numbers. This regulation standardizes the type of numbering system to be used. *Vessels documented by the Federal Government may be registered by a state, however, 46 USC 1466 exempts federally documented vessels from a state numbering requirement. This regulation clarifies that position.*

*Section 1. Except as provided in Section 2, the identification numbers assigned to Kentucky registered motorboats shall consist of three (3) letter and number groupings, as follows:*

*(1) The first grouping shall consist of the letters "KY."*

*(2) The second grouping shall consist of not more than four (4) arabic numbers.*

*(3) The third grouping shall consist of not more than two (2) letters. The letters "I," "O," and "Q," shall not be used in this grouping because of the possibility of their being mistaken for arabic numbers.*

*Section 2. Boats having valid federal documentation papers, but requiring Kentucky registration shall not be assigned or required to display a Kentucky identification number.*

O. B. ARNOLD, Commissioner

ADOPTED: June 14, 1978

APPROVED: CALVIN G. GRAYSON, Secretary

RECEIVED BY LRC: June 19, 1978 at 1:30 p.m.

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

**DEPARTMENT OF TRANSPORTATION**  
Bureau of Vehicle Regulation  
(Proposed Amendment)

**601 KAR 25:030. Registration decal.**

RELATES TO: KRS 235.040, 235.050, 235.150

PURSUANT TO: KRS 13.082, 174.080, 235.320

NECESSITY AND FUNCTION: KRS 235.040 requires that all motorboats be registered and numbered; 235.050 requires that they be registered annually; and KRS 235.150 directs the *Department of Transportation* [Division of Driver Licensing] to attempt to assign the same number to a boat upon subsequent registration. This regulation provides for a current-year decal to be issued upon registration to be displayed on a boat as a validation sticker in order to clearly show that the boat is currently and properly registered; the decal is, of course, necessary since the number in most cases will remain the same from year to year. *Section 1 of this regulation prescribes annual validation sticker placement for non-documented vessels and also directs that the validation sticker be displayed in conjunction with the Kentucky identification number. 46 USC 1466 exempts documented vessels from a state's numbering requirement. This regulation provides for the placement of the annual validation sticker on documented vessels that are Kentucky registered.*

*Section 1. A current-year validation decal issued to a motorboat registered in Kentucky shall be displayed within six (6) inches behind (aft) and in line with the certificate of number of the starboard (right hand side) bow of the vessel.*

*Section 2. A current-year validation decal issued to a Kentucky registered, federally documented motorboat shall be displayed on the center of the stern (outside transom) above the vessel name and home port.*

O. B. ARNOLD, Commissioner

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TO: Deputy Secretary for Legal Affairs, Department of Transportation, State Office Building, Frankfort, Kentucky 40601.

motorboat in the same manner as provided for in subsection (2) of this section, and shall have the same effect as given to such certificate of number in subsection (3) of this section.

(5) When a motorboat ceases to be owned by a governmental unit, the certificate of number previously issued for such motorboat shall be surrendered by the governmental unit and cancelled, and the new non-governmental owner shall then register such motorboat according to the provisions of KRS 235.050.

O. B. ARNOLD, Commissioner

ADOPTED: June 14, 1978

APPROVED: CALVIN G. GRAYSON, Secretary

RECEIVED BY LRC: June 19, 1978 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Deputy Secretary for Legal Affairs, Department of Transportation, State Office Building, Frankfort, Kentucky 40601.

**DEPARTMENT OF TRANSPORTATION**  
Bureau of Vehicle Regulation  
(Proposed Amendment)

601 KAR 25:035. Motorboats that are exempt from registration.

RELATES TO: KRS 235.040, 235.110, 235.210

PURSUANT TO: KRS 13.082, 174.080, 235.210, 235.320

NECESSITY AND FUNCTION: KRS 235.210(1) exempts from registration motorboats whose owner is the United States, a state or subdivision thereof, except when such boat is leased to the public for compensation. KRS 235.210(2) provides that boats exempt from registration (except boats documented by the Federal Government) may be required by the Division of Water Enforcement to apply for an official identification number to be displayed in accordance with KRS 235.110. This regulation provides a procedure by which motorboats owned exclusively by a state or a subdivision thereof shall be given a certificate of number for the purpose of identification.

Section 1. (1) All motorboats not documented by the Federal Government that are owned exclusively by a state or a subdivision thereof shall be numbered in accordance with the state approved numbering system for the purpose of identification. The *Department of Transportation* [Division of Driver Licensing] shall issue to such agencies numbers designated by the *department* [division] and such numbers shall be permanently affixed to each motorboat as prescribed under KRS 235.110.

(2) Applications for certificate of numbers for motorboats owned by a state or a subdivision thereof shall be made to the *Department of Transportation* [Division of Driver Licensing].

(3) After a certificate of number is issued to any motorboat owned exclusively by a state or a subdivision thereof, no subsequent certificate of number or renewal of same shall be necessary so long as said motorboat is owned exclusively by such governmental unit.

(4) When a motorboat owned exclusively by a state or a subdivision thereof is transferred or sold to another governmental unit, the *Department of Transportation* [Division of Driver Licensing] shall cancel the old certificate and issue a new certificate of number for the

**DEPARTMENT OF TRANSPORTATION**  
Bureau of Vehicle Regulation  
(Proposed Amendment)

601 KAR 25:080. Life preservers.

RELATES TO: KRS 235.200

PURSUANT TO: KRS 13.082, 174.080, 235.320

NECESSITY AND FUNCTION: KRS 235.200 requires that every vessel have aboard personal flotation devices of the type and quantity as prescribed by the United States Coast Guard. This regulation sets forth what the various approved devices are by type, and sets forth what types may be used in various vessels and for various situations, and in what quantities the devices must be available. *Federal regulations require that Type I, II, III and IV personal flotation devices be readily available, be in good and serviceable condition and that personal flotation devices be of the appropriate size for the intended user. This regulation will implement into state law the total federal regulation regarding personal flotation requirements.*

Section 1. Approved personal flotation devices may be classified into the following categories:

(1) A Type I personal flotation device is one designed to turn an unconscious person in the water from a face-downward position to a vertical or slightly backward position and designed to have more than twenty (20) pounds of buoyancy. This type of device is recommended for offshore cruising and is acceptable for all size boats.

(2) A Type II personal flotation device is one designed to turn an unconscious person in the water from a face-downward position to a vertical or slightly backward position and designed to have at least fifteen and one-half (15.5) pounds of buoyancy. This type of device is recommended for closer, inshore cruising and is acceptable for all size boats.

(3) A Type III personal flotation device is one designed to keep a conscious person in a vertical or slightly



backward position and designed to have at least fifteen and one-half (15.5) pounds of buoyancy. This type of device has the same buoyancy as Type II but has a lesser turning ability to allow for a more comfortable design for water activities like skiing; it is recommended for in-water sports or on lakes, impoundments, and close inshore operation and is acceptable for all size boats.

(4) A Type IV personal flotation device is one designed to be thrown to a person in the water and not worn and designed to have at least sixteen and one-half (16.5) pounds of buoyancy. This type of device is acceptable for Class A vessels and all canoes and kayaks and as a throwable device for boats sixteen (16) feet and over in length.

Section 2. All recreational vessels of Classes 1, 2, and 3 must have on board one (1) Type I, II, or III personal flotation device for each person on board and one (1) Type IV device.

Section 3. All Class A recreational vessels and all canoes and kayaks must have on board one (1) Type I, II, III or IV personal flotation device for each person on board.

Section 4. *All Type I, II, and III personal flotation devices (wearable) must be United States Coast Guard approved, and in good and serviceable condition, readily accessible and of appropriate size for the wearer. All Type IV personal flotation devices (throwable) must be United States Coast Guard approved, in good and serviceable condition and immediately available to the user.*

O. B. ARNOLD, Commissioner

ADOPTED: June 14, 1978

APPROVED: CALVIN G. GRAYSON, Secretary

RECEIVED BY LRC: June 19, 1978 at 1:30 p.m.

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

**DEPARTMENT OF TRANSPORTATION**  
Bureau of Vehicle Regulation  
(Proposed Amendment)

**601 KAR 25:110. Overloaded vessels prohibited.**

RELATES TO: KRS 235.240, 235.280

PURSUANT TO: KRS 13.082, 174.080, 235.280, 235.320

NECESSITY AND FUNCTION: KRS 235.280 directs the Division of Water Enforcement to promulgate regulations to govern the safe use of the state's waters. This regulation is designed to promote such safety considerations by prohibiting [overpowered and] overloaded vessels.

[Section 1. No vessel shall be equipped with any motor or other propulsion machinery beyond its safe power capacity, taking into consideration the type and construction of such vessel and other existing operating conditions.]

Section 1. [Section 2.] No vessel shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and existing operating conditions.

O. B. ARNOLD, Commissioner

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**DEPARTMENT OF TRANSPORTATION**  
Bureau of Vehicle Regulation  
(Proposed Amendment)

**601 KAR 25:190. Zoned use areas. [Herrington Lake and Little Sandy River.]**

RELATES TO: KRS 235.240, 235.280, 235.300

PURSUANT TO: KRS 13.082, 174.080, 235.280, 235.320

NECESSITY AND FUNCTION: KRS 235.280 directs the Division of Water Enforcement to promulgate regulations to govern the fair, reasonable, equitable, and safe use of the state's waters. This regulation implements the division's responsibility in those areas in regard to specific areas of water within the state where certain activities might be hazardous or undesirable.

Section 1. No person shall operate a motorboat or other powered vessel towing persons on water skis, surfboards, or similar devices on the water of Herrington Lake, except along the main channel of said lake.

Section 2. No person shall operate a motorboat or other powered vessel at a speed greater than idle speed in the inlets of Herrington Lake known as Rocky Fork, Cane Run, Tanyard Branch and McKecknie Branch.

Section 3. No person shall operate a motorboat or other powered vessel towing persons on water skis, surfboards, or similar devices on the waters of the Little Sandy River.

Section 4. *Except for the purpose of locking through the locks of McAlpin Dam, or docking at the Louisville Municipal Wharf, no recreational vessel may be operated on the Ohio River between the Second Street Bridge and McAlpin Dam. Vessels traversing this area must stay within the confines of the commercial channel.*

O. B. ARNOLD, Commissioner

ADOPTED: June 14, 1978

APPROVED: CALVIN G. GRAYSON, Secretary

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## 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 *those portions of the highway system affected and indicate their classification*. [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.

Section 3. The classifications for each highway\* in the State Primary Road system are as follows:

## KY 121

AAA—From jct. US 641 [45] at Murray [Mayfield to jct. Jackson Purchase Parkway; and from jct. US 62, 6.0 miles east of Bardwell] to jct. US 51 at Wickliffe.

AA—From Tennessee State Line [, via] to jct. US 641 at Murray. [to jct. US 45 at Mayfield; and from jct. Jackson Purchase Parkway, n.w. of Mayfield to jct. US 62, 6.0 miles east of Bardwell.]

\*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: June 14, 1978

RECEIVED BY LRC: June 19, 1978 at 1:30 p.m.

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

## EDUCATION AND ARTS CABINET

Department of Education  
Bureau of Instruction  
(Proposed Amendment)

## 704 KAR 2:020. Textbook program plan.

RELATES TO: KRS 156.400 to 156.476, 157.100 to 157.190

PURSUANT TO: KRS 13.082, 156.070, 156.135, 156.160 [156.130]

NECESSITY AND FUNCTION: KRS 156.400 to 156.476 require that the Kentucky Textbook Commission select textbooks for use in the schools of the Commonwealth. KRS 157.100 to 157.190 require that the Department of Education purchase textbooks for certain grades and set up management procedures for the textbook program. This regulation establishes the standards and procedures which are necessary to carry out the statutory requirements of KRS Chapters 156 and 157 that deal with textbooks.

Section 1. Pursuant to the statutory authority placed upon the Superintendent of Public Instruction, the State Board for Elementary and Secondary [of] Education, and the Kentucky Textbook Commission under KRS Chapters 156 and 157, there is hereby devised, created, and incorporated by reference a Kentucky State Plan for Administering the Textbook Program which shall include the standards and procedures for the management of the textbook program in relation to the selection, listing, adopting, and purchasing of textbooks and related media materials for grades kindergarten through twelve (12) in the schools of the Commonwealth. The Kentucky State Plan for Administering the Textbook Program shall be published by the Superintendent of Public Instruction and copies furnished upon request directed to his office.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: June 13, 1978

RECEIVED BY LRC: July 13, 1978 at 11:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Fred Schultz, Secretary, State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

## EDUCATION AND ARTS CABINET

Department of Education  
Bureau of Instruction  
(Proposed Amendment)

## 704 KAR 3:010. Administrative and special services.

RELATES TO: KRS 157.360(6)

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: To provide authorization of positions to be included in administrative and special instructional service classroom units under the minimum foundation program.



Section 1. The following positions shall be administrative and special instructional service classroom units under the minimum foundation program:

- (1) Art education teacher;
- (2) Art program consultant;
- (3) Assistant principal shall be employed at least one-half (½) time in position;
- (4) Assistant superintendent shall be employed full-time in position;
- (5) Consultant in an academic subject field;
- (6) Driver education teacher;
- (7) *School business administrator* and/or [F] finance officer shall be employed full-time in position;
- (8) Guidance counselor;
- (9) Health and/or physical education program consultant;
- (10) Industrial arts teacher;
- (11) Instructional coordinator shall be employed at least one-half (½) time in position;
- (12) *School media librarian and/or school media specialist* [Librarian] shall be employed at least one-half (½) time in position;
- (13) Local director of vocational education;
- (14) *Media consultant* [Materials specialist];
- (15) Music education teacher;
- (16) Music program consultant;
- (17) Physical education teacher;
- (18) Principal shall be employed at least one-half (½) time in position;
- (19) Reading program consultant;
- (20) School attendance worker;
- (21) School business administrator shall be employed full-time in position;
- (21) [(22)] School health coordinator;
- (22) [(23)] School lunch director;
- (23) [(24)] School psychologist;
- (24) [(25)] School psychometrist;
- (25) [(26)] School social worker;
- (26) [(27)] Special education work-study program coordinator;
- [(28)] Superintendent shall be employed full-time in position;
- (27) [(29)] Teacher consultant in programs for exceptional children;
- (28) [(30)] Visiting teacher [.] ;
- (29) *Instructional television coordinator*.

Section 2. The following administrative and special instructional service classroom units shall be allotted as basic classroom units provided the school district has not staffed its total basic classroom unit entitlement and has staffed more administrative and special instructional service classroom units than allotted:

- (1) Art education teacher;
- (2) Driver education teacher;
- (3) Industrial arts teacher;
- (4) Music education teacher;
- (5) Physical education teacher.

JAMES B. GRAHAM  
Superintendent of Public Instruction

ADOPTED: May 24, 1978

RECEIVED BY LRC: June 28, 1978 at 1:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Mr. Fred Schultz, Secretary, Kentucky State Board  
for Elementary and Secondary Education, 17th Floor,  
Capital Plaza Tower, Frankfort, Kentucky 40601.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Instruction**  
**(Proposed Amendment)**

**704 KAR 3:030. Special instructional service units.**

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 provides for the allocation of classroom units for administrators [, their certified assistants,] and for [certain] special *instructional* service personnel. This proposed regulation is to furnish superintendents and boards of education with the minimum requirements for approval of special units.

Section 1. The Foundation Program provides for the allocation of classroom units for administrators [, their certified assistants] and for [certain] special *instructional* service personnel. Three (3) factors shall be considered in the approval of administrative and special instructional services units:

- (1) Personnel qualified as set forth in the criteria, teacher certification standards and state board regulations.
- (2) A planned program approved by the State Department of Education.
- (3) Satisfactory physical facilities, equipment, materials, and financial support as provided in the criteria and approved by the Department of Education.

JAMES B. GRAHAM  
Superintendent of Public Instruction

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**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Instruction**  
**(Proposed Amendment)**

**704 KAR 3:040. Criteria for the unit of superintendent or assistant superintendent.**

RELATES TO: KRS 157.360

PURSUANT TO: 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 requires the Superintendent of Public Instruction to allot units to each district for superintendents. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. [(1)] Personnel qualified to serve in approved units for superintendent or assistant superintendent shall

hold *certification* [a certificate] valid for the position [of superintendent].

[(2) The Superintendent of Public Instruction will approve the employment of an assistant superintendent on an internship basis under the following conditions:]

[(a) The request shall be made by the local school superintendent and approved by the local board of education.]

[(b) The prospective assistant superintendent shall have been admitted to the program of preparation-certification for the school superintendency by the teacher education institution and shall lack no more than fifteen (15) semester hours graduate credit for the completion of the total program.]

[(c) The internship program shall be planned jointly by the teacher education institution and the local school superintendent and shall include provisions for completing the academic requirements within a two (2) year maximum period with at least nine (9) semester hours progress the first year.]

Section 2. Duties of the superintendent. (1) In the performance of his/her duties, the superintendent shall at all times be governed by the provisions of the Kentucky Revised Statutes, the *Kentucky Administrative Regulations*, [regulations of the State Board of Education] and the policies of the local board of education.

(2) The superintendent shall have the responsibility of cooperating with the State Department of education in all in-service training programs and other programs designed to improve instruction.

(3) Application for the unit of assistant superintendent shall indicate specific duties to be performed by the assistant and shall include information on such factors as number of teachers, transportation program, instructional program, building program, and size of the district. The duties shall be designed to relieve the superintendent and shall not be primarily the duties of a supervisor of instruction, business manager, or director of pupil personnel. An assistant superintendent shall devote full time to this position.

Section 3. (1) Adequate space for the superintendent and for the assistant superintendent shall be provided.

(2) Adequate clerical assistance shall be provided.

(3) Sufficient equipment and supplies shall be furnished to enable the superintendent to efficiently perform his/her duties. Adequate financial support to allow constant supervision of the entire system and permit visitation outside the system for purposes of professional growth shall be provided.

JAMES B. GRAHAM

Superintendent of Public Instruction

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TO: Mr. Fred Schultz, Secretary, Kentucky State Board  
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Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(Proposed Amendment)

704 KAR 3:050. Criteria for the unit of principal.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 requires the Superintendent of Public Instruction to allot units to principals. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. (1) A principal shall be defined as a person other than a head teacher who devotes fifty percent (50%) or more of his/her time to the supervision of instruction. The remaining portion of *the principal's* [his] time shall be devoted to administrative duties.

(2) A principal shall be designated for a school with eight (8) or more teachers. A school which has fewer than eight (8) certified teachers may have a teacher designated as the head teacher.

(3) An assistant principal shall have such duties as may be assigned including administration duties and supervision of instruction for the same school population as that of a principal. The assistant principal shall devote at least fifty percent (50%) of his/her time to the duties of the assistant principalship. Classroom teaching will not be considered a part of this unit.

(4) An assistant principal may be assigned to a school according to the following criteria:

(a) Elementary school: For schools with twenty-five (25) teachers, an assistant principal or other supportive personnel is recommended.

(b) Middle school: An assistant principal should be employed when the school staff exceeds twenty-four (24). The assistant principal's role and responsibilities should be clearly defined and should compliment the principal's role to insure effective leadership in all aspects of the school program.

(c) Secondary school: It is recommended that secondary schools with thirty (30) teachers or more employ an assistant principal. In secondary schools with fifty (50) or more teachers, an additional assistant principal, instructional coordinator or department chairperson with released time for development and implementation of curriculum is recommended.

(5) A school may consist of one or more buildings. The program in two or more buildings may be under the supervision of one (1) principal. In approving such units, the number of buildings, teachers, and pupils involved and the geographical location of the buildings shall be considered. In instances where both elementary and secondary grades are housed in one (1) building, a single principal should be designated with one or more assistant principals where size warrants additional personnel.

Section 2. (1) Personnel qualified to serve in approved units of principalship or assistant principalship shall hold *certification* [a certificate] valid for the position [of principalship at the appropriate level (elementary or secondary or twelve (12) grade)].

(2) The Superintendent of Public Instruction will approve the employment of an assistant principal on an in-



ternship basis under the following conditions:

(a) The request shall be made by the local school superintendent and approved by the local board of education.

(b) The prospective assistant principal shall have been admitted to the program of preparation-certification for the school principalship by the teacher education institution and shall lack no more than nine (9) semester hours graduate credit for the completion of the total program.

(c) The internship program shall be planned jointly by the teacher education institution and the local school superintendent and must include provisions for completing certification requirements for principalship before September 1 of the following school year.

Section 3. The principal of an elementary, secondary, or twelve (12) grade school shall devote a significant portion of his/her time to supervision. He/she shall be a cooperating participant in the various activities which are designed to improve instruction. The principal's program of improving instruction shall be submitted as a part of the school's annual report. This plan shall reflect the thinking of all those concerned with the instructional program.

Section 4. (1) Adequate office and storage space shall be provided. Clerical assistance commensurate with the size of the school shall be provided.

(2) Provision shall be made for furnishing the necessary equipment such as typewriter, adding machine, duplicating equipment, etc., to permit the principal to perform his/her duties in a satisfactory and efficient manner.

(3) Sufficient financial support to permit the adequate operation of the principal's office shall be furnished.

JAMES B. GRAHAM

Superintendent of Public Instruction

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Capital Plaza Tower, Frankfort, Kentucky 40601.

#### EDUCATION AND ARTS CABINET

Department of Education  
Bureau of Instruction  
(Proposed Amendment)

704 KAR 3:055. Criteria for the unit of instructional coordinator.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 requires the Superintendent of Public Instruction to allot units to the unit of instructional coordinator. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. (1) Personnel serving in an approved unit for the position of instructional coordinator shall hold the same type of certification required for a supervisor of instruction or for a school principal at the appropriate level.

(2) The instructional coordinator shall devote at least fifty percent (50%) of his/her time to the position.

(3) The program of services to be performed by the instructional coordinator shall be defined in terms of supervision of instruction and staff development rather than as administrative duties and shall include the following types of activities:

(a) Provide staff development services to participating teachers in the area of instructional methodology, instructional strategies, classroom management, and communication skills.

(b) Assist professional school employees in the implementation of the Kentucky Plan for Improving the Professional Performance of School Personnel.

(c) Conduct classroom visitations and follow-up conferences with teachers and other professional school personnel.

(d) Serve as liaison in instructional matters between teachers and administrators within the school and with central office personnel.

(e) Serve as instructional and staff development consultant within the school to teachers, department chairmen, committees, and administrators.

(f) Work under the immediate direction of the school principal.

JAMES B. GRAHAM

Superintendent of Public Instruction

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Capital Plaza Tower, Frankfort, Kentucky 40601.

#### EDUCATION AND ARTS CABINET

Department of Education  
Bureau of Instruction  
(Proposed Amendment)

704 KAR 3:060. Criteria for the unit of visiting teacher.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 requires the Superintendent of Public Instruction to allot units to visiting teachers. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. (1) Approval of this unit shall be based upon the needs of the district. The visiting teacher shall work in cooperation with the director of pupil personnel in carrying out field services such as serving individual pupils who need special understanding, helping with problems of

social adjustment, promoting positive adjustment to school experience, and helping pupils find opportunities to continue their educational progress toward realization of their potentialities and shall coordinate the finds with the respective teachers.

(2) Persons approved for the position of visiting teacher for either the 1966-67 or 1967-68 school year may continue to serve in the position. Beginning July 1, 1968, no new units shall be approved for the position of visiting teacher.

Section 2. The visiting teacher shall be a person with a bachelor's degree and a certificate valid for elementary or secondary teaching. The visiting teacher shall have had a minimum of two (2) years' successful teaching experience.

Section 3. The program shall be based on the following points: (1) Working with parents and other citizens to promote desirable home-school relationships.

(2) Acting as liaison with community and state agencies in seeking solutions to the problems of children.

(3) Guiding and counseling individual children in making adjustment to the school situation.

(4) Investigating and correcting home situations which are resulting in nonadjustment and nonattendance.

(5) Working with principals, teachers, and guidance counselors in identifying problems of children and assisting in the solution.

Section 4. Adequate clerical assistance shall be provided. The visiting teacher shall be provided with office space and the necessary equipment and supplies to carry on his/her activities.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: May 24, 1978

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TO: Mr. Fred Schultz, Secretary, Kentucky State Board  
for Elementary and Secondary Education, 17th Floor,  
Capital Plaza Tower, Frankfort, Kentucky 40601.

## EDUCATION AND ARTS CABINET

Department of Education

Bureau of Instruction

(Proposed Amendment)

✓ 704 KAR 3:080. Criteria for the unit of school health coordinator.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of school health coordinator. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. Approval of this unit shall be based upon the needs of the district. The school health coordinator shall work in cooperation with the director of pupil personnel and other school personnel in promoting a school health services program, meeting the health needs of individual pupils and assisting the local school district in complying with *Kentucky Administrative Regulations dealing with school health* [the School Health Code of the State Board of Education].

Section 2. Personnel qualified to serve in an approved unit for school health coordinator shall hold a teaching or administrative certificate valid for serving as a teacher at the high school and/or elementary level based on a minimum of a baccalaureate degree and meet the standards by one (1) of the following plans:

(1) Have preparation in a recognized area in health, physical education, and recreation or an area in home economics or a major or minor in one (1) of the following: health, health-physical education, biology, home economics.

(2) Have a total of twelve (12) semester hours consisting of six (6) hours natural science, three (3) hours in nutrition, health or physical education, and three (3) hours in human growth and development.

Section 3. The program shall consist of the following general duties: (1) Coordinate all comprehensive health screening procedures.

(2) Supervise appropriate follow-up of mass screening and direct to appropriate services for each individual child.

(3) Secure and obtain appropriate consultation for communicable diseases.

(4) Supervise and assess the completeness of periodic health examinations of children.

(5) Establish and supervise first aid facilities for each school.

(6) Assist with parent health education program.

(7) Periodically check with teacher for classroom observation, teacher evaluation, and follow-up in such areas as psychological, speech, and neurological.

(8) Follow-up of prolonged illness with the pupil's physician and interpret physician's recommendations to teacher.

(9) Assist with medical aspect of sports.

(10) Maintain a good dental program.

(11) Assist local school officials in meeting the requirements of the school health code pertaining to school employee medical examinations.

Section 4. The school health coordinator shall be provided with office space, equipment, and supplies to carry on the necessary activities. Adequate clerical assistance shall be provided.

JAMES B. GRAHAM

Superintendent of Public Instruction

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TO: Mr. Fred Schultz, Secretary, Kentucky State Board  
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Capital Plaza Tower, Frankfort, Kentucky 40601.



**EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(Proposed Amendment)**

✓ **704 KAR 3:090. Criteria for the unit of physical education teacher.**

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

**NECESSITY AND FUNCTION:** KRS 157.360 requires the superintendent of public instruction to allot units to the unit of physical education teacher. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. No elementary or secondary school shall be considered as having an approved physical education program until programs have been put into operation which meet the guidelines prescribed by the State Board for *Elementary and Secondary Education* [of Education] as approved and published in its specified bulletins, syllabi, and courses of study.

Section 2. Personnel qualified to serve in an approved unit of physical education shall meet the criteria of one (1) of the following plans:

(1) For positions in grades seven (7) through twelve (12): any regular certificate which is valid for teaching at the high school level if the holder has one (1) of the following types of specialization:

(a) Area of concentration in health, physical education and safety;

(b) Major in health and physical education;

(c) Major in physical education;

(d) Minor in physical education.

(2) For elementary positions: beginning with the 1961-62 school year, persons new to the position shall have a regular teaching certificate valid for the elementary school level, a bachelor's degree and eighteen (18) semester hours credit in physical education (courses definitely labeled as physical education rather than health or hygiene). Persons who served in an approved unit of physical education at the elementary level during the 1960-61 school year on the basis of a regular certificate valid at the elementary school level and eighteen (18) semester hours credit in health and physical education may continue to be approved on the same preparation and a regular certificate for the elementary school level.

(3) Twelve (12) grade positions: a special certificate in health and physical education or any regular certificate which has been officially endorsed for teaching physical education in all twelve (12) grades.

(4) No emergency certificate will be approved for this special ASIS unit.

Section 3. (1) Physical education, to be an integral part of education, shall contribute to and enrich general education by the specific values inherent in a properly organized program of physical activities. Properly organized programs of physical education in elementary and secondary schools shall provide for boys and girls a well-rounded and progressive program of activities of a physical nature and shall help them acquire skill in the performance of these activities.

(2) The program of physical education shall be developed cooperatively by the administrator, physical education teacher, and other personnel concerned with the total curriculum. The programs shall follow the recommendations contained in the "Approved Guidelines for [Health and] Physical Education."

JAMES B. GRAHAM  
Superintendent of Public Instruction

ADOPTED: May 24, 1978

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**EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(Proposed Amendment)**

**704 KAR 3:100. Criteria for the unit of health and physical education program consultant.**

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

**NECESSITY AND FUNCTION:** KRS 157.360 requires the Superintendent of Public Instruction to allot units to the unit of health and physical education program consultant. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. (1) A consultant shall be defined as a person who coordinates a school district program of health and/or physical education. Coordination of safety, driver education, athletics, and school recreation programs may be included in this position if a local school district chooses to do so.

(2) Personnel qualified to serve in an approved unit as health and/or physical education consultant shall meet the following standards:

(a) A master's degree.

(b) A certificate in health and/or physical education or an administrative certificate issued since September 1, 1935.

(c) An area of concentration in health, physical education, or a minor in health and a major in physical education, or a major in health and a minor in physical education.

Section 2. (1) The consultant shall give leadership to the development of a comprehensive school health program and shall strive for the school district's compliance with the *health regulations* [School Health Code] of the State Board for *Elementary and Secondary Education* [of Education].

(2) The consultant shall plan, organize, and administer, a program of physical education and other programs which are included in this position. These programs shall follow

the guidelines contained in the *State Board for Elementary and Secondary Education's* "Approved Guidelines for Health [and Physical] Education[.]" and the *State Board for Elementary and Secondary Education's* "Approved Guidelines for Physical Education."

(3) The consultant shall work for better facilities, equipment, and material for improving these school programs.

(4) The consultant shall work in cooperation with the existing supervisory program in the school district.

Section 3. Sufficient office space and clerical assistance shall be provided this unit to allow the consultant's time to be used efficiently and effectively.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: May 24, 1978.

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TO: Mr. Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

#### EDUCATION AND ARTS CABINET

Department of Education

Bureau of Instruction

(Proposed Amendment)

704 KAR 3:110. Criteria for the unit of music education teacher.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 requires the Superintendent of Public Instruction to allot units to the unit of music education teacher. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. No elementary or secondary school shall be considered as having met standards or approval in music until programs have been put into operation which meet the minimum guidelines prescribed by the *State Board for Elementary and Secondary Education* [of Education] as approved and published in its specified bulletins, syllabi, and courses of study.

Section 2. (1) A special unit for music education will be granted for a person who is teaching music in an elementary and/or secondary school or is teaching music in more than one (1) approved elementary and/or secondary school.

(2) Personnel qualified to serve in an approved unit for music shall hold a certificate which is valid for the level of assignment:

(a) Certificate shall be based upon an area, major or minor in music.

(b) No emergency certificate will be approved for this special ASIS unit.

Section 3. The program shall follow the criteria contained in the "Approved Guidelines for Music Education."

Section 4. Physical facilities for music education shall follow the criteria contained in the "Approved Guidelines for Music Education."

JAMES B. GRAHAM

Superintendent of Public Instruction

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#### EDUCATION AND ARTS CABINET

Department of Education

Bureau of Instruction

(Proposed Amendment)

704 KAR 3:160. Criteria for the unit of local director of vocational education.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 requires the Superintendent of Public Instruction to allot units of local director of vocational education. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. Personnel qualified to serve in an approved unit as local director of vocational education shall meet the following standards:

(1) Be a graduate from an accredited college or university with a master's degree and professional preparation in an approved curriculum of vocational education.

(2) Have three (3) years of progressively responsible experience working with vocational education programs.

(3) Hold the Kentucky education certificate designated for this position.

Section 2. The program of local supervision in vocational education shall make provision for:

(1) Coordinating and directing the development of the annual and long-range education plan for the local school districts in cooperation with educational agencies, an advisory committee, and other planning agencies that relate to the local school district.

(2) Planning, coordinating, and developing programs in individual schools as well as systemwide.

(3) Cooperating with the existing supervisory program in the school district.

(4) Improving vocational facilities, equipment, and utilization of vocational materials.

(5) Planning for teacher and community participation in development of curriculum.

(6) Planning for professional improvement of the vocational staff.

(7) Evaluating vocational programs.

Section 3. Sufficient office space and clerical assistance shall be provided this unit to allow the local director of vocational education to use his/her time efficiently and effectively.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: May 24, 1978

RECEIVED BY LRC: June 28, 1978 at 1:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

#### EDUCATION AND ARTS CABINET

Department of Education  
Bureau of Instruction  
(Proposed Amendment)

✓ 704 KAR 3:170. Criteria for the unit of school media librarian.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 requires the Superintendent of Public Instruction to allot units to the unit of school media librarian or *media specialist*. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. Personnel serving in an approved unit for school media librarian or *media specialist* shall meet certification standards in the official regulations of the State Board for Elementary and Secondary Education [of Education].

Section 2. The organization and administration of a functional program shall provide: (1) A systematic plan for the selection and acquisition of books and other materials.

(2) A loan system for student use.

(3) Provisions for every child to have access to the library.

(4) Not less than half-time *media librarian or media specialist*.

Section 3. The quarters and facilities being utilized shall provide: (1) A central location.

(2) Space consisting of a reading room for pupils and a workroom and storage area.

(3) Space and equipment for the listening and viewing of audio/visual materials.

(4) Standard library furniture and other equipment that permits an efficient operation.

JAMES B. GRAHAM

Superintendent of Public Instruction

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#### EDUCATION AND ARTS CABINET

Department of Education  
Bureau of Instruction  
(Proposed Amendment)

✓ 704 KAR 3:180. Criteria for the unit of school psychologist and psychometrist.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 requires the Superintendent of Public Instruction to allot units to the unit of school psychologist or school psychometrist. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. (1) A school psychologist holding a valid teaching certificate and currently employed shall be approved for a special service unit in 1959-60, and until such time as criteria including certificate standards are adopted by the State Board for Elementary and Secondary Education [of Education].

(2) The position of school psychometrist is defined as a skilled technician employed by the school district to assist principals, supervisors, guidance counselors, and teachers in the measurement of abilities, achievements, progress and other characteristics of school pupils.

Section 2. A person qualified to serve in an approved unit of school psychometrist shall have a certificate valid for the position of school psychometrist.

Section 3. (1) The school psychometrist employs his/her specialized knowledge and skills in the measurement of pupil characteristics and abilities in the schools under the direction of the school's administrative and supervisory officers. While the school psychometrist [he] has specialized in the evaluation and measurement of the psychological and educational traits of young persons, and in the statistical treatment of numerical data obtained by evaluative methods, he/she is neither a psychologist nor an instructional supervisor.

(2) The purpose of the services rendered by the school psychometrist to members of the school's staff is to provide more accurate data than would otherwise be available regarding individual pupils and groups of pupils in the



school. The school psychometrist's chief responsibility is to recommend and to direct the application of those measuring instruments which will provide most accurately the information about pupils desired by other staff members. *The school psychometrist* [He] discharges these responsibilities by:

- (a) Selecting and recommending the measuring devices that are the most valid and reliable indicators of the pupil characteristics to be considered.
- (b) Planning, organizing and directing the administration of the tests or other devices chosen by the school staff member or members.
- (c) Planning, organizing and directing the scoring of the measures administered.
- (d) Converting the raw scores into such terms as are desired by the staff.
- (e) Making such statistical calculations as are needed by the staff.
- (f) Preparing charts, graphs and other interpretative materials for the use of the staff.
- (g) Keeping and filing for later reference the important data obtained.
- (h) Selecting, training and supervising clerical workers employed to score tests, collect data, and carry out statistical tasks in his/her office.
- (i) Conducting minor research studies of groups of school pupils for administrative, supervisory or guidance counselors.
- (j) Assisting guidance counselors in obtaining and organizing pertinent data needed regarding individual students.
- (k) Making diagnostic studies of the individual child.
- (3) The purpose of the services rendered by the school psychometrist to other individuals and groups is to conserve the time of the school's teachers, guidance counselor(s) and administrative and supervisory personnel in supplying recorded data regarding students to agencies or individuals not directly involved in the school's educational programs.
- (4) The work of the school psychometrist supplements the work of the guidance counselor. Therefore, the position of guidance counselor shall be established in the school or school district before that of the school psychometrist.

Section 4. Provision of office space, financial support and clerical assistance shall be provided.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: May 24, 1978

RECEIVED BY LRC: June 28, 1978 at 1:45 p.m.

SUBMIT COMMENT OF REQUEST FOR HEARING  
TO: Mr. Fred Schultz, Secretary, Kentucky State Board  
for Elementary and Secondary Education, 17th Floor,  
Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(Proposed Amendment)

704 KAR 3:200. Criteria for the unit of *business administrator* and finance officer.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 requires the Superintendent of Public Instruction to allot units to the unit of *school business administrator* and/or finance officer. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. The school business administrator *and/or finance officer* shall be responsible under the direction of the local superintendent for the financial affairs of the school district[.], [He shall be responsible to the superintendent] for budget and accounts control and shall generally supervise personnel concerned with accounting procedures. *Persons holding this position* [He] may serve as treasurer of the board of education.

Section 2. Personnel qualified to serve in an approved unit for school business administrator *and/or finance officer* shall meet one (1) of the following plans:

(1) Hold either the provisional or the standard certificate for school business administrator.

(2) *Each person* [Persons] serving in an approved unit for finance officer during the 1966-67 school year on the basis of a regular teaching certificate may continue to serve under the title of finance officer in the same school district provided the teaching certificate is kept valid.

Section 3. (1) The application for the unit shall state that the school business administrator *and/or finance officer* will be employed full-time in his/her duties.

(2) The application shall clearly set forth the school business administrator's *and/or finance officer's* functions and duties and the procedures to be followed in carrying them out.

Section 4. Provision of office space and financial support shall be provided.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: May 24, 1978

RECEIVED BY LRC: June 28, 1978 at 1:45

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TO: Mr. Fred Schultz, Secretary, Kentucky State Board  
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Capital Plaza Tower, Frankfort, Kentucky 40601.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Instruction**  
**(Proposed Amendment)**

**704 KAR 3:220.** Criteria for the unit of supervisor of instruction.

RELATES TO: KRS 157.360

PURSUANT TO: 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 requires the Superintendent of Public Instruction to allot units to the unit of supervisor of instruction. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. (1) A supervisor of instruction is a person who devotes the allotted time for supervision to providing leadership services in the improvement of instruction in the school program by working with administrators, teachers, other supervisors, and the lay public.

(2) In districts entitled to a fractional unit or one (1) unit for a supervisor, this unit or fraction shall be for a general supervisor. Districts entitled to more than one (1) unit for a supervisor shall employ a general supervisor for the first unit.

Section 2. (1) A supervisor of instruction shall hold a certificate valid for the position at the appropriate level: elementary, secondary, or twelve grade. The standard special education certificate for supervisors shall be required of persons who supervise the educational programs of all types of handicapped children.

(2) Emergency certificates shall not be issued for the position of supervisor.

(3) the personal qualifications of the person for a position of leadership in the improvement of instruction shall weigh heavily in the establishment of a program of supervision for instructional services.

Section 3. The program of supervision shall make provision for: (1) Cooperative curriculum revision and development involving the total staff.

(2) Assistance in the selection and use of good instructional materials.

(3) Preparation of study guides, courses of study, handbooks, and other materials adapted to local needs.

(4) Cooperative efforts with principals and classroom teachers to improve the learning environment in schools and to meet pupil needs.

(5) Adequate evaluation of the supervisory program in terms of improved instructional services.

Section 4. Adequate office space and necessary office equipment shall be provided; sufficient clerical help shall be provided to enable the supervisor to use *his/her* time effectively; financial support shall be provided to the degree necessary to permit proper classroom supervision and to

furnish those supplies, instructional materials and other items of expense of the supervisor's office.

**JAMES B. GRAHAM**  
 Superintendent of Public Instruction

ADOPTED: May 24, 1978

RECEIVED BY LRC: June 28, 1978 at 1:45 p.m.

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 TO: Mr. Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Instruction**  
**(Proposed Amendment)**

**704 KAR 3:230.** Criteria for the unit of director of pupil personnel.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 requires the Superintendent of Public Instruction to allot units to the unit of director of pupil personnel. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. A director of pupil personnel shall hold a certificate valid for the position of director of pupil personnel or attendance officer or official approval from the superintendent of public instruction. In the event that a person holding regular certification for the position of director of pupil personnel cannot be secured by the local board of education either locally or from a listing of available personnel supplied by the Department of Education, the Superintendent of Public Instruction will approve the employment for a one (1) year period of a person who has:

- (1) A classroom teaching certificate;
- (2) A master's degree; and
- (3) Two (2) years of successful teaching experience.

Section 2. (1) The director of pupil personnel shall be responsible for working with pupils, teachers, and parents in developing and understanding the functions of the school. *The director of pupil personnel* [He] shall devote his/her time and effort to discovering problems of social adjustment that result in nonattendance and lack of adjustment of the school situation and seek means to correct these conditions.

(2) The director of pupil personnel shall be responsible for the records and reports relating to attendance and pupil personnel accounting.

(3) The director of pupil personnel shall initiate and conduct research projects which will aid in planning the total school program.

(4) The director of pupil personnel shall cooperate with

the community and state agencies and utilize resources in seeking solutions to the problems of children.

Section 3. The director of pupil personnel shall be furnished with the necessary office space to properly carry out the functions of the [his] office, together with the filing cabinets and other equipment needed for efficient operation. Sufficient clerical assistance shall be provided to permit accurate accounting for all pupils in the local system.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: May 24, 1978

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SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Mr. Fred Schultz, Secretary, Kentucky State Board  
for Elementary and Secondary Education, 17th Floor,  
Capital Plaza Tower, Frankfort, Kentucky 40601.

#### EDUCATION AND ARTS CABINET

Department of Education

Bureau of Instruction

(Proposed Amendment)

704 KAR 3:270. Criteria for the unit of teacher-consultant in programs for exceptional children.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 requires the Superintendent of Public Instruction to allot units to the unit of teacher-consultant in programs for exceptional children. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. An administrative and special instruction services unit shall be approved for qualified persons to serve as a teacher-consultant provided that the local school district has a total special education teaching staff exceeding ten (10) in at least two (2) areas of exceptionality.

Section 2. Personnel qualified to serve as a teacher-consultant in a specific area of exceptionality shall have certification and three (3) years teaching experience in the area of exceptionality, a master's degree, and shall be approved in advance of employment by the State Department of Education.

Section 3. The teacher-consultant shall: (1) Work in cooperation with the existing supervisory program in the school district.

(2) Help plan, correlate and develop the special education program in individual schools as well as systemwide.

(3) Give scheduled demonstrations for classroom teachers, serve as a consultant to regular classroom teachers on instructional techniques for the exceptional children and help individual special education teachers improve the quality of the instructional program at the

classroom level, such services to be rendered generally in the classroom.

(4) Promote school and district workshops on an inservice basis as much as possible. This will include the use of outside demonstration consultants when available.

(5) Work to improve special education facilities, equipment, and material.

(6) Seek to improve the relation of the special education program to the total school program.

[Section 3. The teacher-consultant shall work in cooperation with the existing supervisory program in the school district.]

Section 4. Sufficient office space and clerical assistance shall be provided to allow the teacher-consultant's time to be used efficiently and effectively.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: May 24, 1978

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TO: Mr. Fred Schultz, Secretary, Kentucky State Board  
for Elementary and Secondary Education, 17th Floor,  
Capital Plaza Tower, Frankfort, Kentucky 40601.

#### EDUCATION AND ARTS CABINET

Department of Education

Bureau of Instruction

(Proposed Amendment)

704 KAR 4:010. Physical education.

RELATES TO: KRS 156.160

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 156.160 requires the Superintendent of Public Instruction to prepare regulations governing medical inspection, physical education and recreation, and other rules and regulations deemed necessary or advisable for the protection of the physical welfare and safety of the public school children.

Section 1. (1) All elementary school pupils shall receive organized physical education instruction which shall total a minimum of 120 minutes per week.

(2) In the secondary school, opportunities for physical education experiences shall be provided for each pupil. Each student shall earn a minimum of one-half (½) credit on the secondary level in health and one-half (½) credit in physical education as a graduation requirement.

(3) No elementary or secondary school shall be considered as having met physical education regulations until programs have been put into operation which meet the "Approved Guidelines of Physical Education."

Section 2. Each school shall include health instruction in its curriculum for grades K-12. All pupils shall receive



health instruction in programs meeting the "Approved Guidelines of Health Education."

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: May 24, 1978

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TO: Mr. Fred Schultz, Secretary, Kentucky State Board  
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Capital Plaza Tower, Frankfort, Kentucky 40601.

#### EDUCATION AND ARTS CABINET

Department of Education

Bureau of Instruction

(Proposed Amendment)

704 KAR 10:050. Courses not in program of studies;  
procedure for offering.

RELATES TO: KRS 156.160

PURSUANT TO: KRS 13.082, 156.070, 156.135  
[156.130] 156.160

NECESSITY AND FUNCTION: This regulation establishes procedures for seeking State Board for *Elementary and Secondary Education* [of Education] approval for courses that are not listed in the "Program of Studies for Kentucky Schools."

Section 1. Any school desiring to offer a course not listed in the "Program of Studies for Kentucky Schools" shall secure the approval of the State Board for *Elementary and Secondary Education* [of Education] upon recommendation of the Superintendent of Public Instruction before such a course is offered. Approval of the offering of the course shall be secured not later than the meeting of the State Board for *Elementary and Secondary Education* [of Education] immediately preceding the semester of initiating the course. Failure to secure state board approval before the course is initiated shall jeopardize accreditation of the school or schools involved. No course shall be considered for approval that is inconsistent with *Kentucky Administrative Regulations* [state board regulations], *Kentucky Revised Statutes*, and the Constitution of the Commonwealth of Kentucky.

Section 2. The procedure for seeking approval of an unlisted course shall be as follows: The administrative head of the school or school system seeking permission to offer an unlisted course shall notify the head of the Bureau of Instruction in writing of such intent and shall subsequently submit [on the proper form] information concerning the course as follows:

- (1) The name or title of the course;
- (2) A statement indicating need for the course;
- (3) A statement of the objectives of the course;
- (4) A brief of the scope and content of the course;
- (5) A statement describing adequacy of staff, facilities, equipment, and materials for implementing the course;

(6) A description of deviation from the "Program of Studies for Kentucky Schools;"

(7) The amount of credit to be allowed for the course or the extent of grade levels involved in the proposed offering;

(8) Proposed method of evaluation;

(9) Anticipated length of experiment in terms of school years.

Section 3. The Superintendent of Public Instruction shall, after due counsel, submit the request to the State Board for *Elementary and Secondary Education* [of Education].

Section 4. Upon approval by the State Board for *Elementary and Secondary Education* [of Education], the form describing the course thus approved, with a notation of the approval, shall be filed with the organizational or annual high school report of the school or school system involved and become a part of said official report.

JAMES B. GRAHAM,

Superintendent of Public Instruction

ADOPTED: June 13, 1978

RECEIVED BY LRC: July 13, 1978 at 11:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Mr. Fred Schultz, Secretary, State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

#### EDUCATION AND ARTS CABINET Department [of] for Occupational Education Bureau of Vocational Education (Proposed Amendment)

705 KAR 1:010. *Annual program* [State] plan.

RELATES TO: KRS 156.100, 163.020, 163.030

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: The *Kentucky Annual Program* [Five-Year State] Plan for Vocational Education is necessary in order to be eligible to receive federal funds under P.L. 94-482 [90-576].

Section 1. Pursuant to the authority vested in the Kentucky State Board for *Occupational* [of] Education, the *Kentucky Annual Program* [Five-Year State] Plan for Vocational Education shall be prepared and approved by the State Board for *Occupational* [of] Education, in accordance with the appropriate federal guidelines, and submitted annually to the U. S. Commissioner of Education by June 30 for his approval. [Whereas, the duties and responsibilities of the Kentucky State Board of Education have by Executive Order been divided between the Kentucky State Board for Elementary and Secondary Education and the Kentucky State Board for Occupational Education, this document has been approved by both of the aforesaid boards.] This document is incorporated by reference and hereinafter shall be referred to as the Ken-

tucky *Annual Program* [Five-Year State] Plan for Vocational Education. Copies of the document may be obtained from the Bureau of Vocational Education, State Department for Occupational [of] Education.

JAMES B. GRAHAM, Superintendent

ADOPTED: June 5, 1978

RECEIVED BY LRC: June 26, 1978

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

**EDUCATION AND ARTS CABINET**  
Department of Education  
Department for Occupational 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 by *SB 289* [Executive Order 77-453] the Kentucky State Plan for Vocational Rehabilitation Services incorporated in P.L. 93-112, as amended, for the period October 1, 1978 [1977] through September 30, 1979 [1978] is presented herewith for filing with Legislative Research Commission, and incorporated by reference.

JAMES B. GRAHAM, Superintendent

ADOPTED: June 5, 1978

RECEIVED BY LRC: June 26, 1978

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

**EDUCATION AND ARTS CABINET**  
Department of Education  
Bureau of Education for Exceptional Children  
(Proposed Amendment)

**707 KAR 1:003. Annual program plan for the administration of the education of the handicapped act.**

RELATES TO: KRS 156.035, 157.200 to 157.305,  
[156.100]

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: The State Plan for the Administration of Education of the Handicapped Act, Part B must be amended annually in order to be eligible to receive Federal funds under P.L. 93-380 as amended by P.L. 94-142.

Section 1. Pursuant to the authority vested in the Kentucky State Board for *Elementary and Secondary* [of] Education, the [Fiscal Year 1978 amendment to the] Kentucky Annual Program Plan for the Administration of the Education of the Handicapped Act is hereby approved by the State Board for *Elementary and Secondary* [of] Education in accordance with the approved federal guidelines and submitted to the U. S. Commissioner of Education for his approval. This *plan* [amendment supersedes the 1977 amendment and] is incorporated by reference and hereinafter should be referred to as the "*Kentucky* [1978 amendment to the] Annual Program Plan for the Administration of the Education of the Handicapped Act." Copies of the [Annual Program] plan may be obtained from the Bureau of Education for Exceptional Children, State Department of Education, Frankfort, Kentucky 40601.

JAMES B. GRAHAM

Superintendent of Public Instruction

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**EDUCATION AND ARTS CABINET**  
Department of Education  
Bureau of Education for Exceptional Children  
(Proposed Amendment)

**707 KAR 1:005. Experimental programs utilizing para-professionals and teacher aides.**

RELATES TO: KRS 157.390(2)(6), 157.360(5)

PURSUANT TO: KRS 13.082, 156.060, 156.070

NECESSITY AND FUNCTION: KRS 157.390(2)(6) provides that, "the state board for *elementary and secondary* [of] education with the recommendation of the Superintendent of Public Instruction may designate local school districts as experimental districts for the utilization of para-professionals and teacher aides, including the utilization of para-professionals and teacher aides for

special instructional services for exceptional children." This necessitates the adoption of the following State Board for Elementary and Secondary [of] Education Regulation.

Section 1. The experimental program in the utilization of para-professionals and teacher aides in special instructional services for exceptional children shall be operated pursuant to the criteria listed below:

(1) Applications for the utilization of para-professionals and teacher aides for special exceptional children shall be submitted when local school districts submit applications for classroom units for teachers of exceptional children.

(2) Additional information regarding the experimental use of para-professionals and teacher aides shall be submitted with the application for classroom units.

(3) Pupil-teacher ratio shall be the same as defined in the program membership sections of "Standards for Programs for Exceptional Children." [707 KAR 1:050, Sections 2 through 10.]

(4) The Superintendent of Public Instruction shall recommend to the State Board for Elementary and Secondary [of] Education the designation "experimental districts" those school districts whose applications meet the provisions of the statutes and regulations.

JAMES B. GRAHAM,  
Superintendent of Public Instruction

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TO: Mr. Fred Schultz, Secretary, State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Education for Exceptional Children  
(Proposed Amendment)

707 KAR 1:040. *Tuition and support programs for deaf-blind children.*

RELATES TO: KRS 167.210 to 167.240

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To repromulgate State Board for Elementary and Secondary [of] Education Regulations for programs for deaf-blind children [pursuant to KRS 13.082].

Section 1. The *tuition and support* program for deaf-blind children shall be operated pursuant to KRS 167.210 to 167.240, inclusive, and the criteria listed below:

(1) Definition. As used in KRS 167.210 to 167.240, unless the context otherwise requires, "deaf-blind children" includes any child whose combination of handicaps of deafness and blindness prevents him/her from profiting satisfactorily from public educational programs provided for the blind child or the deaf child.

(2) Evaluation. Before [educational] placement for deaf-blind children in a facility, school or institution providing a qualified program of education for such children can be

considered, appropriate evaluations of the child shall be made by qualified personnel and a copy of the evaluation report forwarded to the Bureau of Education for Exceptional Children.

(a) The Kentucky State Department of Education is authorized to expend available funds for the purpose of providing evaluation and diagnostic services for deaf-blind children. Such funds are administered through the Bureau of Education for Exceptional Children.

(b) Arrangements for evaluations shall be made by contacting the Bureau of Education for Exceptional Children.

(3) Educational placement:

(a) If results of the evaluation indicate that the child should be enrolled in an educational facility for deaf-blind children, [the parents or guardians shall make] application *shall be made* to an appropriate school.

(b) A statement that the child has been, or will be accepted by the school, must be submitted to the Bureau of Education for Exceptional Children. This bureau *in cooperation with the child's parents and other professional personnel* shall have the final responsibility for determining if the selected school is appropriate to the special educational needs of the child.

(4) Eligibility. The eligibility of the child for placement in a special educational facility, *school or institution* for deaf-blind children is based upon the following criteria:

(a) The child has both a vision and hearing loss so severe that he/she cannot make educational progress in existing state residential programs for the deaf or for the blind.

(b) All efforts have been exhausted for provision of educational programs for the child in a public school program for the deaf or for the blind.

(c) All efforts have been exhausted for placement of the child in existing state-supported programs offering special adaptations of standard educational programs and practices.

(d) The parents have followed through on the recommendation made by medical, psychological, and/or educational evaluations.

(5) Transportation. Funds will be provided by the Department of Education for the transportation of the deaf-blind child and one (1) parent or guardian to and from school at the beginning and end of the academic year and at the beginning and end of Christmas holidays. If it is necessary for more than one (1) person to accompany the child, requests shall be submitted to the Bureau of Education for Exceptional Children.

(6) Selection. The selection of children to receive aid through this program will be made on the basis of a review of all applications and on the availability of state funds. The Bureau of Education for Exceptional Children shall make this selection.

JAMES B. GRAHAM  
Superintendent of Public Instruction

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**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Education for Exceptional Children**  
**(Proposed Amendment)**

**707 KAR 1:060. Identification, evaluation and placement policy and procedure.**

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070

**NECESSITY AND FUNCTION:** The Consent Agreement in Kentucky Association for Retarded Children, et.al., v. Kentucky State Department of Education, et.al., Civil Action No. 435, U.S. District Court, Eastern District of Kentucky, specifies that regulations and guidelines be established for the identification and placement of exceptional children in local school districts. 707 KAR 1:051, Section 9 [1:050, Section 1(11)] and P.L. 94-142, Section 615, assure that each child, parents and the local school districts will be guaranteed procedural safeguards relative to the identification, evaluation and placement of exceptional children. This manual provides policies and procedures relative to the fulfillment of the Consent Agreement, 707 KAR 1:051, Section 9 [1:050] and P.L. 94-142, Section 615.

Section 1. The "Due Process Policy and Procedure Manual," copy of which is attached hereto and filed by reference, is hereby approved. This manual fulfills requirements of the Consent Agreement, Civil Action No. 435, 707 KAR 1:051, Section 9 [1:050, Section 1(11)] and P.L. 94-142, Section 615, and shall be referred to as the "Due Process Policy and Procedure Manual," for identification, evaluation and placement of exceptional children. Copies may be obtained from the Bureau of Education for Exceptional Children, State Department of Education, Frankfort, Kentucky 40601.

JAMES B. GRAHAM,  
 Superintendent of Public Instruction

ADOPTED: June 13, 1978

RECEIVED BY LRC: July 13, 1978 at 11:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Mr. Fred Schultz, Secretary, State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Education for Exceptional Children**  
**(Proposed Amendment)**

**707 KAR 1:070. Non-public school [private organization] program approval.**

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.160

**NECESSITY AND FUNCTION:** The Consent Agreement in Kentucky Association for Retarded Children, et al, v. Kentucky State Department of Education, et al, Civil

Action No. 435, U.S. District Court, Eastern District of Kentucky, specifies that Regulations and Guidelines be established for the identification and placement of exceptional children in local school districts. KRS 157.224 specifies the Commonwealth of Kentucky is committed to providing a comprehensive educational program for its exceptional [school age] children. *This commitment is consistent with Section 612(6) of Public Law 94-142 which places with the state education agency the responsibility for general supervision of all educational programs for exceptional children in the state including those provided by public agencies and by private agencies with which public agencies contract. This responsibility includes insuring that these programs meet federal requirements and state standards.* KRS 157.280 specifies if a number of children of compulsory school age in one (1) classification of exceptionality in a district is not sufficient to justify a special education program for that exceptionality in that district, or if a school district does not provide a special education program for that exceptionality the board shall provide a program by contract with another county or independent district or private organization that maintains a special education program approved for that exceptionality by the State Board for Elementary and Secondary [of] Education, [for that exceptionality] the amount not to exceed the amount designated by the state department of education for a child of that particular exceptionality. Public Law 94-142, Section 613, specifies that in all such instances, the state educational agency shall determine whether such schools and school facilities meet standards that apply to state and local educational agencies and that children so served have all the rights they would have if served by such agencies. This Kentucky Administrative Regulation provides policies and procedures relative to the fulfillment of the Consent Agreement, KRS 157.280, 157.305, 157.224 and Public Law 94-142, Sections 612(6) and 613(a)(4)(a)(ii).

*Section 1. Approval of Non-Public School Programs for Exceptional Children. Non-public school agencies/organizations providing educational programs for exceptional children and youth shall apply to the State Board for Elementary and Secondary Education for approval in order to insure that they meet state education agency standards. Non-public school educational programs shall meet the requirements of appropriate section(s) of Kentucky Revised Statutes and Kentucky Administrative Regulations. These programs include:*

*(1) Educational programs for exceptional children operated by public agencies other than local school districts; and*

*(2) Educational programs for exceptional children operated by private organizations which wish to enter into contract(s) with local school districts. [Section 1. Approval of Private Organizations' Programs for Exceptional Children. Private organizations having programs for exceptional children and youth shall apply to the State Board of Education for approval if they wish to enter into contract agreements with local districts. Private organizations' educational programs shall meet the requirements of appropriate section(s) of Kentucky Revised Statutes and the State Board of Education Regulations.]*

*Section 2. Referral and Placement of Exceptional Children in Non-Public School Programs. (1) Programs operated by public agencies other than local school districts. For those exceptional children in programs*

operated by public agencies other than local school districts, referral and placement shall be consistent with policies and procedures established by or for the particular agency. Exceptional children placed in such programs shall be provided an educational program which insures:

(a) The provision of special education and related services in conformance with the individual education program (IEP) developed for each child;

(b) An educational program at no cost to the parents;

(c) That services meet the standards that apply to state and local educational agencies; and

(d) That all children ages three (3) through twenty-one (21) who are provided an educational program are afforded all the rights of an exceptional child who is served in a local school district.

(2) Programs operated by private organizations. Within the purview of KRS 157.280, programs for exceptional children maintained by a private organization means a program(s) for exceptional children in Kentucky which is provided by a private corporation, association or other organization. This does not include a program in Kentucky which is directly provided by a state agency or a local board of education, administered by a public employee(s) or by a board having accountability to a state agency. Referral and placement of exceptional children in approved private organization educational programs by local school districts shall be provided, consistent with 707 KAR 1:051. The educational program provided shall:

(a) Be in conformance with the individual education program developed for each child,

(b) Be at no cost to the parents,

(c) Insure that services provided meet standards that apply to state and local educational agencies; and

(d) Afford all children (ages three (3) through twenty-one (21)) who are served all the rights of an exceptional child who is served in a local school district.

JAMES B. GRAHAM,  
Superintendent of Public Instruction

ADOPTED: June 13, 1978

RECEIVED BY LRC: July 13, 1978 at 11:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Mr. Fred Schultz, Secretary, State Board of Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Education for Exceptional Children  
(Proposed Amendment)

707 KAR 1:080. Appeals board.

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070 [156.130]

NECESSITY AND FUNCTION: The Consent Agreement in Kentucky Association for Retarded Children, et al., v. Kentucky State Department of Education, et al., Civil Action No. 435, U. S. District Court, Eastern District of Kentucky provides "To adopt a regulation establishing

an appeals procedure within the Department of Education of the Commonwealth of Kentucky for appeals by a parent of an exceptional child for whom no local regular or special program has been provided in order to coordinate various special education programs which may be available to the child outside the local school district. The regulation shall direct the state Superintendent of Public Instruction to designate an individual or individuals within the Department of Education of the Commonwealth of Kentucky to hear such appeals. Such procedure shall be so structured as to guarantee that said appeal may be prosecuted in the minimum amount of time."

Section 1. There is hereby established within the Department of Education the Exceptional Children Appeals Board consisting of three (3) members. The Superintendent of Public Instruction shall appoint three (3) employees within the Department of Education to serve as members of said board and shall designate one (1) of them as chairman. Such members shall serve at the pleasure of the Superintendent of Public Instruction.

Section 2. Any person who is a party to the hearing at the local school system level in a matter involving the identification, evaluation, or placement of an exceptional child as provided in 707 KAR 1:051 and 707 KAR 1:060 [1:050], and who is aggrieved by the order on such hearing may appeal such order in writing by certified mail to the Exceptional Children Appeals Board within fourteen (14) calendar days of the entry of such order. This appeal shall also be submitted to the opposing party who will then have seven (7) calendar days in which to respond in writing to the Exceptional Children Appeals Board. The board may also hear such a matter upon a showing that no hearing was provided at the local level.

Section 3. The chairman of the Exceptional Children Appeals Board shall set the matter for the hearing within ten (10) [twenty (20)] calendar days after receipt of the written appeal unless the parties to the appeal agree to a longer period of time.

Section 4. The Exceptional Children Appeals Board shall determine the case upon the record established at the hearing at the local level. It may allow the introduction of additional testimony, documents and other evidence, including oral arguments upon a showing of good cause. The board shall not be bound by the formal rule of evidence.

Section 5. Within ten (10) calendar days of the conclusion of the hearing on appeal, the Exceptional Children Appeals Board shall make findings of fact, conclusions of law and recommendations to the Superintendent of Public Instruction, who shall within three (3) [ten (10)] calendar days of receipt thereof make a final determination of the case.

JAMES B. GRAHAM  
Superintendent of Public Instruction

ADOPTED: June 13, 1978

RECEIVED BY LRC: July 13, 1978 at 11:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Fred Schultz, Secretary, State Board of Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

**EDUCATION AND ARTS CABINET**  
**Department of Library and Archives**  
**(Proposed Amendment)**

**725 KAR 2:010. Public libraries.**

RELATES TO: KRS 171.150, 171.204, 171.125 to 171.306

PURSUANT TO: KRS 13.082, 171.150, 171.204, 171.125 to 171.306

**NECESSITY AND FUNCTION:** The following rules and regulations are necessary for the Department of Library and Archives to exercise its duties. The Department of Library and Archives is designated by KRS Chapter 171 as the agency to administer funds granted for the purpose of providing and equalizing minimum public library service in Kentucky. This service includes the establishment, extension and development of local public library facilities. The Construction Officer of the Department of Library and Archives is authorized to act according to the following document.

Section 1. Hereinafter, the expression, the "Board" refers to the library trustees, the initials, "C.O." refer to the Construction Officer, and the initials "D.L.A." refer to the Department of Library and Archives.

Section 2. All public library buildings are bound by certain stipulations concerning any public service and any public building. Those stipulations are: (1) Public building code:

- (a) Federal regulations:
  - 1. Federal wage law for contractor,
  - 2. Physically handicapped entrance.
- (b) State regulations:
  - 1. State Fire Marshal requirements,
  - 2. Physically handicapped entrance,
  - 3. State health codes,
  - 4. State minimum wage law.
- (c) County ordinances.
- (d) City ordinances:
  - 1. Sidewalks, etc.,
  - 2. Sanitation laws, etc.
- (2) Public service law:
  - (a) The right of any individual, regardless of race, creed, color, etc., to use and enjoy the services of the library.
  - (b) The right of any group to use the facility as provided for under the rules and regulations of the board of trustees.
  - (3) The following stipulations are required by the Department of Library and Archives:
    - (a) The site must be approvable by the construction officer.
    - (b) Purchase of existing buildings for renovation for library purposes may be authorized if this would be the best and most reasonable method of obtaining adequate library facilities. The C.O. will approve this purchase following approval by the Board of Review.
    - (c) The site and facility must be owned or will be purchased by the local board of trustees.
    - (d) The application for a construction grant must be filed with the C.O.'s office.
    - (e) Buildings or alterations must be planned and construction supervised by an architect registered in the Commonwealth of Kentucky and approved by the D.L.A. This approval will be based on registration of the architect and the experience as shown by the architect in previous projects.

(f) The plans submitted by the architect must be approved by the D.L.A. (C.O.) as to size, adequacy, location, function and suitability for services of a public library.

**Section 3. Preliminary Review of Applications For Construction.** A preliminary review is recommended for the purpose of establishing the construction application. *All requests for monies under this section shall be reviewed by the Regional Library Board, which shall meet immediately on the call of the president. The board shall review the application as to its consistency with the overall development plan for libraries in the region and forward its endorsement or nonendorsement to the chairman of the review committee.* [This will be a working meeting of a small group and should be held regularly to keep information on the applications current and to prevent unpreparedness for the Board of Review. The intent of the review is to have more persons informed about the proposed projects and to provide a complete and current application to the Board of Review.]

(1) A preliminary review to establish the completeness of applications for construction projects will be held at least two (2) months before the regular Board of Review.

(a) *A preliminary review committee of five (5) is established. Members shall be chosen on an annual basis, prior to the first meeting of the Board of Review. Four (4) of these members shall be regional librarians, elected by the regional librarians as a committee of the whole. The fifth member shall be the Construction Officer of the Department of Library and Archives, who shall act as chairman. Annual selection, with the exception of the chairman, shall be conducted by the regional librarians.* [A review committee of five (5) shall be established. These shall be appointed at the first yearly Board of Review. Three (3) of the members shall be from field staff, one (1) from each of the three (3) library areas, selected by the area library directors. The two (2) other members shall be selected by the three (3) field members on the committee. The terms shall be for one (1) year. New members shall be appointed yearly. The committee members shall select replacements for any members who resign from the committee during the year.]

(b) The review committee will read the applications and shall have the responsibility to communicate with the *regional librarian* [district director] and *President of Regional Library Board* involved about any questions they have concerning the application.

(2) Procedures of the review committee:

(a) Applications will be presented alphabetically by county name.

(b) Realistic operating budget for the proposed facility will be presented insofar as practicable; i.e., estimates on costs of utilities, etc., should be obtained from proper authority. This budget should be brought up-to-date before each review.

(c) Proof of need must be plainly established, i.e., lack of service, lack of space for the book collection, etc., which an expanded facility would enable the library to provide. Willingness to provide these services should be made clear. A plan of projected service *shall accompany the application* [should be submitted].

(d) Ability to provide service adequately after the new facility is in operation is necessary. The board should not cut its staff budget to pay for the building.

(e) Librarians must be certified in accordance with the Kentucky Revised Statutes.

(f) The *regional librarian* [district director] involved should be able to show serious intent of the board by hav-



ing a knowledge of possible sites, possible square footage, approximate costs, and the board's willingness to proceed immediately.

(g) A history of operational budgets should be presented.

(h) A report of library relations to the community and governing bodies should be in the application.

(i) The review committee shall return the applications to the C.O. with recommendations for approval or disapproval. Those approved shall be scheduled for the next Board of Review.

(3) Correction of application. If an application is found to be lacking in any of the above, it should be returned to the applicant with an explanation of deficiencies. The applicant should correct the form and resubmit it for consideration by the Board of Review or Preliminary Review Committee, whichever is first. The C.O. will have the responsibility of checking the corrections if the Board of Review meets before the Preliminary Review Committee. A corrected application should not be held up for a preliminary review.

Section 4. Establishment of the Board of Review. (1) A Board of Review is established to award grants from such monies as are available to the D.L.A. for construction, improvement, and equipping of public library facilities.

(a) *The Board of Review shall meet twice in every year, at the call of the State Librarian, or designee, who shall act as chairman. The call for a meeting shall be publicly issued thirty (30) days prior to the meeting date.* [The Board of Review shall meet every six (6) months, once in September and once in March, as scheduled by the C.O.]

(b) *The voting membership of the Board of Review shall be the State Librarian, the Chairman of the Governor's Advisory Council on Libraries, Director of Regional Services, the President of the Kentucky Library Association, the President of the Kentucky Library Trustees Association, and the Chairman of the Friends of Kentucky Libraries. A quorum shall be three (3) of the above and the State Librarian, or designee. The Construction Officer shall serve as Ex-Officio, nonvoting member. The Regional Librarian and the Chairman of the Local Library Board and the local librarian should be in attendance if an application is pending before the Board of Review regarding their library.* [The voting membership of the Board of Review shall be the C.O., State Librarian, Director of Field Services, Director of Administrative Services, Area Library Directors, and District Library Directors. The District Director of the county involved should attend the Board of Review, or have an official delegate there.]

(2) Priority system for consideration of grants. (This establishes the order of consideration of applications.)

(a) Those counties or *regions* [districts] serving as headquarters for a multicounty federation (called Library Regions [Development Districts]) having an established, assured adequate income, but with facilities which do not meet minimum standards.

(b) Those county or *regional* [district] libraries participating in multicounty federation (called Library Regions [Development Districts]) which have an assured, adequate income, but with facilities that do not meet minimum standards.

(c) Those county or *regional* [district] (either a headquarters or participating county) participating in multicounty federations (called Library Regions [Development Districts]) having an assured, adequate income which have reached minimum facilities and service and are applying

for a branch facility or an addition or renovation to an existing building.

(d) Those libraries giving countywide service which meet other requirements of this document.

(e) When minimum standards are referred to, exceptions to those standards may be made upon *the recommendation of the review committee*. [joint recommendations of the area director, district director, and C.O. to the Board of Review.]

(3) Ranking system for applications within a priority group. The applications will be ranked in high to low per capita library income order within a priority group. The application showing the highest income is the first to be considered.

(a) Income can include: All assured funds; taxes from library districts or from taxes legally established within the general fund, income trusts or property.

(b) Income cannot include: Fines, gifts, or appropriations (including those from other units of government) or income from annual art exhibits, plays, shows, fairs, cookie sales, etc.

(c) Population as used for per capita definition is based on the latest annual Kentucky Department of Commerce census figures.

(d) All previous steps being equal between any two (2) or more applicants, a "coin flip" (or other method acceptable to both parties) will determine the first to be considered in the priority group making.

(4) The Board of Review will take formal action on the project or projects for which applications *is/are complete*. *This group will review the applications* to ascertain that the requirements of the plan for grants have been met. The action of the board will be to:

(a) Approve the application as submitted, or

(b) Reject the application completely.

(5) Action following the Board of Review:

(a) Promptly following the meeting of the Board of Review, those library boards whose applications have been rejected will receive notice of the rejection from the Department of Library and Archives. *Appropriate Regional Library Boards also shall be notified.*

(b) When the application has been approved, the Board of Review will ask the *State Librarian* [construction officer] to notify the library board and *appropriate Regional Library Board* of the approval.

Section 5. Board of Appeals. (1) If the application is rejected, a letter of rejection will explain the reasons for the rejection, and the procedures to be followed by the board if members desire to appeal the decision of the Board of Review.

(2) Procedures:

(a) Within twenty-one (21) days of the date of the letter of rejection, the library board must notify the Department of Library and Archives of the intent of members to appeal. This notification must be in writing, to the State Librarian, and include the basis for appeal. The appeal is to be filed by registered mail with the State Librarian who is charged then with the responsibility of notifying and convening an [the] appeal board.

(b) *The Board of Appeals shall be appointed by the State Librarian, who shall appoint three (3) members from two (2) nominations from each of the following organizations: the Governor's Advisory Council, Kentucky Library Association, and the Kentucky Trustees Association. The head of each organization shall be notified by the State Librarian when an appeal has been received in the office of*

*the State Librarian.* [The board of appeals shall consist of three (3) people: one (1) appointed by the Kentucky Trustees Association; one (1) appointed by the Friends of Kentucky Libraries; and one (1) appointed by the Kentucky Library Association. The President of each organization will be notified by the State Librarian when an appeal has been received by his office.]

(c) The appeals board will notify, in writing, [both] the applicant and the State Librarian of the date (within three (3) weeks), and place, at which a hearing will be held. After the hearing has been held, the appeals board will notify, *in writing*, the State Librarian and the board of its recommendation within a reasonable length of time.

(d) The State Librarian will consider the recommendation of the appeal board and render a final decision.

Section 6. Procedures After Approval. (1) After a letter of approval has been received by the board, the following items must be completed: [for presentation at the next board of review.]

(a) Architect's contract as approved by C.O.

(b) Option on site as approved by C.O.

(c) Letter of intent concerning financing.

(d) Contract between D.L.A. and board.

(e) Holding company contract, if needed.

(f) Schematics (preliminary plans).

(g) Other documentation as specified by C.O.

(2) Files for the project will be kept at C.O.'s office.

[(3) The board of review will be asked to preview schematic drawings of a proposed facility. The intent is to use previous experience of the district staff to advise on the various proposals.]

(3) [(4)] After approval of schematics *by the Board of Review*, construction of the project should be started in accordance with the following schedule *after the Department of Library and Archives funds become available*:

Under \$100,000—6 months

\$100,000 to \$250,000—9 months

\$250,000 to \$500,000—10 months

\$500,000 to \$750,000—12 months

\$750,000 to \$1,000,000—14 months

\$1,000,000 and over—14 to 24 months

(4) [(5)] All requirements of subsection (3) [(4)] may be delayed with written approval of C.O.

Section 7. Construction Procedures. (1) The library board and/or holding company will establish a separate bank account into which will be deposited all funds making up the total budget of the construction project.

(2) The architect for the project immediately submits a list of construction trades that will be involved to the Department of Labor to quote the wage rate which the contractor will be required to pay.

(3) The architect will proceed immediately with the working drawings and specifications for submission to the construction officer for final approval by the department before the project is advertised for bids.

(4) When the department has approved the working drawings, the plans will be completed and advertised publicly for construction bids.

(5) The bid opening date (coordinated with the construction officer) shall be at least seven (7) days after the third weekly running of the bid advertisement in the local newspaper.

(6) The contract will be awarded to the "lowest and best" bidder, as mutually determined by the library board, the architect, and the Construction Officer of the Department of Library and Archives.

ment of Library and Archives.

(7) In case of serious disagreement as to which bid is "lowest and best," the final decision is to be made by the State Librarian.

(8) The architect will have the responsibility of notifying the construction officer, one (1) week in advance, when the building is ready for inspection. The building must be inspected by the construction officer, or his designated official, when the foundations are complete, during roofing, and at the completion of the building.

(9) Payments will be made to the architect and contractor by the library board in accordance with state law. These payments will be made from the bank account established to pay the bills for the project.

(10) Duplicate copies of all invoices, checks, deposit documents, and all contractor's payrolls must be filed with the Department of Library and Archives, or *designee*, to facilitate state audits.

(11) The Department of Library and Archives will assist the library board to whatever extent members desire in selecting and ordering the furniture and equipment for the project. The department will supervise the advertisement for bids and purchase of the equipment. State law must be adhered to and all requirements for public advertisement and bids be met. In any case, bidding for furniture and equipment must be competitive.

(12) Payments will be made promptly to contractors and suppliers when approved by the architect except that ten (10) percent will be withheld until the satisfactory completion of *each item* [the building] has been officially approved by the department, the library board, the architect, and until the construction officer has concluded his audit, and all necessary documents are on file in Frankfort.

Section 8. Amount and Type of Grants. An optimum program of project funding will be decided on by the Board of Review, based on recommendations by the C.O. and architect, when possible.

(1) Grants will be based on the total projected cost at the time of the Board of Review.

(2) Grants made with state funds shall be on a matching basis, up to sixty-five (65) percent of the project cost to be provided by the D.L.A.

(3) If amortization funds are used, the funds granted annually will be based on amortizing sixty-five (65) percent of the estimated minimum project cost for all counties. The annual check will be based on "total project cost X .65/10" regardless of the actual interest rate or loan period. The check shall be awarded to the board once a year for twenty (20) years; provided amortization funding is budgeted each biennium by the state legislature.

(4) Grants up to \$15,000 will be made for renovation and repair of library facilities. These grants are based on sixty-five (65) percent of the cost up to \$15,000 provided by the D.L.A.

(5) If library services and construction act funds are used, the rate shall be based on the formula as described by H.E.W. This amount will be given to the library district or holding company in four (4) payments during the construction period. If the applicant county is in the Appalachian area, a supplemental grant *amount to be determined by Appalachian Council Rules could be made* [of approximately eighteen (18) percent of the total project cost will be made]. This grant is coordinated with the four (4) library services and construction act payments.

(6) *Grants up to \$15,000 will be made for emergencies to public library systems serving counties. An emergency*

*situation would exist for a sudden, unexpected act which would cause the library's operation to cease immediately until temporary repairs or work could be done to make the building usable again. These grants do not need to be matched. An emergency committee will be established by the Board of Review to make these grants. Administration of these funds will be handled by the Regional Librarian with advice and assistance from the Construction Officer as needed. Application should be made by the Regional Librarian to the Emergency Committee. [Grants up to \$15,000 will be made for "emergency" repairs or purchases for library facilities. The qualifications for "emergency" will mean that library service would have to cease unless the facility's condition is immediately repaired or that the timing of purchase arrangements or legalities concerned with facilities would be greatly enhanced by immediate action. This grant does not need to be matched.]*

BARBARA M. WILLIAMS, State Librarian

ADOPTED: June 12, 1978

APPROVED: WENDELL P. BUTLER, Secretary  
RECEIVED BY LRC: July 11, 1978 at 3:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: John Lee West, Construction Officer, Department of Library and Archives, P. O. Box 537, Frankfort, Kentucky 40602.

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

**804 KAR 4:190. Out-of-state brewers bond.**

RELATES TO: KRS 243.150, 243.040(7)

PURSUANT TO: KRS 13.082, 241.060

NECESSITY AND FUNCTION: KRS 243.180 was amended by the 1978 legislature to provide a more complete designation of those brewers and distributors who may sell malt beverages to distributors in the state of Kentucky. The existing regulation is too broad in its application to such brewers or distributors and must be narrowed in conformity with the amended statute. [KRS 243.150 provides for the licensing of brewers located within the State of Kentucky. This regulation requires out-of-state brewers desiring to do business in the State of Kentucky, to execute an agreement with the Kentucky Alcoholic Beverage Control Department and post a surety bond to insure their compliance with the alcoholic beverage control statutes and regulations of Kentucky.]

Section 1. Any brewer distributor licensed to do business by the state in which they are located, or importers of a non-U.S. brand malt beverage who is registered with the Kentucky Department of Revenue, [or other person], located outside the Commonwealth of Kentucky who desires to sell malt beverages to a Kentucky licensee for the purpose of importation into Kentucky and resale therein, in order to qualify under this regulation, shall file with the department's malt beverage administrator, a surety bond in the penal sum of \$1,000,

payable to the Commonwealth of Kentucky and conditioned on the principal's faithful performance and discharge of an agreement made with the Kentucky Alcoholic Beverage Control Department; and no Kentucky licensee shall purchase, receive or import any malt beverages from any such brewer distributor or importer [or other person], located outside of this state unless said agreement and surety bond as provided in this section has been accepted by said department and approved by the malt beverage administrator and is concurrently effective. Said bond and agreement, unless suspended or revoked, shall be renewable annually on or before July 1.

BERNARD KEENE, Chairman

ADOPTED: June 20, 1978

APPROVED:

MIKE HELTON, Secretary

RECEIVED BY LRC: June 29, 1978 at 3:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Alcoholic Beverage Control Board, 8th Floor,  
Capital Plaza Tower, Frankfort, Kentucky 40601.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Public Service Commission**  
**(Proposed Amendment)**

**807 KAR 2:010. General rules.**

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.280(2)

NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This regulation establishes general rules which apply to electric, water, gas, sewage and telephone utilities.

Section 1. General Provisions. (1) The adoption of regulations by the commission shall not preclude the commission from altering or amending the same in whole or in part, or from requiring any other or additional service, equipment, facility, or standards, either upon request, or upon its own motion, or upon the application of any utility. No regulation of the commission shall in any way relieve a utility from any of its duties under the laws of this state.

(2) Whenever standards or codes are referred to in the commission's regulations it is understood that utilities employing competent corps of engineers are not to be prohibited thereby from continuing or initiating experimental work and installations which tend to improve, decrease the cost of, or increase the safety of their service.

Section 2. Definition. (1) In addition to the definitions as set out in KRS 278.010, the following definition shall be used in interpreting the commission's regulations:

(2) The word "customer" means any person, firm, corporation or body politic supplied service by any electric, gas, sewage, water or telephone utility.



Section 3. Reports. (1) Financial and Statistical Reports: Every utility shall file annually a financial and statistical report upon forms to be furnished by the commission. Said report shall be based upon the accounts set up in conformity with the commission's order adopting uniform classification of accounts for utilities. This report shall be filed on or before March 31, each year. For good cause shown, the commission may, upon application in writing, allow a reasonable extension of time for such filing.

(2) Report of Meters, Customers and Refunds. Every utility shall make periodical reports on such forms as may be prescribed, of meter tests, number of customers and amount of refunds.

(3) Other Reports. Every utility shall make such other reports as the commission may at its discretion from time to time require.

(4) All records and reports shall be retained in accordance with the Uniform System of Accounts unless otherwise specified herein.

Section 4. Service Information. (1) The utility shall, on request, give its customers or prospective customers such information as is reasonably possible in order that they may secure safe, efficient and continuous service. The utility shall inform its customers of any change made or proposed in the character of its service which might affect the efficiency, safety, or continuity of operation.

(2) Prior to making any substantial change in the character of the service furnished, which would affect the efficiency, adjustment, speed or operation of the equipment or appliances of any customer, the utility shall obtain the approval of the commission. The application shall show the nature of the change to be made, the number of customers affected, and the manner in which they will be affected.

(3) The utility shall inform each applicant for service of the type, class and character of service that is available to him at his location.

Section 5. Special Rules or Requirements. (1) No utility shall establish any special rule or requirement without first obtaining the approval of the commission or proper application.

(2) A customer who has complied with the regulations of the commission shall not be denied service for failure to comply with the rules of the utility which have not been made effective in the manner prescribed by the commission.

Section 6. Meter Readings and Information. (1) Information on Bills. Each bill rendered periodically by water, gas and electric utilities shall show the class of service, the present and last preceding meter readings, the date of the present reading, the number of units consumed, the meter constant, if any, the net amount for service rendered, all taxes, the adjustments, if any, and the gross amount of the bill. The date after which a penalty may apply to the gross amount must be indicated. Estimated or calculated bills shall be distinctly marked as such. The rate schedule under which the bill is computed shall be furnished under one (1) of the following methods:

(a) By printing rate schedule on the bill.

(b) By publishing in a newspaper of general circulation once each year or when rate is changed.

(c) By mailing to each customer once each year or when rate is changed.

(d) By providing a place on each bill where a customer may indicate his desire for a copy of the applicable rates and furnishing same by return first class mail.

(2) Meter Readings. The registration of each meter shall read in the same units as used for billing unless a conversion factor be shown on the billing forms and if the meter does not read direct, the constant shall be plainly marked on the face of the meter dial.

(3) Flat Rates. Flat rates for unmetered service shall approximate as close as possible the utility's rates for metered service and the rate schedule shall clearly set out the basis upon which consumption is estimated.

(4) Utilities now using or desiring to adopt mechanical billing or other billing systems of such a nature as to render compliance with all of the terms of subsection (1) of this section impracticable, may make application to the commission for relief from part of these terms. For good cause shown, the commission may allow the omission of part of these requirements. Each utility shall submit the form of bill to be used by it to the commission for its approval.

Section 7. Deposits. (1) A utility may require from any customer or applicant for service a minimum cash deposit or other guaranty to secure payment of bills of an amount not to exceed two-twelfths ( $\frac{2}{12}$ ) of the estimated annual bill of such customer or applicant, where bills are rendered monthly or an amount not to exceed three-twelfths ( $\frac{3}{12}$ ) of the estimated annual bill of such customer or applicant, where bills are rendered bi-monthly or an amount not to exceed four-twelfths ( $\frac{4}{12}$ ) of the estimated bill of such customer or applicant where bills are rendered quarterly.

(2) The utility shall issue to every customer from whom a deposit is received a certificate of deposit, showing the name of the customer, location of initial premises occupied, date and amount of the deposit.

Section 8. Complaints. Upon complaint to the utility by a customer either at its office or in writing, the utility shall make a prompt and complete investigation and advise the complainant thereof. It shall keep a record of all such complaints concerning its utility service which shall show the name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition thereof.

Section 9. Bill Adjustment. (1) Whenever a meter in service is found upon periodic request or complaint test to be more than two percent (2%) fast, additional tests shall be made at once to determine the average error of the meter. Said tests shall be made in accordance with the commission's regulation applicable to the type of meter involved.

(2) If the result of tests on a customer's meter shows an average error greater than two percent (2%) fast, then the customer's bill, for the period during which the meter error is known to have existed, shall be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error ex-

isted is unknown, then the customer's bill shall be re-computed for one-half ( $1/2$ ) of the elapsed time since the last previous test but in no case to exceed twelve (12) months. (See exception in subsection (5) of this section.)

(3) If the result of tests on a customer's meter shows an average error greater than two percent (2%) slow, then the customer's bill, for the period during which the meter error is known to have existed, may be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill may be re-computed for one-half ( $1/2$ ) of the elapsed time since the last previous test but in no case to exceed twelve (12) months.

(4) It shall be understood that when a meter is found to have an error in excess of two percent (2%) fast or slow the figure for calculating the amount of refund or the amount to be collected by the utility shall be that percentage of error as determined by the test; i.e., it is the duty of the utility to maintain the accuracy of its measuring devices as nearly 100 percent as is commercially practicable. Therefore, percent error shall be that difference as between 100 percent and that amount of error as is indicated by the test.

(5) The burden of maintaining measuring equipment so that it will register accurately is upon the utility; therefore, if meters are found upon test to register fast and if time for periodic test has overrun to the extent that one-half ( $1/2$ ) of the time elapsed since the last previous test exceeds twelve (12) months, the refund shall be for the twelve (12) months as specified in subsection (2) of this section and in addition thereto, a like refund for those months exceeding the periodic test period; provided, however, that the commission may relieve the utility from this requirement in any particular case in which it is shown that the failure to make the periodic test was due to causes beyond the utility's control.

(6) Each utility shall make a reasonable attempt to determine if the amount of consumption for the current billing period for each customer is unduly excessive. If a comparison of consumption indicates a necessity therefore, a test of the customer's meter shall be made, and if the meter is found to register incorrectly to the customer's prejudice more than two percent (2%), the utility shall recalculate the customer's bills in accordance with the foregoing provisions.

(7) When a meter is tested and it is found necessary to make a refund or back bill a customer, the customer shall be notified in substantially the following form:

On \_\_\_\_\_, 19\_\_\_\_, the meter bearing identification No. \_\_\_\_\_ installed in your building located at \_\_\_\_\_ (Street and Number) in \_\_\_\_\_ (City) was tested at \_\_\_\_\_ (On premises or elsewhere) and found to register \_\_\_\_\_. The meter was tested on \_\_\_\_\_ (Percent fast or slow) test. (Periodic, Request, Complaint)

Based upon this we herewith \_\_\_\_\_ you with the sum of \$ \_\_\_\_\_, which amount has been noted on your regular bill. (Charge or Credit)

Section 10. Customer's Discontinuance of Service. (1) Any customer desiring service discontinued or changed from one address to another shall give the utility three (3) days' notice in person or in writing, provided such notice does not violate contractual obligations.

(2) Upon request that service be reconnected at any premises subsequent to the initial installation or connection to its service lines, the utility may, subject to subsection (3) of this section, charge the applicant an amount not to exceed the actual average cost as approved by this commission of making such reconnection.

(3) Any utility desiring to establish a reconnection charge under the provisions of subsection (2) above, shall submit for commission approval a formal application setting out:

(a) The actual average cost of making such reconnections, and

(b) The effect of such charges on the utility's revenues.

Section 11. Discontinuance of Service. (1) The utility may refuse or discontinue to serve an applicant or customer under the following conditions:

(a) For noncompliance with its rules and regulations. However, no utility shall discontinue or refuse service to any customer or applicant for violation of its rules or regulations without first having made a reasonable effort to induce the customer or applicant to comply with its rules and regulations as filed with the commission. After such effort on the part of the utility, service may be discontinued or refused only after the customer shall have been given at least forty-eight (48) hours written notice of such intention, mailed to his last known address.

(b) When a dangerous condition is found to exist on the customer's or applicant's premises, the service may be cut off without notice or refused, provided that the utility shall notify the customer or applicant immediately of the reasons for the discontinuance or refusal and the corrective action to be taken by the applicant or customer before service can be restored.

(c) When a customer or applicant refuses or neglects to provide reasonable access to the premises for the purpose of installation, operation, meter reading, maintenance or removal of utility property the utility may discontinue or refuse service only after the customer or applicant shall have been given at least fifteen (15) days' written notice of such intention.

(d) A utility shall not be required to furnish service to any applicant or customer when such applicant or customer is indebted to the utility for service furnished until such applicant or customer shall have paid such indebtedness.

(e) A utility may refuse or discontinue service to a customer or applicant if the customer or applicant does not comply with state, municipal or other codes, rules and regulations applying to such service.

(2) The utility may discontinue service under the following conditions:

(a) For nonpayment of bills. However, no utility shall discontinue service to any customer for nonpayment of bills (including delayed charges) without first having made a reasonable effort to induce the customer to pay same. The customer shall be given at least forty-eight (48) hours written notice, but the cut-off shall not be effected before twenty (20) days after the mailing date of the original bill. If, prior to discontinuance of service,

there is delivered to the utility, or to its employee empowered to discontinue service a written certificate signed by a physician, a registered nurse or a public health officer that, in the opinion of the certifier discontinuance of service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until ten (10) days elapse from the time of the utility's receipt of said certification, whichever first occurs.

(b) For fraudulent or illegal use of service. When the utility has discovered evidence that by fraudulent or illegal means a customer has obtained unauthorized service or has diverted the service for unauthorized use or has obtained service without same being properly measured, the service to the customer may be discontinued without notice. The utility shall not be required to restore service until the customer has complied with all rules of the utility and regulations of the commission and the utility has been reimbursed for the estimated amount of the service rendered and the cost to the utility incurred by reason of the fraudulent use.

(3) It shall be the duty of the utility before making service connections to a new customer to ascertain the condition of the meter and service facilities for such customer in order that prior fraudulent use of the facilities, if any, will not be attributed to the new customer, and the new customer shall be afforded the opportunity to be present at such inspection. The utility shall not be required to render service to such customer until all defects in the customer-owned portion of the service, if any, shall have been corrected.

(4) Reconnection. For all cases of refusal or discontinuance of service as herein defined, where the cause for refusal or discontinuance has been corrected and all rules and regulations of the utility and the commission have been complied with, the utility shall promptly render service to the customer or applicant.

(5) When advance notice is required, such notice may be given by the utility by mailing by United States mail, postage prepaid, to the last known address of the applicant or customer.

**Section 12. Special Charges.** (1) A utility may make a reasonable charge for each of the following trips:

(a) To read a meter when the customer has failed to read the meter for three (3) consecutive billing periods. This pertains only to those utilities whose customers ordinarily read their own meters.

(b) To collect a delinquent bill. This trip may be made only after written notice has been sent to the customer stating that if the bill is not paid by a certain date, the service will be disconnected.

(c) To reconnect a service that has been disconnected for nonpayment of bills or for violation of the utility's rules and regulations. This charge may include the cost of disconnecting the service.

(2) The charges, however, shall be applied uniformly throughout the entire area served by the utility, shall be incorporated in the utility's rules and regulations, shall be subject to the approval of the commission, and shall

yield only enough revenue to pay the expenses incurred in rendering these services.

**Section 13. Meter Testing.** (1) All electric, gas and water utilities furnishing metered service shall provide meter standards and test facilities as more specifically set out under 807 KAR 2:050, 807 KAR 2:025, and 807 KAR 2:040.

(2) A utility may have all or part of its testing of meters performed by another utility or agency approved by the commission for such purpose. Each utility having tests made by another agency or utility shall notify the commission of said arrangements in detail to include make, type and serial number of standards used to make said checks or tests.

(3) No utility shall place in service any basic measurement standard required by these rules unless it has been calibrated by the Public Service Commission's Meter Standards Laboratory. All utilities or agencies making tests or checks for utility purposes shall notify the commission promptly of the adoption or deletion of any basic standards requiring calibration by the commission.

(4) Each electric, gas and water utility or agency doing meter testing for a utility shall have in its employ metermen certified by this commission. These certified metermen shall perform such tests as may be necessary to determine the accuracy of the utility's meters and to adjust the utility's meters to the degree of accuracy required by the regulations of the commission.

(5) A utility or agency desiring to have its employees certified as metermen shall submit the names on the commission's form entitled "Application for Appointment of Metermen" and after compliance with the requirements as noted in this form, the applicant may be certified as a meterman and furnished with a card authorizing him to perform meter tests.

**Section 14. Access to Property.** The utility shall at all reasonable hours have access to meters, service connections and other property owned by it and located on customer's premises for purposes of installation, maintenance, meter reading, operation or removal of its property at the time service is to be terminated. Any employee of the utility whose duties require him to enter the customer's premises shall wear a distinguishing uniform or other insignia, identifying him as an employee of the utility, or carry on his person a badge or other identification which will identify him as an employee of the utility, the same to be shown by him upon request.

**Section 15. Meter Test Records.**

(1)(a) Test Cards. A complete record of all meter tests and adjustments and data sufficient to allow checking of test calculations shall be recorded by the meterman. Such record shall include: Information to identify the unit and its location; the date of tests; the reason for such tests; readings before and after the test; a statement of "as found" and "as left" accuracies sufficiently complete to permit checking of the calculations employed; indications showing that all required checks have been made; a statement of repairs made, if any; the identifying number of the meter; the type and capacity of the meter; and the constant of the meter.

(b) The complete record of tests of each meter shall

be continuous at least two (2) periodic tests and in no case less than two (2) years.

(2)(a) History Cards. Each utility shall keep numerically arranged and properly classified card records giving for each meter owned and used by the utility for any purpose the identification number, date of purchase, name of manufacturer, serial number, type, rating, and the name and address of each customer on whose premises the meter has been in service with date of installation and removal. These card records shall also give condensed information concerning all tests and adjustments including dates and general results of such adjustments. The card records shall be of such character that a system can be used that will record the date of the last test and indicate the proper date for the next periodic test required by the applicable regulation of the commission.

(b) When the records required above are kept in a readily available form posting to the history card is not necessary.

(3) Sealing of Meters. Upon completion of adjustment and test of any meter under the provisions of the regulations of the commission, the utility shall affix thereto a suitable seal in such a manner that adjustments or registration of the meter cannot be tampered with without breaking the seal. The seal shall be of a type acceptable to the commission.

Section 16. Pole Identification. (1) Each utility owning poles or other structures supporting the company's wires, shall mark every pole or structure located within a built-up community with the initials or other distinguishing mark by which the owner of every such structure may be readily determined. For the purpose of this rule the term "built-up community" shall mean urban areas and those areas immediately adjacent thereto.

(2) Identification marks may be of any type but must be of a permanent material and shall be of such size and so spaced and hereafter maintained so as to be easily read from the surface of the ground at a distance of six (6) feet from the structure.

(3) When utilities structures are located outside of a built-up community only every tenth structure need be so marked.

(4) All junction structures shall bear the identification mark and structure number of the owner.

(5) Poles need not be marked if they are clearly and unmistakably identifiable as the property of the utility.

(6) Each utility shall either number their structures and maintain a numbering system or use some other method of identification so that each structure in the system may be easily identified.

(7) The requirements herein shall apply to all existing structures and those hereafter erected and to all changes in ownership.

Section 17. System Maps and Records. (1) Each utility shall have on file at its principal office located within the state and shall file upon request with the commission a map or maps of suitable scale of the general territory it serves or holds itself ready to serve showing the following:

- (a) Operating districts.
- (b) Rate districts.
- (c) Communities served.
- (d) Location and size of transmission lines, distribution lines and service connections.
- (e) Location and layout of all principal items of plant.
- (f) The date of construction of all items of plant by year and month.

(2) In each division or district office there shall be available such information relative to the utility's system as will enable the local representative to furnish necessary information regarding the rendering of service to existing and prospective customers.

(3) In lieu of showing the above information on maps a card record or suitable means may be used. For all construction the records shall also show the date of construction by month and year.

Section 18. Location of Records. All records required by the regulations of the commission shall be kept in the principal office of the utility or other acceptable safe storage place, and shall be made available to representatives, agents or employees of the commission upon reasonable notice and at all reasonable hours.

Section 19. Request Tests. Each utility shall make a test of any meter upon written request of any customer provided such request is not made more frequently than once each twelve (12) months. The customer shall be given the opportunity of being present at such request tests. If such tests show that the meter was not more than two percent (2%) fast, the utility may make a reasonable charge for the test, the amount of such charge to be set out in the utility's rules and regulations filed with the commission, and subject to the approval of the commission.

Section 20. Complaint Tests. (1) Any customer of the utility may request a meter test by written application to the commission accompanied by payment of such fee for the test as prescribed below. Such request may not be made more frequently than once each twelve (12) months. Upon receipt of such request, the commission will notify the utility to leave the customer's meter in place until completion of such test.

(2) If a meter tested upon complaint of a customer is found to register not more than two percent (2%) fast, the cost of such test shall be borne by the customer. However, if the meter shall be found to register more than two percent (2%) fast, the cost of such test shall be borne by the utility and the amount of the deposit made by the customer shall be refunded.

(3) The charges fixed by the commission for making such tests are as follows:

(a) Electric. Direct current and single phase alternating current watt hour meters operating on circuits of not more than 250 volts:

Amperes Rated Capacity	Fee
30 and under	\$ 2
Over 30 to 100	4
Each additional 50 amperes or factor thereof	1



Polyphase a.c. watt hour meters and single phase or direct current watt hour meters operating on circuits of over 250 volts with or without instrument transformers:

Kilowatts Rated Capacity	Fee
5 KW and under	\$ 2
Over 5 to 25	4
Over 25 to 100	8
Over 100 to 500	16

Plus one-half (1/2) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(b) Gas. Displacement type meters operating on distribution system pressures:

Capacity in Cu. Ft. Per Hour	Fee
1000 cu. ft. per hour and under	\$ 4
Over 1000 to 10,000	8
Over 10,000 to 100,000	12

Plus one-half (1/2) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(c) Water.

Size	Fee
Outlet 1 inch or less	\$ 4
Outlet over 1 inch to 2 inches	6
Outlet over 2 inch to 3 inches	8
Outlet over 3 inch to 4 inches	10

Plus one-half (1/2) of the cost of transportation of the commission's representative between the office of the commission and the point of test.

(d) For meters of a size or capacity not shown herein, the commission will fix a suitable fee upon application.

Section 21. Safety Program. (1) Each utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program shall:

(a) Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.

(b) Instruct employees in safe methods of performing their work.

(c) Instruct employees who, in the course of their work are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.

Section 22. Inspection of Systems. (1) Each utility shall adopt procedures for inspection to assure safe and adequate operation of its facilities and compliance with Public Service Commission rules. These procedures shall be filed with the commission.

(2) Each electric utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is

set forth below for various classes of facilities and types of inspection.

(a) At intervals not to exceed six (6) months:

1. Production facilities regularly operated and manned; continuous surveillance, monitoring and inspection as a part of operating procedure.

2. Unmanned production facilities including peaking units not on standby status; units shall be operated and inspected and all monitoring devices shall be checked to determine that there is no evidence of abnormality.

3. Substations where the primary voltage is sixty-nine (69) KV or greater; examination for the purpose of discovering damage to or deterioration of components including structures and fences; checking of all gauges and monitoring devices.

4. Underground network transformers and network protectors in vaults located in buildings or under sidewalks, examination for leaks, condition of case, connections, temperature and overloading.

5. Electric lines operating at sixty-nine (69) KV or greater (including insulators, conductors and supporting facilities).

(b) At intervals not to exceed one (1) year:

1. Production facilities maintained on a standby status; also inspection and examination prior to any start up, except remotely controlled facilities.

2. Substations where the primary voltage is less than sixty-nine (69) KV but is fifteen (15) KV or greater.

(c) At intervals not to exceed two (2) years: Electric lines operating at voltages of less than sixty-nine (69) KV (including insulators, conductors and supporting facilities).

(d) Other Facilities:

1. Utility buildings inspected for compliance with safety codes at intervals not greater than one (1) year.

2. Construction equipment inspected for defects, wear and operational hazards at intervals not greater than quarterly.

(e) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(3) Each gas utility shall make systematic inspections of its system for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is prescribed or recommended in the Department of Transportation, Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, for the various classes of facilities as defined in said standards, in accordance with the inspection procedures described therein.

(4) The following maximum time intervals are prescribed for (i) certain inspections provided for in Department of Transportation, Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, with respect to which intervals are not specified and (ii) certain additional inspections not provided for in such code.

(a) At intervals not to exceed one (1) year or at intervals specified by the U. S. Department of Transportation, Office of Pipeline Safety Operations:

1. Production wells, storage wells and well equipment; visual inspection and examination of all exterior components.

2. Pressure limiting stations, relief devices and pressure regulating stations, including vaults.

3. The curb box on service shall be inspected for accessibility.

4. *Valves, the use of which may be necessary for the safe operation of a gas distribution system, shall be checked and serviced, including lubrication where necessary, at sufficiently frequent intervals (at least once each year) to assure their satisfactory operation. Inspection shall include checking of alignment to permit use of a key or wrench and cleaning from the valve box or vault any debris which would interfere with or delay the operation of the valve. A similar inspection shall be made of distribution curb valve boxes one year after installation where the alignment may be subject to movement and at meter change intervals thereafter.*

(b) Other facilities:

1. Utility buildings inspected for compliance with safety codes at least annually.

2. Construction equipment inspected for defects, wear and operational hazards at least quarterly.

(c) At intervals not to exceed the periodic meter test intervals: Individual residential customer service regulators, vents and relief valve vents shall be checked for satisfactory operation.

(d) *One (1) year after installation and thereafter at meter change intervals: All necessary curb valves on the service line shall be inspected for operable condition. [At intervals of meter change: The curb box on service shall be inspected for operable condition.]*

(e) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(5)(a) Each telephone utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

1. Aerial plant: Inspection for electrical hazards, proper clearance for electric facilities and climbing safety—Every two (2) years.

2. Underground plant: Inspection for presence of gas, proper clearance from electric facilities and safe working conditions—At least annually.

3. Station equipment and connections: Inspection for external electrical hazards, damaged instruments or wiring, appropriate protection from lightning and safe location of equipment and wiring—When on customer's premises.

4. Utility buildings: Inspection for compliance with safety codes—At least annually.

5. Construction equipment: Inspection for defects, wear and operational hazards—At least quarterly.

(b) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(6)(a) Each water utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

1. Source of Supply:

a. Dams, physical and structural, annually.

b. Intake structures, physical and structural, annually.

c. Traveling screens, physical and structural and safety of operation, annually.

2. Purification:

a. Sedimentation basins filters and clear wells, physical and structural and safety of operation, annually.

b. Chemical feed equipment, for proper and safe operation, annually.

c. Pumping equipment including electric power wiring and controls, for proper and safe operation, annually.

d. Hydrants, for proper and safe operation, annually.

e. Utility buildings, inspection for compliance with safety codes, annually.

f. Construction equipment, inspection for defects, wear and operational hazards, quarterly.

g. Mains and valves, leaks, annually.

(b) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above, which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

Section 23. Reporting of Accidents. Each utility shall notify the commission of any accident which results in death or serious injury to any person or substantial property damage. Prompt notice of fatal accidents shall be given to the commission by telephone or telegraph.

Section 24. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules.

RICHARD S. TAYLOR, Chairman

ADOPTED: May 17, 1978

APPROVED:

MIKE HELTON, Secretary

RECEIVED BY LRC: Secretary, Public Service Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40602.

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

**902 KAR 1:080. Acetaminophen.**

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

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

Section 1. Acetaminophen Tablet Pharmaceutical Products. The following Acetaminophen tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Acetaminophen 325 mg. Tablet Form:

- (1) Acetaminophen: Beecham-Massengill Pharmaceuticals, Bell Pharmacal Company, Geneva Generics, Lederle Laboratories, Murray Drug Corporation, Mylan Pharmaceuticals, Pace-Bond Drug Company, Pharnecon, Inc., Philips-Roxane Laboratories, Rexall Drug Company, *Richie Pharmacal Company*, Rugby Laboratories, Steri-Med, Inc., Theda Corporation, United Research Laboratories, Vanguard Laboratories;
- (2) APAP: H. L. Moore Drug Exchange, Paramount Surgical Supply Corporation, *Richie Pharmacal Company*, Zenith Laboratories;
- (3) Apenol: Purepac Pharmaceutical, Rondex Laboratories;
- (4) Atrinol: Cooper Drug Company;
- (5) Genebs: Generix Drug Corporation;
- (6) Janupap: Tutag Pharmaceuticals;
- (7) Nebs: Eaton Laboratories;
- (8) Par "5": Parmed Pharmaceuticals;
- (9) Phenaphen: A. H. Robins Company (Acetaminophen Formula);
- (10) SK-APAP: Smith, Kline and French Labs.;
- (11) Tapar: Parke, Davis and Company;
- (12) Tempra: Mead Johnson and Company;
- (13) Tylenol: McNeil Laboratories;
- (14) Valadol: E. R. Squibb and Sons, Inc.

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

- (1) Tempra: Mead Johnson and Company;
- (2) Tylenol: McNeil Laboratories.

Section 3. Acetaminophen Liquid Pharmaceutical Products. The following Acetaminophen pharmaceutical products: liquid suspension 120 mg./5 ml and elixir 120 mg/5 ml are considered to be therapeutically equivalent, with the respective dosage form. Acetaminophen Liquid Suspension and Elixir 120mg/5 ml (Cautionary Note: While all these products have been evaluated as being therapeutically equivalent on the basis of their active drug components, "appropriate dispensing precautions" should be exercised for those individuals who are either diabetic or on contraindicated drugs.):

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

(2) APAP Elixir: Henry Schein, Inc., *Richie Pharmacal Company*, Rugby Laboratories;

(3) Cen-APAP: The Central Pharmacal Company;

(4) Nebs: Eaton Laboratories;

(5) SK-APAP: Smith, Kline and French Laboratories;

(6) Tapar: Parke, Davis and Company;

(7) Tempra Syrup: Mead Johnson and Company;

(8) Tylenol: McNeil Laboratories;

(9) Valadol Liquid: E. R. Squibb and Sons, Inc.

R. L. BARNETT, JR., Chairperson

ADOPTED: June 30, 1978

APPROVED: PETER D. CONN, Secretary

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

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

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

**902 KAR 1:081. Acetaminophen with Codeine.**

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

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

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

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

(a) Acetaminophen with Codeine: ICN Pharmaceuticals, Halsey Drug Company, Philips-Roxane Laboratories, Rugby Laboratories;

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

(c) Tylenol with Codeine: McNeil Laboratories.

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

(a) Acetaminophen with Codeine: Beecham Laboratories, Geneva Generics, ICN Pharmaceuticals, Halsey Drug Company, *Interstate Drug Exchange*, Philips-Roxane Laboratories, *Richie Pharmacal Company*, Rugby Laboratories;

- (b) Codap: Tutag Pharmaceuticals;
  - (c) Empracet with Codeine: Burroughs-Wellcome;
  - (d) Tylenol with Codeine: McNeil Laboratories.
- (3) 300 mg. Acetaminophen with 60 mg. Codeine Tablet Form:
- (a) Acetaminophen with Codeine: ICN Pharmaceuticals, Philips-Roxane Laboratories;
  - (b) Empracet with Codeine #4: Burroughs-Wellcome;
  - (c) Tylenol with Codeine: McNeil Laboratories.

R. L. BARNETT, JR., Chairperson

ADOPTED: June 30, 1978

APPROVED: PETER D. CONN, Secretary

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

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

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

**902 KAR 1:110. Diphenhydramine.**

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

PURSUANT TO: KRS 13.082

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

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

(1) Diphenhydramine Hydrochloride 25 mg Capsule Form:

- (a) Benadryl: Parke-Davis and Company;
- (b) Di-Amine: Vanguard Laboratories;
- (c) Diphenhydramine Hydrochloride: Barr Laboratories, Bell Pharmacal Company, Bioline Laboratories, Columbia Medical Company, Cooper Drug Company, Division of Chromalloy Pharmaceuticals, *Danbury Pharmacal*, Generix Drug Corporation, Geneva Generics, Lederle Laboratories, McKesson Laboratories, Murray Drug Corp., Paramount Surgical Supply Corp., Parmed Pharmaceuticals, Pharnecon, Inc., *Purepac Pharmaceuticals*, Richie Pharmacal Company, Rogers Wholesalers, Rugby Laboratories, Smith, Kline and French Laboratories, Theda Corporation, Three P Products Corporation, Tutag Pharmaceuticals, Zenith Laboratories;

- (d) Lensen: Geneva Drugs, Ltd.
- (2) Diphenhydramine Hydrochloride 50 mg Capsule Form:
- (a) Benadryl: Parke-Davis and Company;
  - (b) Di-Amine: Vanguard Laboratories;
  - (c) Diphenhydramine Hydrochloride: Barr Laboratories, Bell Pharmacal, Bioline Laboratories, Columbia Medical Company, Cooper Drug Company, Division of Chromalloy Pharmaceuticals, *Danbury Pharmacal*, Generix Drug Corporation, Geneva Generics, Lederle Laboratories, McKesson Laboratories, Murray Drug Corporation, Paramount Surgical Supply Corp., Parmed Pharmaceuticals, Pharnecon, Inc., Philips-Roxane Labs., *Purepac Pharmaceuticals*, Richie Pharmacal Company, Rogers Wholesalers, *Rugby Laboratories*, Smith, Kline and French Laboratories, Theda Corporation, Three P Products Corporation, Tutag Pharmaceuticals, Zenith Laboratories;
  - (d) Lensen: Geneva Drugs, Ltd.

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

- (1) Benadryl Elixir: Parke-Davis and Company;
- (2) Di-Amine Elixir: Vanguard Laboratories;
- (3) Diphenhydramine Hydrochloride Elixir: Abbott Laboratories, Barre Drug Company, Cooper Drug Company, H. L. Moore Drug Exchange, Henry Schein, Inc., Lederle Laboratories, Murray Drug Corporation, Rugby Laboratories, Theda Corporation, *Three P Products*, Tutag Pharmaceuticals;
- (4) Hydramine Elixir: Richie Pharmacal Company.

ROBERT L. BARNETT, JR., Chairperson

ADOPTED: June 30, 1978

APPROVED: PETER D. CONN, Secretary

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

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

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

**902 KAR 1:220. Propantheline Bromide Tablet.**

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

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



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

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

- (1) Propantheline Bromide 7.5 mg. Tablet Form:
  - (a) Pro-Banthine: Searle Laboratories;
  - (b) Propantheline Bromide: Philips-Roxane Laboratories;
- (2) Propantheline Bromide 15 mg. Tablet Form:
  - (a) Panthene: Vanguard Laboratories;
  - (b) Pro-Banthine: Searle Laboratories;
  - (c) Propantheline Bromide: Bolar Phamaceuticals, *Generix Drug Company*, Geneva Generics, Geneva Drugs, Ltd., H. L. Moore Drug Exchange, Murray Drug Corporation, Pace-Bond Drug Company, Paramount Surgical Supply Corporation, Parmed Pharmaceuticals, Philips-Roxane Laboratories, Purepac Pharmaceuticals, Richie Pharmacal Company, Richlyn Laboratories, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, Zenith Laboratories;
  - (d) Uni-Prob: United Research Laboratories.

R. L. BARNETT, JR., Chairperson

ADOPTED: June 30, 1978

APPROVED: PETER D. CONN, Secretary

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

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

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

902 KAR 1:328. Chlordiazepoxide Hydrochloride Capsule.

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

PURSUANT TO: KRS 13.082

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

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

(1) Chlordiazepoxide Hydrochloride 5 mg. Capsule Form:

- (a) C.D.P.: Generix Drug Corporation;
- (b) Chlordiazepoxide Hydrochloride: Bell Pharmacal, Geneva Generics, *Halsey Drug Company*, H. L. Moore Drug Exchange, Lederle Laboratories, McKesson Laboratories, Murray Drug Corporation, Mylan Laboratories, Parmed Pharmaceuticals, Philips-Roxane Laboratories, Rachelle Laboratories, Rexall Drug Company, Richie Pharmacal Company, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, Three P Products, United Research Laboratories, Vanguard Laboratories, *Western Research Laboratories*;
- (c) Librium: Roche Laboratories;
- (d) Murcil: Tutag Pharmaceuticals;
- (e) SK-Lygen: Smith, Kline and French Laboratories.

(2) Chlordiazepoxide Hydrochloride 10 mg. Capsule Form:

- (a) C.D.P.: Generix Drug Corporation;
- (b) Chlordiazepoxide Hydrochloride: Bell Pharmacal, Geneva Generics, *Halsey Drug Company*, H. L. Moore Drug Exchange, Lederle Laboratories, McKesson Laboratories, Murray Drug Corporation, Mylan Laboratories, Parmed Pharmaceuticals, Philips-Roxane Laboratories, Rachelle Laboratories, Rexall Drug Company, Richie Pharmacal Company, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, Three P Products, United Research Laboratories, Vanguard Laboratories, *Western Research Laboratories*;
- (c) Librium: Roche Laboratories;
- (d) Murcil: Tutag Pharmaceuticals;
- (e) SK-Lygen: Smith, Kline and French Laboratories;
- (f) Tenax: Reid-Provident Laboratories.

(3) Chlordiazepoxide Hydrochloride 25 mg. Capsule Form:

- (a) C.D.P.: Generix Drug Corporation;
- (b) Chlordiazepoxide Hydrochloride: Bell Pharmacal, Geneva Generics, *Halsey Drug Company*, H. L. Moore Drug Exchange, Lederle Laboratories, McKesson Laboratories, Murray Drug Corporation, Mylan Laboratories, Parmed Pharmaceuticals, Philips-Roxane Laboratories, Rachelle Laboratories, Rexall Drug Company, Richie Pharmacal Company, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, Three P Products, United Research Laboratories, Vanguard Laboratories, *Western Research Laboratories*;
- (c) Librium: Roche Laboratories;
- (d) Murcil: Tutag Pharmaceuticals;
- (e) SK-Lygen: Smith, Kline and French Laboratories;
- (f) Tenax: Reid-Provident Laboratories.

ROBERT L. BARNETT, JR., Chairperson

ADOPTED: June 30, 1978

APPROVED: PETER D. CONN, Secretary

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

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Social Insurance**  
**(Proposed Amendment)**

✓ **904 KAR 1:010. Payment for physician services.**

RELATES TO: KRS 205.550(4), 205.560(4)

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a program of Medical Assistance under Title XIX of the Social Security Act. KRS 205.550(4) and 205.560(4) require that the secretary prescribe the methods for determining costs for vendor payments for medical care services. This regulation sets forth the method for establishing payment for physician services.

Section 1. Amount of Payment: Payment for covered services rendered to eligible medical assistance recipients is based on the physicians' usual, customary, reasonable and prevailing charges.

Section 2. Definitions: For purposes of determination of payment: (1) Usual and customary charge refers to the uniform amount the individual physician charges in the majority of cases for a specific medical procedure or service.

(2) Prevailing charge refers to those charges which fall within the range of charges as computed by the use of a pre-determined and established statistical percentile. Prevailing charges for each medical procedure are derived from the overall pattern existing within each medical service area.

Section 3. Method and Source of Information on Charges: (1) Effective October 1, 1974, the individual fee profiles for participating physicians were generated from historical data accumulated from charges submitted and processed by the medical assistance program during all of calendar year 1973.

(2) Effective October 1, 1974, the Title XIX prevailing fee maximums were generated from the same historical data as referenced in subsection (1) of this section.

(3) Effective October 1, 1974, the Title XVIII, Part B, current reasonable charge profiles were utilized by the medical assistance program to comply with 45 C.F.R. section 250.30, *now recodified as 42 C.F.R. 450.30*.

(4) Effective October 1, 1974, the Title XVIII, Part B, current prevailing charge data was utilized by the medical assistance program to comply with 45 C.F.R. section 250.30, *now recodified as 42 C.F.R. 450.30*.

(5) Percentile:

(a) The Title XIX prevailing charges were established by utilizing the statistical computation of the seventy-fifth (75th) percentile.

(b) The Title XVIII, Part B, prevailing charges were established by utilizing the statistical computation of the seventy-fifth (75th) percentile.

Section 4. Maximum Reimbursement for Covered Procedures: (1) Reimbursement for covered procedures is limited to the lowest of the following:

(a) Actual charge for service rendered as submitted on billing statement;

(b) The physician's median charge for a given service derived from claims processed or from claims for services rendered during all of the calendar year preceding the start

of the fiscal year in which the determination is made; or

(c) The physician's reasonable charge recognized under Part B, Title XVIII.

(2) In no case may payment exceed the prevailing charge recognized under Part B, Title XVIII for similar service in the same locality.

(3) In instances where a reasonable charge for a specific medical procedure for a given physician has not been established under Part B, Title XVIII, the prevailing charge recognized under Part B, Title XVIII, for a similar procedure is utilized.

(4) In instances where neither a reasonable charge nor prevailing charge has been established for a specific medical procedure by Part B, Title XVIII, the prevailing charge established under Title XIX is utilized as the maximum allowable fee.

Section 5. Exceptions: Exceptions to reimbursement as outlined in foregoing sections are as follows: (1) Reimbursement for physician's services provided to inpatients of hospitals is made on the basis of 100 percent reimbursement per procedure for the first fifty dollars (\$50) of allowable reimbursement and on the basis of a percentage of the physician's usual, customary and reasonable charge in excess of fifty dollars (\$50) per procedure, after the appropriate prevailing fee screens are applied. The percentage rate applied to otherwise allowable reimbursement in excess of fifty dollars (\$50) per procedure is established at sixty-five [two] (65) [(62)] percent. The percentage rate will be reviewed periodically and adjusted according to the availability of funds.

(2) Payment for individuals eligible for coverage under Title XVIII, Part B, Supplementary Medical Insurance, is made in accordance with Sections 1 through 4 and Section 5(1) within the individual's deductible and coinsurance liability.

Section 6. The provisions of Section (1) to (6) of this regulation shall be effective for all services rendered beginning *July 1, 1978* [January 1, 1976].

GAIL S. HUECKER, Commissioner  
 PETER D. CONN, Secretary

ADOPTED: June 29, 1978

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

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Secretary for Human Resources, DHR Building, 275  
 East Main Street, Frankfort, Kentucky 40601

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Social Insurance**  
**(Proposed Amendment)**

✓ **904 KAR 1:020. Payment for pharmacy services.**

RELATES TO: KRS 205.550(4), 205.560(4)

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a program of Medical Assistance under Title XIX of the Social Security Act. KRS 205.550(4) and 205.560(4) require that

the secretary prescribe the methods for determining costs for vendor payments for medical services. This regulation sets forth the professional dispensing fee for pharmacy services.

Section 1. Payment to pharmacists participating in the medical assistance program for those drugs contained on the medical assistance program drug list and provided to eligible recipients shall be limited to the basic cost of the drug as determined by established formula plus a professional dispensing fee of *two dollars and twenty-two cents (\$2.22) effective July 1, 1978 (which shall be increased to two dollars and thirty-five cents (\$2.35) effective July 1, 1979)* [one dollar and eighty cents (\$1.80)] per prescription or the charge to the general public for a like product and service, whichever is lesser.

Section 2. Participating dispensing physicians who practice in counties where no pharmacies are located are reimbursed for the cost of the drug only.

GAIL S. HUECKER, Commissioner  
PETER D. CONN, Secretary

ADOPTED: June 29, 1978

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

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

**DEPARTMENT FOR HUMAN RESOURCES**  
Bureau for Social Insurance  
(Proposed Amendment)

**904 KAR 1:026. Dental services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to dental services for which payment shall be made by the medical assistance program in behalf of both the categorically needy and the medically needy.

Section 1. Out-of-Hospital Services: Payment for services is limited to those procedures listed in the department's dental benefit schedule which are included in the following categories:

- (1) Diagnostic;
- (2) Preventive;
- (3) Oral surgery;
- (4) Endodontics;
- (5) Operative;

- (6) Crown and bridge;
- (7) Prosthetics;
- (8) Orthodontics; [and]
- (9) *Dentures; and*
- (10) [(9)] Other services.

Section 2. Limitations by Age Group: Payment for the following procedures shall be limited to recipients of medical assistance who are under age twenty-one (21):

- (1) Topical application of stannous fluoride, *two (2) [one (1)] treatments per year* excluding prophylaxis.
- (2) Extirpation of pulp filling of one (1) rooted, *two (2) rooted and three (3) rooted* canal, excluding restoration.
- (3) Repair of fracture of transitional appliance or space maintainers.
- (4) Repair of fracture and replacement of one (1) broken tooth on a transitional appliance or space maintainer.
- (5) Fixed space maintainer, band type.
- (6) Removable space maintainer, acrylic.
- (7) Removable appliance for tooth guidance.
- (8) Fixed or cemented appliance for tooth guidance.
- (9) Transitional appliance, includes one (1) tooth on appliance, upper appliance.
- (10) Transitional appliance, includes one (1) tooth on appliance, lower appliance.
- (11) Each additional tooth on appliance.
- (12) *Child dental prophylaxis, two (2) treatments per year.*

Section 3. Calendar Year Restrictions: Procedures for which payment is limited on a calendar year basis are:

- (1) One (1) each for the following:
  - [(a) Topical application of stannous fluoride, one (1) treatment excluding prophylaxis.]
  - (a) [(b)] Dental prophylaxis (*for adults aged twenty-one (21) or over*).
  - (b) [(c)] Relining upper denture (flask cured only).
  - (c) [(d)] Relining lower denture (flask cured only).
  - (d) [(e)] Transitional appliance, includes one (1) tooth on appliance, upper appliance.
  - (e) [(f)] Transitional appliance, includes one (1) tooth on appliance, lower appliance.
- (2) Any two (2) from the following. This may be in the form of two (2) from any one of the procedures, or one (1) each from any two (2) of the procedures:
  - (a) Fixed space maintainer, band type.
  - (b) Removable space maintainer, acrylic.
  - (c) Removable appliance for tooth guidance.
  - (d) Fixed or cemented appliance for tooth guidance.
- (3) Three (3) each for the following:
  - (a) Repair of fracture of transitional appliance or space maintainer.
  - (b) Repair of fracture and replacement of one (1) broken tooth on a transitional appliance or space maintainer.
  - (c) Repairing broken denture with no teeth damaged.
  - (d) Repairing broken denture and replacing one (1) broken tooth.

Section 4. In-patient Hospital Services: (1) Payment shall be made for all hospital in-patient services rendered by oral surgeons.

(2) Payment for services, pre-authorized by the Division for Medical Assistance, rendered by general dentists for hospital in-patient care shall be limited to multiple extractions for patients termed to be "medically a high risk," defined as:

- (a) Heart disease;
- (b) Respiratory disease;
- (c) Chronic bleeder;
- (d) Uncontrollable patient, i.e., retardate, emotionally disturbed;
- (e) Other, e.g., car accident, high temperature, massive infection.

*Section 5. Dentures: Dentures, excluding replacement, are provided only when preauthorized by the department. Such preauthorization shall be granted only when full-mouth extraction of remaining teeth of the eligible recipient is the indicated method of dental treatment.*

GAIL S. HUECKER, Commissioner  
PETER D. CONN, Secretary

ADOPTED: June 29, 1978

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

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

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Social Insurance**  
**(Proposed Amendment)**

**904 KAR 1:035. Payments for screening services.**

RELATES TO: KRS 205.520

PURSUANT TO: 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for screening services.

*Section 1. Reimbursement of Screening Clinics: The department shall reimburse participating screening clinics or agencies on the basis of a pre-established fee based on cost of service.*

*Section 2. Amount of Payment: A flat fee of twenty dollars (\$20) [twelve dollars (\$12)] shall be paid for each individual screened[, effective July 1, 1978].*

GAIL S. HUECKER, Commissioner  
PETER D. CONN, Secretary

ADOPTED: June 29, 1978

RECEIVED BY LRC: July 14, 1978 at 1:20 p.m.

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

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Social Insurance**  
**(Proposed Amendment)**

**904 KAR 1:044. Mental health center services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

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

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

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

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

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

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

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

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

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

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

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

(6) Psychological testing, if the tests are administered



groups. Services are to include distribution of written material on pertinent health subjects. [Any two (2) of the types of services provided by the following professional or para-professional practitioners:]

- [1. Dentist;]
- [2. Clinical pharmacist;]
- [3. Social services worker;]
- [4. Nutritionist;]
- [5. Optometrist;]
- [6. Nurse midwife;]
- [7. Mental health worker;]
- [8. Community health/outreach worker;]

(g) The services provided by the following professional practitioners must be provided directly:

1. Dentist;

2. Clinical pharmacist: A clinical pharmacist is a licensed pharmacist whose services include taking medication histories, monitoring drug use, contributing to drug therapy, drug selection, patient counseling, administering drug programs and surveillance for adverse reactions and drug interactions;

3. Optometrist.

(h) Any of the following services may substitute on a one for one basis for the services shown in paragraph (g), above, when provided directly by the center in the context of an identifiable program by appropriately trained personnel:

1. Family planning services: These services must be provided as a package which must include those services required under the family planning element of the medical assistance program.

2. Home health services: These services must include the same services as provided under the home health element of the medical assistance program.

3. Social services counseling: This must include as a minimum information and referral services. Intensive counseling is to be limited to crisis situations and health related problems. Individuals with other identified counseling needs are to be referred to appropriate social service agencies. These services must be performed by a licensed, graduate, or certified social worker.

4. Pharmacy services: These services must meet the standards of the pharmacy component of the medical assistance program. Where clinical pharmacist is selected as a basic service in paragraph (g), pharmacy services may not be used as a substitute for one of the two (2) remaining required services in paragraph (g).

5. Nutritional services: These services must include as a minimum individual counseling relating to nutritional problems or nutritional education. Group nutritional services may also be provided. These services must be performed by a professional nutritionist.

6. Nurse midwifery services: These services must be provided as a program which is to include prenatal services to expectant mothers, as well as delivery and postnatal services. These services must be performed by a certified nurse midwife.

(2) Supplemental [Optional] Services:

(a) Other [Any] services (excluding institutional care) within the scope of the Medical Assistance program; [so long as the appropriate requirements for provision of that service are met, including compliance with any additional specific standards and certification requirements set for that particular service and not to exceed the coverage limits specified for that service, and any other preventive or maintenance service authorized on a facility-by-facility basis based on the need for and capability to deliver such service;]

(b) Holding/observation accommodations; [Laboratory services]

(c) Any of the types of service in subsection (1)(h) above, which are not provided as basic services; [Physician/Dental inpatient hospital services]

(d) Outreach services: These services must be provided as a package structured to identify health care needs in the service area. [Holding/observation accommodations;]

[(e) Any of the types of service in subsection (1)(f), above, which are not provided as mandatory services;]

[(f) Medically related services to the extent such services are necessary for the provision of the mandatory or optional groups of services, on prior approval of the medical-related service by the department.]

Section 4. Limitations on services: The following limitations are applicable to specified services: [The following specific limitations shall apply and reimbursement shall be made only when the services to which they relate are provided in accordance with these limitations:]

(1) Pharmacy services are limited to those drugs covered through the pharmacy services element of the medical assistance program; [Clinical pharmacists' services are limited to those not related to the direct dispensing of drugs;]

(2) Other drugs and biologicals not covered under Pharmacy services are limited to those necessary for the treatment of emergency cases; [Outreach visits are limited to those made as part of an established plan of care for the patient and/or his family;]

(3) Laboratory services are limited to those procedures provided directly by the center, or if purchased, these services are limited to those covered under the independent laboratory element of the medical assistance program; [currently covered through the Physician Services element of the Medical Assistance program]

(4) Dental services are limited to those procedures [currently] covered through the dental services element of the medical assistance program;

(5) Vision care services are limited to those services [currently] covered through the vision care services element of the medical assistance program;

(6) Audiology services are limited to those services covered through the hearing services element of the medical assistance program; [Physician/dental inpatient hospital services are limited to those provided in accordance with the policies and procedures effective in the physician services or dental services element of the medical assistance program;]

(7) Abortion and/or sterilization services must be performed in accordance with guidelines specified by the department; [Holding/observation accommodations, are covered for not more than twenty-four (24) hours, when provided in accordance with the following:]

[(a) The patient's record shall document the appropriateness of such utilization;]

[(b) The physician shall make the decision that such utilization is necessary;]

[(c) A licensed nurse shall be on duty at the center during the time a patient is held in center accommodations beyond regular scheduled hours;]

[(d) A licensed physician shall be on call at all times when a patient is held beyond the regular scheduled hours of the center;]

[(e) A statement of conditions observed and treatment rendered during such holding time must be entered in the patient's medical record.]

and evaluated by a certified clinical psychologist.

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

(8) Personal care home services, if rendered by a mental health professional from one (1) of the four (4) principal disciplines (psychiatrist, psychologist, psychiatric nurse, or master degree social worker) or individuals with equivalent professional education (as determined by the department) to eligible recipients in personal care homes, and including resocialization and/or remotivation services rendered to personal care home groups, if such group services are rendered.

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

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

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

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

- (1) Services of an educational or supervisory nature;
- (2) Speech therapy;
- (3) Alcohol and drug services;
- (4) Consultation (*except consultation among direct staff of the center*);
- (5) Collateral therapy (*except that immediate family members may participate in joint therapy sessions when the client is present and the client's place of care as approved by the psychiatrist requires that treatment modality*);
- (6) Residential treatment for alcoholism;
- (7) Social and recreational activities for clients in intermediate care facilities or skilled nursing facilities.

GAIL S. HUECKER, Commissioner  
PETER D. CONN, Secretary

ADOPTED: June 29, 1978

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

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

**DEPARTMENT FOR HUMAN RESOURCES**  
Bureau for Social Insurance  
(Proposed Amendment)

✓ 904 KAR 1:054. Primary care center services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX

of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of Medical Assistance to Kentucky's indigent citizenry. Primary care centers, as defined by the Health Certificate of Need and Licensure Board, represent an opportunity for the provision of comprehensive medical services to the indigent citizenry of Kentucky. This regulation, therefore, sets forth the provisions relating to primary care center services for which payment shall be made by the Medical Assistance program in behalf of both the categorically needy and medically needy.

Section 1. Requirement for Participation: Each primary care center shall be required to meet the standards set for certification by the Health Certificate of Need and Licensure Board, and shall not receive reimbursement for services as a primary care center provider until the department determines that such standards are met and that the provider complies with all requirements for program participation.

Section 2. Definitions: As used in this regulation, the following definitions apply:

(1) *Basic* [Mandatory] services. Those services which must be provided by the facility for it to be considered a primary care center by the department;

(2) *Supplemental* [Optional] services. Those specified services which are in addition to the *basic* [mandatory] or required range of services, and for which the department will make payment when appropriately provided by the primary care center;

(3) *Element*. A specific sub-program within the medical assistance program; for example, primary care center services is a sub-program or element of the medical assistance program;

(4) [All] Requirements for program participation. Those requirements of law or regulation generally applicable throughout the medical assistance program and with which all medical services providers must comply in order to participate and receive reimbursement as a provider of services to eligible medical assistance recipients.

Section 3. Covered services: Each primary care center shall provide directly to eligible program recipients on a regular, full-time basis the *basic* [mandatory] services, and may provide one or more of the *supplemental* [optional] services.

(1) *Basic* [Mandatory] services:

(a) Medical diagnostic[, and treatment [, and maintenance] services for all age groups[;], as provided by a physician(s), nurse practitioner(s), or physician assistant(s) if licensed under state authority.

(b) Treatment of injuries and minor trauma;

(c) Prenatal and postnatal care;

(d) A program of [P]prevent[ati]ve health services which must include well-baby care, immunization, EPSDT, and [health education] which may include other types of preventive care;

(e) Referral services designed to ensure the referral to and acceptance by an appropriate medical resource when services necessary to the health of the patient are not provided directly by the center;

(f) *Health education services*: These services must provide as a minimum appropriate personnel to present, on request, information on general health care to local school systems, civic organizations and other concerned local

(8) Durable medical goods and prosthetics are limited to those covered under the home health element of the medical assistance program;

(9) Mental health services are limited to emergency services and appropriate referral;

(10) Holding/observation accommodations are covered for not more than twenty-four (24) hours when provided in accordance with the following:

(a) The patient's record shall document the appropriateness of such utilization;

(b) The physician shall make the decision that such utilization is necessary;

(c) A licensed nurse shall be on duty at the center during the time a patient is held in center accommodations beyond regular scheduled hours;

(d) A licensed physician shall be on call at all times when a patient is held beyond the regular scheduled hours of the center;

(e) A statement of conditions observed and treatment rendered during such holding time must be entered in the patient's medical record.

Section 5. Non-covered Services: The following services are specifically excluded from coverage as primary care center services:

(1) All institutional services; [Telephone contacts;]

(2) Housekeeping, babysitting, and other homemaker services of like nature; [Outreach visits for provision of services not included in the established plan of care]

(3) Services which are not provided in accordance with restrictions imposed by law or regulation. [Housekeeping, babysitting, and other homemaker services of like nature;]

[(4) Services for which neither the individual nor the medical assistance program has an obligation to pay;]

[(5) Services which under certain circumstances might be covered, but which have not been included within the primary care center services part of the medical assistance program;]

[(6) Services which are not provided in accordance with restrictions imposed by law or regulation;]

[(7) Services which might be covered if preauthorization were secured, but for which the required preauthorization has not been secured;]

GAIL S. HUECKER, Commissioner  
PETER D. CONN, Secretary

ADOPTED: June 29, 1978

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

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

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Social Insurance**  
**(Proposed Amendment)**

904 KAR 1:055. Payments for primary care center services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

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

gram of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for primary care center services.

Section 1. Primary Care Centers: In accordance with 42 CFR 450.30, the department shall make payment to providers who are appropriately licensed and have met the conditions for participation set by the department, on the following basis: [Basis of Payment: The department shall reimburse participating vendors on the basis of the allowable cost as established by the department using the Title XVIII Principles of Reimbursement.]

(1) Payment shall be made on the basis of reasonable allowable cost.

(2) Payment amounts shall be determined by application of the "Primary Care Center General Policies and Guidelines and Principles of Reimbursement" developed and issued by the department, supplemented by the use of title XVIII-A reimbursement principles.

(3) Allowable costs shall not exceed customary charges which are reasonable.

Section 2. Implementation of the Payment System: [Limitations on Payment: Allowable costs shall not exceed customary charges which are reasonable.]

(1) The reimbursement system developed by the department for primary care centers is supported by the Title XVIII-A reimbursement principles which will serve as guidelines for determining reasonable allowable cost in areas not addressed specifically by the department.

(2) The system shall utilize a method whereby primary care providers are paid an interim rate based on a reasonable estimation of current year costs followed by a year end adjustment to actual reasonable allowable costs. When the need can be demonstrated, adjustment to an interim rate will be made.

(3) The vendor shall complete an annual cost report on forms provided by the department not later than sixty (60) days from the end of the vendor's accounting year and the vendor shall maintain an acceptable accounting system to account for the cost of total services provided, charges for total services rendered, and charges for covered services rendered eligible recipients.

(4) Each primary care center provider shall make available to the department at the end of each fiscal reporting period, and at such intervals as the department may require, all patient and fiscal records of the provider, subject to reasonable prior notice by the department.

(5) Interim payments due the primary care center shall be made at reasonable intervals but not less often than monthly.

Section 3. Prohibition Against Joint Participation: Dual or joint participation in the medical assistance program by a primary care center is not permitted. When a primary care center elects to participate as such in the medical assistance program it may not participate concurrently under other regular ongoing elements of the medical assistance program, including the rural health clinic services element. In addition, when a center elects to participate as such in the medical assistance program, it is considered to elect participation for all eligible service elements, components, or sub-units of the center. [Method

of Determining the Payment Rate: The vendor shall submit to the department a schedule of customary charges for covered services. The department shall determine the reasonableness of the charges by comparison with charges for similar services as made by other providers of service within the medical service area and as corroborated by supplemental information which may be requested of the vendor as necessary by the department. Payment shall be made at an interim rate determined using the previous year's allowable cost of covered services and making any adjustments required to bring the current year's rate of interim payment into agreement with current year's allowable cost. Such interim rate may be adjusted by the department during the vendor's accounting period to account for increase or decrease in allowable cost. Actual cost reimbursable to the vendor shall be determined on the basis of cost reports filed and after appropriate audits have been conducted by the department, and interim payments made throughout the year shall be retroactively adjusted to ensure that total payment for the year equals the reasonable allowable cost amount determined to be payable to the vendor for services rendered eligible recipients during that period.]

*Section 4. Nonallowable Costs: The department shall not make reimbursement under the provisions of this regulation for services not covered by 904 KAR 1:054, primary care center services, nor for that portion of a primary care center's costs found unreasonable or nonallowable in accordance with the department's "Primary Care Center General Policies and Guidelines and Principles of Reimbursement." In addition, when the utilization review processes of the department find that costs have been incurred through provision of unnecessary medical treatment services, such costs shall be disallowed. [Record-Keeping and Reporting: The vendor shall complete an annual cost report on forms designated by the department not later than sixty (60) days from the end of the vendor's accounting year; the vendor shall maintain an acceptable accounting system to account for the cost of total services provided, charges for total services rendered, and charges for covered services rendered eligible recipients.]*

GAIL S. HUECKER, Commissioner  
PETER D. CONN, Secretary

ADOPTED: June 29, 1978

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

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

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Social Insurance**  
**(Proposed Amendment)**

**904 KAR 2:015. Supplemental programs for aged, blind and disabled.**

RELATES TO: KRS 205.245

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources is responsible under Title XVI of the

Social Security Act as amended by Public Law 92-603 to administer a state funded program of supplementation to all December, 1973 recipients of aid to the aged, blind and disabled, hereinafter referred to as AABD, disadvantaged by the implementation of the Supplemental Security Income Program, hereinafter referred to as SSI. KRS 205.245 provides not only for the mandatory supplementation program but also for supplementation to other needy aged, blind and disabled persons. This regulation sets forth the provisions of the supplementation program.

**Section 1. Mandatory State Supplementation:** Mandatory state supplementation payments must be equal to the difference between the AABD payment for the month of December, 1973, plus any other income available to the recipient as of that month and the total of the SSI payment and other income. Also included are those former aged, blind or disabled recipients ineligible for SSI due to income but whose special needs entitled them to an AABD payment as of December, 1973. Mandatory payments must continue until such time as the needs of the recipient as recognized in December, 1973, have decreased or income has increased to the December level.

(1) The mandatory payment is increased only when income as recognized in December, 1973, decreases, the SSI payment is reduced but the recipient's circumstances are unchanged, or the standard of need utilized by the bureau in determining optional supplementation payments for a class of recipients is increased.

(2) In cases of man and wife, living together, income changes after September, 1974, will result in increased mandatory payment only if total income of the couple is less than December, 1973, total income.

**Section 2. Optional State Supplementation:** Optional state supplementation is available to those persons meeting technical requirements and resource limitations of the aged, blind or disabled medically needy program as contained in 904 KAR 1:003 and 904 KAR 1:004 who have insufficient income to meet their need for care in a personal care home as defined in 902 KAR 20:030, or family care home as defined in 902 KAR 20:040, or who require a caretaker to prevent institutionalization. Application for SSI, if potential eligibility exists, is mandatory.

**Section 3. Income Considerations:** In determining the amount of optional supplementation payment, total net income of the applicant or recipient, or applicant or recipient and spouse, including payments made to a third party in behalf of an applicant or recipient, is deducted from the standard of need with the following exceptions:

(1) Income is conserved for an ineligible, Non-SSI spouse and/or minor dependent children in the amount of the medical assistance program basic maintenance scale for family size adjusted by deduction of sixty-five dollars (\$65) from monthly earnings of spouse.

(2) If one (1) member of a couple is institutionalized and the SSI spouse maintains a home, income in the amount of the SSI standard for one (1) is conserved for the spouse.

**Section 4. Standard of Need:** (1) The standard, based on living arrangement, from which income as computed in Section 3 is deducted to determine the amount of optional payment is as follows:

(a) Personal care home: \$320, effective 7/1/77; \$335, effective 1/1/78; not less than \$350, effective 7/1/78; [\$310]

(b) Family care home: \$258, effective 7/1/77; not less than \$273, effective 7/1/78; [\$248]



## (c) Caretaker:

1. Single individual: \$216, effective 7/1/77; not less than \$227, effective 7/1/78; [\$206]

2. Married couple, one (1) requiring care: \$300, effective 7/1/77; not less than \$322, effective 7/1/78; [\$285]

3. Married couple, both requiring care: \$328, effective 7/1/77; not less than \$350, effective 7/1/78. [\$313]

(2) In couple cases, both requiring a caretaker, and both eligible one-half (½) of the deficit is payable to each. If one (1) is ineligible (neither aged, blind nor disabled) one-half (½) of the deficit is payable to the eligible member.

Section 5. Institutional Status: No aged, blind or disabled

ed person shall be eligible for state supplementation while residing in a personal care home or family care home unless such home is licensed under the Health Licensure Act, KRS 216.425.

GAIL S. HUECKER, Commissioner  
PETER D. CONN, Secretary

ADOPTED: June 29, 1978

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

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

## Proposed Regulations

### SECRETARY OF THE CABINET Kentucky Teachers' Retirement System

#### 102 KAR 1:122. Voluntary and tax-sheltered contributions.

RELATES TO: KRS 161.705

PURSUANT TO: KRS 13.082, 161.310

NECESSITY AND FUNCTION: KRS 161.705 provides that members of the Teachers' Retirement System may make voluntary contributions to the retirement system in excess of the mandatory percentage, or that boards of education may make such contributions on behalf of their teachers in order to qualify for additional annuity payments at the time of retirement. This regulation sets out the procedures to be followed in making such contributions on a "tax-sheltering" basis as provided for in Section 403(b) of the Internal Revenue Code and the procedures for receiving such contributions and the payment of additional annuities.

Section 1. This regulation is adopted to implement the provisions of KRS 161.705, certain provisions of Public Law 87-370, and Section 403(b) of the Federal Internal Revenue Code as amended. The tax-sheltered annuity program of the Kentucky Teachers' Retirement System has been approved as a qualified plan by the Internal Revenue Service.

Section 2. Any teacher desiring to do so may authorize the employer to reduce the teacher's salary and transmit the funds thus available to the Teachers' Retirement System for deposit to the member's credit in a tax-sheltered account as provided in KRS 161.705.

Section 3. Each participating member shall receive an immediate vested and nonforfeitable interest in the amounts credited to a tax-sheltered account. The participant is precluded from selling, assigning, or pledging their funds in the tax-sheltered account to another person or party.

Section 4. A board of education desiring to make the provisions of this program available to teachers must adopt a resolution on forms supplied by the Retirement System. A copy of this resolution must be filed with the Retirement System prior to deductions from teachers' salaries.

Section 5. Requests by members to participate in the tax-sheltered program must be made in writing on forms supplied by the Teachers' Retirement System. Authorization for participation must be made on a fiscal year basis or remaining fraction thereof, and may not be revoked during that period.

Section 6. Funds deriving from such reductions of salary shall be transmitted to the Teachers' Retirement System on a regular basis and report of contributions shall be made on the appropriate form which will be provided by the system. Under no circumstances shall the contributions be reported or commingled with the regular mandatory contribution.

Section 7. The reporting period may be determined in the local district (i.e. monthly, quarterly, etc.), but the report of contribution and submission of funds must be the same for all teachers in a district.

Section 8. Single contribution of not less than four (4) percent of the teacher's monthly salary will be accepted by the Teachers' Retirement System providing that no single contribution for less than thirty dollars (\$30) will be accepted.

Section 9. For purpose of calculating contributions to the regular mandatory retirement program, the salary shall be the gross salary received before any deductions including any sums deducted by the board of education under the terms of KRS 161.705 and this regulation.

Section 10. Interest credited to voluntary accounts made by teachers and boards of education under authority

of KRS 161.705 shall be fixed annually by the board of trustees. At the last regular quarterly meeting of the fiscal year, the board of trustees shall fix the interest rate to be credited for the following fiscal year.

Section 11. It is further provided that the board of trustees may not fix a rate lower than "regular interest" as defined in KRS 161.220(13) nor at a rate greater than the average annual yield rate on the "fixed dollar" investments of the retirement system for the previous four (4) quarters. Interest shall be calculated and posted at the end of each month with interest being based on the accumulated balance at the beginning of the month concerned, less any withdrawals made during that month.

Section 12. Tax-sheltered contributions may be withdrawn, without penalty, in the event of the member's death, retirement for disability or service, or upon attainment of age sixty (60) years. Withdrawals for any other reasons shall be subject to a penalty equal to the interest credited on such amounts during the three (3) months preceding such withdrawal. In the case of death of the member prior to retirement, the accumulated balance in the tax-sheltered account shall be returned to the named beneficiary.

Section 13. The beneficiary of the member's tax-sheltered account shall be the same as that designated for the member's regular account unless the member specifies otherwise to the Teachers' Retirement System.

Section 14. When a member files an application for service retirement, they must choose the method that they wish to receive their tax-sheltered funds. The choices are:

(1) Monthly annuity under one (1) of the options available for service retirement;

(2) Payment through no more than one (1) withdrawal during a calendar year up to age seventy (70) with monthly payments on any remaining balance at age not to exceed seventy (70); and

(3) A combination of a single partial withdrawal and monthly payments. Retiring members may defer payments from their tax-sheltered accounts until age seventy (70), but shall be limited to the options set out above upon electing to receive benefit payments.

Section 15. Members who participate in a non-tax sheltered voluntary plan are subject to all regulations pertaining to tax-sheltered contributions except there is no penalty for early withdrawals.

Section 16. 102 KAR 1:115 and 102 KAR 1:120 are hereby repealed.

PAT N. MILLER, Executive Secretary

ADOPTED: June 19, 1978

RECEIVED BY LRC: July 6, 1978 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Pat N. Miller, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

## SECRETARY OF CABINET Kentucky Retirement Systems

### 105 KAR 1:060. Hospital and medical insurance.

RELATES TO: KRS 16.505 to 16.652, 61.510 to 61.702, 78.510 to 78.852

PURSUANT TO: KRS 13.082, 16.640, 61.645, 61.701, 61.702, 78.780

NECESSITY AND FUNCTION: KRS 61.701 and 61.702 was enacted by the 1978 General Assembly to provide hospital and medical insurance for recipients of a retirement allowance from any of the three (3) retirement systems where such recipient is a retired former member.

Section 1. Funding of the insurance program will be achieved by transferring the following portion of the employer rate to the Kentucky Retirement System Insurance Fund.

Non-Hazardous		Hazardous		
KERS	CERS	SPRS	KERS	CERS
.48%	.46%	.30%	.52%	.52%

Section 2. Procedural Matters. Upon death, disability or service retirement the following procedures shall be followed to determine the amount to be paid from the Kentucky Retirement System Insurance Fund on behalf of the retired member:

(1) The percentage payable will be based on service of the member. Service credit will be combined from KERS, CERS and SPRS for determining the percentage payable by the Kentucky Retirement System Insurance Fund at the time of initial coverage. The percentage will be reduced at the expiration of period certain payments. Service relative to remaining retirement allowance will be used to determine new percentage. Premium payments will be provided for State Police or Hazardous Duty employees disabled in the line of duty as if they had twenty (20) years of service credit. Premium payments shall be made by the fund for members only and paid in accordance with the following schedule:

Years of Service	Percent of Payment	Payroll Deduction
20	100%	0%
15	75%	25%
10	50%	50%
4	25%	75%

(2) Group coverage for persons age sixty-five (65) or over will consist of Blue Cross-Blue Shield, High Option Medicare Supplement with a premium rate of fourteen dollars (\$14) per month, or persons age sixty-five (65) or over may select the Medicare Supplement with a premium rate of eight dollars and seventy cents (\$8.70) per month.

(3) Group coverage for persons less than age sixty-five (65) will consist of Blue Cross-Blue Shield single coverage with a premium rate of twenty-five dollars and fifty cents (\$25.50) per month.

(4) Beneficiaries or dependents may be insured by the member with group coverage as defined in subsections (2) and (3) above or a family coverage with a premium rate of seventy dollars (\$70) per month by authorizing deduction of the full premium amount from his (the member's) retirement allowance.

(5) Spouse, dependents or beneficiaries receiving a retirement allowance may obtain group coverage as

referenced in subsection (4) above by authorizing deduction of the full premium amount from his retirement allowance.

(6) All premium payments due from other than the Kentucky Retirement System Insurance Fund must be paid through deductions from recipient's retirement payment.

(7) Claim experience will be evaluated annually by Blue Cross-Blue Shield of Kentucky and rates may be changed based on experience.

MIM C. CLARK, General Manager

ADOPTED: May 17, 1978

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: June 22, 1978 at 1:45 p.m.

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

**SECRETARY OF THE CABINET**  
Department of Military Affairs  
Division of Disaster and Emergency Services

106 KAR 1:020. Disaster and emergency fund, administration; qualification requirements, procedure.

RELATES TO: KRS 39.480

PURSUANT TO: KRS 39.400

NECESSITY AND FUNCTION: KRS 39.480 established a fund to develop and maintain local emergency preparedness organizations affiliated with the Division of Disaster and Emergency Services and authorized the Division to make rules and regulations for the administration of the fund. This regulation provides policy, procedure and qualification requirements.

Section 1. The purpose of the fund is to: (1) Assist local organizations to develop adequate emergency response capabilities;

(2) Maintain and improve existing organizations through enhanced training, planning, staffing, and equipment acquisition; and

(3) Benefit the state as a whole, through creation of a better prepared network of emergency response organizations.

Section 2. Responsibilities. (1) The Adjutant General, as Director of the Division of Disaster and Emergency Services, shall have overall responsibility for policy, guidance, administration, implementation and proper utilization of this fund.

(2) The Executive Director shall serve as the primary advisor to the Adjutant General and shall serve as the principal liaison between the Adjutant General and local officials participating in programs affected by this fund.

(3) The Executive Director, with the advice of the Assistant Director, Director of Operations, Director of Support Services, Administrative Officer, and appropriate area coordinators, shall make determinations related to fund allocations.

(4) Area coordinators shall fully explain program opportunities and requirements to local elected officials and local director/coordinators, review budget and program submissions, and make recommendations to the Executive Director.

(5) Local director/coordinators shall be responsible for submitting budget requests and documentation of expenditures, as required.

Section 3. Benefits. Funds shall be made available, to not more than one (1) emergency preparedness organization per county, on a reimbursement basis up to fifty (50) percent of the local funds expended for the emergency services organization.

Section 4. Eligibility. Local emergency preparedness organizations shall be eligible to receive benefits from the fund if they meet the following criteria:

(1) Director. The local organization must have qualified director/coordinator who is capable of performing during an emergency, devoting time to administrative matters, and available to participate in federal and state training programs. During the first year of participation in the funding program, the director/coordinator, whether serving on a voluntary or paid basis, shall have successfully completed three (3) correspondence courses designed to provide basic emergency preparedness information, guidance for director/coordinators, and radiological defense instruction. He shall also participate in a basic seminar and an advanced seminar, when offered.

(a) In following years, each director/coordinator must attend, as a minimum, an advanced seminar, when offered.

(b) In subsequent years, the director/coordinator paid for spending at least one-half (½) of his time in emergency preparedness matters must continue his education by completing advanced instruction offered by the federal emergency preparedness organization.

(2) Plan. Within the first year of participation in the funding program, the local organization must complete a basic emergency operations plan and appropriate annexes. This plan will be subject to review and final approval by the Executive Director, Division of Disaster and Emergency Services. In subsequent years, the plan and all annexes must be reviewed and up-dated, as appropriate.

(3) Exercises. During the second and each subsequent year of participation in the program, the local organization must conduct an exercise to test the operations plan. Multi-jurisdictional exercises are encouraged.

(4) Emergency operation center. Each participating organization must have an organized operating center, from which local emergency operations will be conducted. This center, when fully developed, must provide resources for the coordination of all emergency elements of government.

(5) Program paper. Each participating local organization must develop, and submit annually to Disaster and Emergency Services, a program paper detailing the current status of emergency preparedness and goals for the next fiscal year. Forms for this report will be provided by Disaster and Emergency Services. The report must be submitted as part of the budget request.

(6) Merit status. Each employee, with the exception of the local director/coordinator, whose salary is paid in part or in total with these funds, must meet the standards of the Kentucky Merit System.

Section 5. Administrative Process. (1) Local organizations requesting financial assistance through the fund must submit, by May 15 of each year, a Local Civil Preparedness Annual Program Paper (DCPA 744) to the Division of Disaster and Emergency Services Area Coordinator. This document will be reviewed by the area coordinator and forwarded to the state office with recommendations.

(2) The Executive Director, as outlined in Section 2(3), will review and evaluate each request and, not later than June 15, designate funds for approved programs and notify each applicant.

(3) At the end of each month, the local organization will submit a completed claim of reimbursement (DCPA Form 234-3), with supporting documentation, to the area coordinator. After review, the area coordinator will forward the documentation to the state office and a reimbursement check will be returned, at the rate determined.

(4) Requests to utilize these funds to purchase equipment must be approved in advance. To obtain approval, the local organization must submit a project application to the area coordinator, who will review it and forward to the state office with recommendation. Upon approval, the local organization will be notified and after making the purchase, may submit a reimbursement claim under the procedures outlined in subsection (3) of this section.

Section 6. Review. (1) Program progress will be subject to quarterly review by area coordinators. Local organizations determined not to be making satisfactory progress toward goals outlined in the program paper will be given thirty (30) days to correct deficiencies. At the end of the thirty (30) day period, further funding may be withdrawn by the Executive Director if deficiencies are not corrected. Such funds may then be re-allocated to other organizations.

(2) By April 1 of each year, the Executive Director, as outlined in Section 2(3) will review the expenditure rate of each organization receiving funds. If it is determined that an organization will not utilize all allocated funds, appropriate portions of the allocation may be withdrawn and re-allocated to another organization with a demonstrated need.

BILLY G. WELLMAN  
The Adjutant General

ADOPTED: July 6, 1978

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: July 14, 1978 at 3:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Billy G. Wellman, The Adjutant General, Department of Military Affairs, Frankfort, Kentucky 40601.

## EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION State Board of Medical Licensure

### 201 KAR 9:101. Definitions relating to paramedics.

RELATES TO: KRS 311.650 to 311.658, 311.990(18)  
PURSUANT TO: KRS 13.082, 311.654

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to define terms that are used in regulations promulgated by the Board relating to paramedics.

Section 1. Definitions. As used in board regulations relating to paramedics, the following terms shall have the meanings set forth below unless the context requires otherwise:

(1) "Advanced life support unit" means a motor vehicle, vessel, or aircraft designed and used primarily for on-the-scene care or transportation of critically ill or critically injured patients and is equipped with such equipment as specified by the board as being essential to the proper functioning of an advanced life support unit.

(2) "Applicant" means any person applying for training or certification as a paramedic under this regulation.

(3) "Board" means the State Board of Medical Licensure.

(4) "Certificate" means the certificate issued by the Board of Medical Licensure pursuant to this regulation to any individual qualifying pursuant to this regulation to perform the duties of a paramedic.

(5) "Certified" means one who holds a certificate issued pursuant to this regulation.

(6) "Committee" means the Paramedic Advisory Committee as appointed by the board to act in an advisory capacity.

(7) "Emergency situation" means an unforeseen circumstance or combination of circumstances, regardless of place of occurrence, requiring immediate and continued medical response and intervention to safeguard the life or physical well-being of any patient.

(8) "Emergency medical technician (EMT)" means a qualified individual currently certified by the Kentucky Department for Human Resources as an emergency medical technician, emergency medical technician-ambulance, emergency medical technician-instructor, or emergency medical technician instructor-trainer.

(9) "Equipment" means that equipment required by the board to be carried and maintained on an advanced support unit.

(10) "Graduate paramedic" means any person who has successfully completed a board-approved paramedic training course and who has not yet taken the board's certifying examination provided for in these regulations.

(11) "Medical advisor" means a licensed physician whose responsibility and duty is to provide medical care in the emergency room of a hospital, and who shall be primarily responsible for the training and supervision of paramedics.

(12) "Paramedic" means a person who is primarily involved in the delivery of emergency medical services and is certified under KRS 311.652 to 311.658

(13) "Paramedic trainee" means a qualified person who is enrolled in a paramedic training course authorized and approved by the board pursuant to this regulation.

(14) "Patient" means an individual who is sick, injured,



dead or otherwise incapacitated or helpless.

(15) "Provider" means the operator of any advanced life support unit within the Commonwealth of Kentucky, or any person utilizing a paramedic, paramedic-trainee, or graduate paramedic, except a person utilizing a paramedic as an instructor in a training course authorized and approved by the board.

(16) "Supervising physician" means a licensed physician selected by the medical advisor to supervise paramedics.

DR. JOHN C. QUERTERMOUS, President  
Kentucky State Board of Medical Licensure

ADOPTED: May 25, 1978

RECEIVED BY LRC: June 16, 1978 at 3:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

#### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION State Board of Medical Licensure

✓ 201 KAR 9:111. Application, certification requirements.

RELATES TO: KRS 311.650 to 311.658, 311.990(18)

PURSUANT TO: KRS 13.082, 311.654

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to establish requirements for applicants; requirements and exemptions for certification of paramedics; prohibitions relating to the use of paramedics; and to define inactive service of paramedics.

Section 1. Requirements for Applicants, Selection of Applicants, and Training. No paramedic training course shall be authorized or approved by the board that does not conform with the standards set forth in this regulation for requirements for applicants, selection of applicants, and training course requirements, except that any paramedic training course that began prior to the effective date of this regulation and otherwise conforms with the standards for training course requirements set forth in this regulation may be approved by the board.

Section 2. Requirements for Applicants. Each applicant shall:

- (1) Be eighteen (18) years of age or older.
- (2) Hold a valid motor vehicle operator's license.
- (3) Be of good moral character.
- (4) Not be habitually addicted to or an abuser of alcoholic beverages, drugs, or controlled substances.
- (5) Understand and be able to read, speak, and write the English language.
- (6) Have a physical examination performed by a physician licensed in this state within the twelve (12) months immediately preceding the date of application verifying that the applicant is in good physical and mental health and has no disabilities that would prevent the applicant from func-

tioning as a paramedic, which shall include a chest x-ray or tuberculin test.

(7) Be currently certified by the Kentucky Department for Human Resources as an emergency medical technician, emergency medical technician-ambulance, emergency medical technician-instructor, or emergency medical technician instructor-trainer.

(8) Have a high school diploma or general equivalency diploma.

(9) Submit a notarized application form provided by the board to the board and to the medical advisor.

Section 3. Selection Committee. Each medical advisor shall appoint a selection committee to administer tests and to conduct interviews for the purpose of qualifying applicants to be accepted into paramedic training courses.

Section 4. Prohibition or Usage of Unauthorized Person. No provider shall employ, utilize, permit the operation of, or advertise or represent that said provider employs or utilizes certified paramedics, graduate paramedics, or paramedic trainees personnel unless provider is in compliance with the provisions of this regulation.

Section 5. Prohibited Utilization of Certified Paramedics. Nothing in this regulation shall be construed to permit certification or utilization of any certified paramedic, graduate paramedic, or paramedic trainee for the purpose of such individual working full-time with primary responsibility and duties limited to hospitals, physician's offices, clinics, or other definitive care facilities.

Section 6. Inactive Status of Certified Paramedics. In the event a certified paramedic discontinues his employment with a provider or with a training institution, he shall be deemed to be in inactive status and shall not perform the services of a certified paramedic unless subsequently employed by a new provider or training institution. Upon re-employment by a new provider, the certified paramedic shall immediately notify the board of the name and address of his new provider or training institution.

DR. JOHN C. QUERTERMOUS, President

ADOPTED: May 25, 1978

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SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
State Board of Medical Licensure**

**201 KAR 9:121. Certification renewal.**

RELATES TO: KRS 311.650 to 311.658, 311.990(18)

PURSUANT TO: KRS 13.082, 311.654, 311.656

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to establish requirements for training, and renewal of paramedic certification.

Section 1. Paramedic Training Course Requirements. The training course shall:

(1) Include the U.S. Department of Transportation curriculum and such additions to the curriculum as prescribed by the board.

(2) Be of at least 500 hours duration.

(3) Be supervised by a medical advisor with such assistance of a registered nurse or certified paramedic as the medical advisor deems necessary.

(4) Have a training course faculty composed of appropriate professionals, clinical, academic, and technical instructors.

(5) Be conducted at locations approved and authorized by the board including, as part of the instruction, training at a hospital licensed to operate in this state.

Section 2. Issuance of Certification and Renewal. Certificates shall be issued by the board pursuant to the standards set forth in these regulations. A paramedic trainee shall be eligible to take the certifying examination prescribed by the board, provided that:

(1) Within thirty (30) months of the commencement of a paramedic training course authorized and approved by the board, the paramedic trainee has successfully completed said training course; and

(2) Within thirty (30) months of commencement of such training course, the paramedic trainee has successfully completed a field clinical evaluation of at least five (5) months duration.

(3) A paramedic trainee is eligible to take the certifying examination upon the written recommendation of the medical advisor and verification that the paramedic trainee has completed the requirements of subsections (1) and (2) of this section.

Section 3. Paramedic Certification Examination. The board shall prescribe the format and content of the paramedic certification examination which shall include written, oral, and practical examination. Such examination shall be held in a manner and at times and locations prescribed by the board.

Section 4. Expiration of Certification. Upon successful completion of the certification examination, the graduate paramedic shall be issued a certificate which shall be valid for two (2) years from date of issuance.

Section 5. Renewal of Certification. In order to renew a certificate, the paramedic must obtain a minimum of forty (40) hours of approved in-service training annually and have successfully passed a renewal examination prescribed

by the board within thirty (30) months of issuance of his last certificate.

DR. JOHN C. QUERTERMOUS, President

ADOPTED: May 25, 1978

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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
State Board of Medical Licensure**

**201 KAR 9:131. Recertification.**

RELATES TO: KRS 311.650 to 311.658, 311.990(18)

PURSUANT TO: KRS 13.082, 311.654

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to authorize the board to issue certificates to paramedics previously certified by the Department for Human Resources as "Emergency Medical Technician-Paramedic."

Section 1. Certification of Emergency Medical Technician-Paramedics Previously Certified by the Department for Human Resources. The board shall, upon proper certification by the Department for Human Resources, issue current paramedic certificates to persons holding valid certificates, heretofore issued by the Department for Human Resources, as emergency-medical technician-paramedics.

DR. JOHN C. QUERTERMOUS, President

ADOPTED: May 25, 1978

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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
State Board of Medical Licensure**

**201 KAR 9:141. Denial, revocation and suspension of certificate.**

RELATES TO: KRS 311.650 to 311.658, 311.990(18)

PURSUANT TO: KRS 13.082, 311.654

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and

regulations relating to paramedics. The function of this regulation is to establish procedures for taking disciplinary action against certified paramedics.

Section 1. Denial, Revocation, and Suspension of Certificates. The board may deny, revoke or suspend the certificate of any person who:

(1) Has engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;

(2) Becomes a drug dependent person or drug abuser as defined in KRS 222.011(8);

(3) Becomes an alcoholic person who suffers from alcoholism as defined in KRS 222.011(3);

(4) Develops such physical or mental disability or other condition that continued practice or performance of his duties may be dangerous to patients or the public; or

(5) Fails to comply with any regulation of the board relating to the certification of paramedics.

Section 2. Hearings. The board shall furnish the certificate holder with written notice setting out the substance of each offense charged with sufficient detail to reasonably apprise such person the nature, time and place thereof. The certificate holder shall have the right to be present in person or be represented by counsel and to present evidence and to be heard in opposition to the charges which may be instituted. The board shall make a finding of fact and conclusion of law. The hearing may be conducted by a hearing officer appointed by the board.

DR. JOHN C. QUERTERMOUS, President

ADOPTED: May 25, 1978

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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

#### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION State Board of Medical Licensure

201 KAR 9:151. Contracts for support services.

RELATES TO: KRS 311.650 to 311.658, 311.990(18)

PURSUANT TO: KRS 13.082, 311.654, 311.656

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to authorize contracts for support services; establish a fee schedule; and to establish a Paramedic Advisory Committee.

Section 1. Contract for Support Services. The board may contract with the Department for Human Resources for the selection of training sites, student selection, monitoring and evaluation of training courses of paramedics, and to perform such other services as may be necessary to implement the provisions of these regulations.

Section 2. Fees. The following schedule of fees is established pursuant to KRS 311.656:

(1) Application Fee: \$10;

(2) Examination Fee: \$35;

(3) Renewal Fee: \$20;

(4) Fee for Duplicate Certificate: \$10.

Section 3. Advisory Committee. (1) There is hereby created a Paramedic Advisory Committee consisting of the following:

(a) Four (4) physicians, two (2) of them shall be appointed for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year.

(b) Two (2) emergency department nurses, one (1) of whom shall be appointed for a term of three (3) years, and one (1) for a term of two (2) years.

(c) One (1) certified paramedic, who shall be appointed for a term of one (1) year.

(d) One (1) EMT instructor, who shall be appointed for a term of three (3) years.

(e) One (1) member of the Emergency Medical Services Coordination Association, who shall be appointed for a term of two (2) years.

(f) One (1) advanced life support provider, who shall be appointed for a term of one (1) year.

(g) One (1) consumer, who shall be appointed for a term of one (1) year.

(h) The manager of the EMS Branch of the Department for Human Resources or his designee shall serve as an ex-officio member.

(2) The duties of the committee shall be to advise the board on matters pertaining to paramedics.

DR. JOHN C. QUERTERMOUS, President

ADOPTED: May 25, 1978

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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

#### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION State Board of Medical Licensure

201 KAR 9:161. Skills, authorized procedures.

RELATES TO: KRS 311.650 to 311.658, 311.990(18)

PURSUANT TO: KRS 13.082, 311.654

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to prescribe procedures which certified paramedics, graduate paramedics and paramedic trainees are authorized to perform.

Section 1. Authorized Certified Paramedic Procedures. Certified paramedics may perform the procedures and skills of a certified emergency medical technician (EMT). In addition, a certified paramedic may perform any of the

procedures set forth in Section 3 of this regulation provided:

(1) A verbal order is given by radio or telephone by the medical advisor or supervising physician (or a direct verbal or written order is given by a licensed physician who is physically present at the scene of the emergency call); and

(2) Provided, further that the certified paramedic is under the supervision of the medical advisor or the supervising physician during the performance of authorized procedures. In addition, a certified paramedic may perform procedures pursuant to written standing orders issued by his medical advisor.

Section 2. Authorized Graduate Paramedic and Paramedic Trainee Procedures. Graduate paramedics and paramedic trainees may perform the procedures and skills of a certified emergency medical technician (EMT). In addition, graduate paramedics and paramedic trainees may, subject to any limitations imposed by the medical advisor or the supervising physician, perform any other procedures specified in Section 3 of this regulation, provided;

(1) Verbal order is given by radio or telephone by the medical advisor or supervising physician (or a direct verbal or written order given by a licensed physician who is physically present at the scene of the emergency call); and

(2) Provided further that the graduate paramedic or paramedic trainee is under the direct supervision of the medical advisor or the supervising physician directing the performance of such authorized procedures.

Section 3. Authorized Procedures. Any certified paramedic, graduate paramedic or paramedic trainee, subject to the limitations of this regulation may perform the following procedures:

(1) Suctioning; nasopharyngeal and endotracheal;

(2) Endotracheal and nasotracheal intubation;

(3) Insert nasopharyngeal airway(s);

(4) Defibrillation;

(5) Venipuncture and drawing venous blood for analysis;

(6) Upon proper approval by applicable licensing and regulator authorities possess and administer by the appropriate route (intravenously, subcutaneously, or intramuscularly) the following drugs:

(a) Anticonvulsant(s);

(b) Antiarrhythmic agents;

(c) Bronchodilators;

(d) Narcotics;

(e) Narcotic antagonists;

(f) Intravenous fluids or plasma expanders, or both;

(g) Diuretics;

(h) Antihistamine;

(i) Vasoactive drugs;

(j) Poison antidotes;

(k) Cardiotonic drugs;

(l) Alkalizing drugs;

(m) Vagolytic;

(n) Antihypoglycemic agents;

(o) Or such other fluid drugs or medications as the board may prescribe.

(7) Perform nasogastric intubation and suctioning;

(8) Perform urinary catheterization and urine collection;

(9) Perform electrocardiographic monitoring and biomedical telemetry;

(10) Utilize rotating tourniquets;

(11) Apply "anti-shock" trousers;

(12) Conduct such physical examinations for which they

have been trained; and

(13) Perform such other procedures as the board may prescribe.

DR. JOHN C. QUERTERMOUS, President

ADOPTED: May 25, 1978

RECEIVED BY LRC: June 16, 1978

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

## EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION State Board of Medical Licensure

### 201 KAR 9:171. Utilization of services.

RELATES TO: KRS 311.650 to 311.658, 311.990(18)

PURSUANT TO: KRS 13.082, 311.654

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to establish minimum requirements relating to providers utilizing the services of certified paramedics, graduate paramedics, and paramedic trainees.

Section 1. Utilization of Paramedic Personnel. No provider shall utilize the services of a certified paramedic, graduate paramedic, or paramedic trainee, except in accordance with the provisions of this regulation.

Section 2. Medical Advisor. A provider shall have a written agreement with the medical advisor to provide medical supervision and control of paramedics in the employ of the provider. The scope of the medical advisor's duties shall be set forth in a written contract with a provider.

Section 3. Hospital Requirements. The hospital designated as resource hospital or base hospital responsible for supervising paramedics shall have an emergency room staffed with licensed physicians present in the emergency room twenty-four (24) hours a day who have agreed to supervise the provider's certified paramedics, graduate paramedics, or paramedic trainees. The hospital shall have two-way radio voice communication capability with the provider's certified paramedic, graduate paramedic, or paramedic trainee.

Section 4. Recording of Verbal Orders. The provider shall record on magnetic tape all verbal orders other than those issued by a physician physically present at the scene of an emergency and any biomedical telemetry received by the hospital. All such recordings shall be retained in a permanent file for a minimum of one (1) year and for such additional time as is deemed appropriate based upon all relevant factors by the provider.

Section 5. Staffing of Advanced Life Support Units. All advanced life support units used by a provider shall as a



minimum be staffed by at least:

- (1) One (1) certified paramedic, or physician, and one (1) registered nurse, or graduate paramedic, or paramedic trainee or emergency medical technician; or
- (2) One (1) graduate paramedic or paramedic trainee, and one (1) physician, or registered nurse or certified paramedic.

Section 6. Motor Vehicles Used by Advanced Life Support Units. All motor vehicles used by a provider for advanced life support for patient transportation shall meet the minimum requirements of Federal GSA Standards, KKK-A-1822.

Section 7. Advanced Life Support Equipment and Supplies. The provider shall provide and maintain on each advanced life support unit as a minimum all equipment required for conforming ambulances pursuant to 902 KAR 20:115 and, in addition, the following equipment and supplies:

- (1) An endotracheal intubation set consisting of:
  - (a) Laryngoscope handle;
  - (b) Laryngoscope blades, curved and straight in adult and pediatric sizes;
  - (c) Extra batteries and light bulb for laryngoscope;
  - (d) Endotracheal tubes, for oro and nasotracheal intubation, with appropriate sizes for adult and pediatric use;
  - (e) McGill's forceps;
  - (f) Hemostats;
  - (g) Syringes (5cc);
  - (h) One-half (½) inch wide twill tape or equivalent for securing endotracheal tubes;
  - (i) Water soluble lubricant suitable for lubrication of endotracheal and nasopharyngeal tubes;
  - (j) Bite block;
  - (k) Nasopharyngeal airways in sizes suitable for adult and pediatric usage;
- (2) A portable monitor-defibrillator which:
  - (a) Is capable of displaying a visual display of electrical activity;
  - (b) Is capable of providing a hard copy of electrical activity measure;
  - (c) Is capable of delivering up to 320 watt/seconds direct current energy over a variable range suitable for pediatric and adult usage;
  - (d) Has a pair of external paddle electrodes capable of utilization for immediate monitoring of heart activity and delivery of countershock;
  - (e) Is capable of being operated from internal rechargeable batteries, with appropriate accessory for recharging battery;
  - (f) Preferably, but not necessarily, has synchronized countershock capability for cardio version;
  - (g) Has a patient monitoring cable; and
  - (h) Has accessories: electrode paste, gel, or equivalent; electrode pads, or equivalent for use with patient cable; one (1) additional roll of paper for hard-copy printout.
- (3) Needles, sterile, disposable: 20 gauge, 1 inch and 1½ inch; 22 gauge, 1½ inch; 23 gauge, 1 inch; 25 gauge, 1 inch;
- (4) Syringes, disposable: 1 cc tuberculin, 3 cc, 5 cc, 10cc, 20cc, 50cc;
- (5) Appropriate containers for collection of blood samples;
- (6) Tourniquet appropriate for use with venipuncture procedure;
- (7) Dextrostix(R) or equivalent for measurement of blood sugar;

- (8) Disposable, individually packaged antiseptic wipes;
- (9) Pole suitable for attachment to ambulance cot for hanging intravenous fluids;
- (10) Intravenous fluids: five (5) percent dextrose in water; 500cc containers; lactated ringers, or therapeutic equivalent, 1,000 cc containers; normal saline for infusion, 1,000cc containers;
- (11) Intravenous fluid administration sets and extension sets: regular 15gtt/cc; microdrip 60gtt/cc;
- (12) Intravenous catheter over needle devices: 15 gauge, 16 gauge, 18 gauge, 20 gauge;
- (13) Butterfly needles: 19 gauge, 23 gauge;
- (14) Nasogastric tubes: 10 French, 14 French, 18 French;
- (15) Water soluble lubricant;
- (16) Portable suction apparatus;
- (17) Sterile suction catheters: 10 French, 14 French, 18 French;
- (18) Rotating tourniquet apparatus: 3 elastic bands of two (2) inch or greater;
- (19) Stethoscope, aneroid manometer, sphygmomanometer, and flashlight.

Section 8. Additional Equipment on Advanced Life Support Units. The provider shall provide and maintain on each advanced life support unit such additional equipment as the board may deem essential.

Section 9. Availability of Equipment. All equipment and supplies specified in this regulation shall be immediately available at all times to the certified paramedic, graduate paramedic, or paramedic trainee when he is engaged in patient care. Where the vehicle used for advanced life support is not the vehicle that will provide the patient transportation and where a complete set of equipment is not available in the patient transportation vehicle, the advanced life support units shall accompany the patient transportation unit at all times when the patient being cared for by a certified paramedic, graduate paramedic, or paramedic trainee is being transported in the patient transportation vehicle.

Section 10. Neonatal Isolettes. The provider shall have at least one (1) neonatal transportation isolette for use on his patient transportation vehicles.

Section 11. Limitation of Paramedic Services; Emergency Situations. In the event advanced life support equipment and supplies are not available, a certified paramedic, graduate paramedic, or paramedic trainee shall perform only those services which a certified emergency medical technician shall perform. Provided, however, that this restriction shall not apply in emergency situations where a physician orders the use of advanced life support equipment and techniques after the certified paramedic, graduate paramedic, or paramedic trainee has apprised the physician as to which procedures he is unable to perform due to equipment unavailability or breakdown of equipment.

Section 12. Annual Evaluation. The provider and the provider's medical advisor shall provide an annual written evaluation on each certified paramedic, graduate paramedic, or paramedic trainee to the committee.

Section 13. Utilization of Paramedic Personnel by Training Institutions. Any training institution conducting a paramedic training course authorized and approved by the board may utilize a certified paramedic; graduate paramedic, or paramedic trainee provided that:

(1) Utilization of the certified paramedic, graduate paramedic, or paramedic trainee is approved by the medical advisor and the board; and

(2) The certified paramedic, graduate paramedic, or paramedic trainee's primary responsibilities and duties are in the training of paramedic personnel.

DR. JOHN C. QUERTERMOUS, President

ADOPTED: May 25, 1978

RECEIVED BY LRC: June 16, 1978 at 3:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

#### DEPARTMENT OF JUSTICE Kentucky Law Enforcement Council

503 KAR 1:015. Review and approval of proposed curriculums.

RELATES TO: KRS 15.330

PURSUANT TO: KRS 15.330

NECESSITY AND FUNCTION: KRS 15.330 provides that the Kentucky Law Enforcement Council shall prescribe standards for the approval and continuation of approval of schools at which required law enforcement training courses shall be conducted, including but not limited to minimum standards for facilities, faculty, curriculum and hours of attendance.

Section 1. The Curriculum Committee of the Kentucky Law Enforcement Council shall be responsible for the review of proposed curriculums for law enforcement training at all certified police training schools in the State of Kentucky.

Section 2. All proposed curriculums shall be submitted to the Curriculum Committee at least ninety (90) days prior to the date of anticipated approval.

Section 3. All proposed curriculum shall include the following:

- (1) An identification of the students for whom the curriculum is developed; i.e., recruits, supervisors or managers;
- (2) The description of each subject contained in the training program including the subject title;
- (3) The hours to be devoted to each subject;
- (4) Specific student oriented goals and objectives that are to be accomplished;
- (5) Methods and techniques used to conduct training;
- (6) References used in developing the training program;
- (7) An explanation of the equipment required to be used in the training program;
- (8) A description of the evaluation plan for the measurement of the effectiveness of the training;
- (9) An explanation of when and where the training programs will be presented.

Section 4. All curriculums submitted to the Curriculum Committee shall be arranged in the sequence outlined in Section 3 above and endorsed by the signature of the chief administrator of the department for which the program is intended.

Section 5. Having reviewed the proposed curriculum, the Curriculum Committee shall recommend to the Kentucky Law Enforcement Council that the proposed curriculum either be approved or disapproved.

Section 6. The Kentucky Law Enforcement Council shall be responsible for final approval of each proposed curriculum for law enforcement training at all certified police training schools in the State of Kentucky.

JOHN L. SMITH, Secretary

ADOPTED: July 3, 1978

RECEIVED BY LRC: July 12, 1978 at 2:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary of Justice, State Office Building, Frankfort, Kentucky 40601.

#### DEPARTMENT OF TRANSPORTATION Bureau of Vehicle Regulation

601 KAR 25:200. Marine sanitation devices.

RELATES TO: KRS 235.410, 235.420, 235.430, 235.440, 235.450, 235.460, 235.470

PURSUANT TO: KRS 13.082, 174.080, 235.320

NECESSITY AND FUNCTION: KRS 235.420 prohibits the discharge of sewage in the waters of the Commonwealth, except as specifically authorized by the Department. KRS 235.430 prohibits sewage from reaching the waters unless treated by an approved treatment device. KRS 235.440 establishes three varieties of devices that are acceptable for sewage treatment. KRS 235.460 and 235.470 require the Department to list and issue standards for treatment devices. Section 312 of the Federal Water Pollution Control Act, as amended in 1972, establishes a complex regulatory scheme to prevent the discharge of untreated or inadequately treated sewage into or upon United States waters from all new and existing vessels, both commercial and recreational. It is a two-step regulatory requirement giving the Coast Guard and the Environmental Protection Agency interrelated responsibilities. EPA must issue performance standards which marine sanitation devices (MSD's) must meet and the Coast Guard must issue regulations governing the design, construction, testing and certification of devices which will meet EPA standards of performance. All vessels equipped with permanently installed MSD's are subject to these regulations.

Section 1. The Department of Transportation adopts the United States Coast Guard regulations governing the design, construction, installation and operation of marine sanitation devices as were issued June 30, 1975, and amended April 12, 1976, and future amendments and revisions thereto. These regulations are published in USCG

Bulletin No. CG-485 and are hereby adopted and filed herein by reference, insofar as they do not conflict with the laws of the Commonwealth of Kentucky.

O. B. ARNOLD, Commissioner

ADOPTED: June 14, 1978

APPROVED: CALVIN G. GRAYSON, Secretary

RECEIVED BY LRC: June 19, 1978 at 1:30 p.m.

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

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

701 KAR 5:020. Elementary and secondary education hearing officer.

RELATES TO: KRS 156.070, 160.045, 160.380

PURSUANT TO: KRS 13.082, 156.070, 156.060

NECESSITY AND FUNCTION: KRS 156.070 requires the State Board for Elementary and Secondary Education to hear all appeals from the Kentucky High School Athletic Association. KRS 160.380 provides for a hearing before the board of disputed appointments, promotions and transfers of local school personnel; and KRS 160.045 provides for hearing before the board of transfers of territory and in the course of normal business of the board various other parties from time to time petition the board for hearings.

Section 1. There is hereby established within the Department of Education the position of hearing officer for the State Board for Elementary and Secondary Education. The State Board for Elementary and Secondary Education shall appoint, upon the recommendation of the Superintendent of Public Instruction, a person to serve at the pleasure of the board in that capacity.

Section 2. The hearing officer shall conduct a hearing of all appeals from the Kentucky High School Athletic Association and such other matters as may from time to time be assigned to the hearing officer by the Chairman of the State Board for Elementary and Secondary Education. In making such assignments the chairman may specify that the hearing officer hear all the issues in the matter or only such issues as the chairman, in his discretion, may direct.

Section 3. Any aggrieved party may appeal a ruling of the Kentucky High School Athletic Association within ten (10) days of such ruling to the State Board for Elementary and Secondary Education, by giving notice by certified mail to the Secretary of the State Board for Elementary and Secondary Education and a copy of the same by certified mail to the Commissioner of the Kentucky High School Athletic Association. The secretary of the board shall immediately notify the commissioner of the Kentucky High School Athletic Association of the appeal and the

commissioner shall forthwith send the record of the matter to the secretary.

(1) The notice of appeal need not be in any prescribed form, but must clearly state reasons for the appeal. If the appellant requests to present additional evidence, the notice also should set forth the nature of such evidence and reasons it had not been previously introduced.

(2) The notice of appeal may also request oral argument, and if it does, it must also state the reasons for such request.

(3) Written arguments (or briefs) must be filed by certified mail with the secretary within ten (10) days after notice of the appeal has been filed, with a copy sent by certified mail to the Commissioner of the Kentucky High School Athletic Association.

(4) The Commissioner of the Kentucky High School Athletic Association must respond to the written argument within five (5) days but may have one (1) extension of an additional five (5) days for good cause shown. Said response shall be made by certified mail to the appellant with copy sent by certified mail to the secretary of the board.

(5) Unless the hearing officer grants the motion to introduce additional evidence or the request for an oral argument, the appeal shall be considered on the written record alone.

Section 4. The hearing officer shall make findings of fact, conclusions of law and recommendations to the State Board for Elementary and Secondary Education.

Section 5. The board may accept the submission of the hearing officer in total or in part, may return the matter to the hearing officer for further proceedings, or may have the parties appear before the board for further proceedings.

Section 6. Because of the varied nature of the other matters that may from time to time be assigned to the hearing officer, and because time may be of the essence, in order for the submission of the hearing officer to be presented to the board at a scheduled meeting of the board, the hearing officer is hereby authorized, consistent with the limitations of the assignment, to set such time frames and other procedural matters as will assure due process to the parties and allow the submission to the board within the time prescribed.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: May 24, 1978

RECEIVED BY LRC: June 28, 1978 at 1:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Mr. Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

**EDUCATION AND ARTS CABINET**  
 Department of Education  
 Bureau of Instruction

703 KAR 2:070. Redshirting prohibited.

RELATES TO: KRS 156.160(6)

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: This regulation is needed to eliminate the practice of redshirting or retaining a pupil in an elementary grade for the sole consideration of improvement of the athletic school program in detriment to the child's overall development.

Section 1. Eligibility to Participate in Elementary School Athletics. No pupil enrolled in grades one (1) through eight (8) in the public common school shall be eligible to participate in interscholastic athletics the second year the pupil is enrolled in the same grade, and no public common school shall participate in an athletic contest with another school that does not adhere to this policy.

JAMES B. GRAHAM  
 Superintendent of Public Instruction

ADOPTED: May 24, 1978

RECEIVED BY LRC: June 28, 1978 at 1:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

**EDUCATION AND ARTS CABINET**  
 Department of Education  
 Bureau of Instruction

704 KAR 3:295. Criteria for the unit of media consultant.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 requires the Superintendent of Public Instruction to allot units to the unit of media consultant. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. Personnel serving in an approved unit for media consultant shall have:

- (1) A master's degree;
- (2) A standard certificate for school media specialist or a professional certificate for media supervisor;
- (3) Three (3) years of successful experience as a media librarian.

Section 2. The media consultant shall organize and administer a functional program by providing leadership at the district level in the following areas:

- (1) Development and evaluation of the overall district media program;
- (2) Interpretation of the media center program;
- (3) Personnel training and evaluation;
- (4) Dissemination of ideas and information;
- (5) Coordination of central services.

Section 3. The media consultant shall be provided with space, equipment and supplies to carry on the necessary activities. Adequate clerical assistance shall be provided.

JAMES B. GRAHAM  
 Superintendent of Public Instruction

ADOPTED: May 24, 1978

RECEIVED BY LRC: June 28, 1978 at 1:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

**EDUCATION AND ARTS CABINET**  
 Department of Education  
 Bureau of Instruction

704 KAR 3:300. Criteria for instructional television coordinators.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 provides for the allocation of classroom units for instructional television coordinators. The purpose of these criteria is to furnish superintendents and boards of education with the minimum requirements for approval of special units.

Section 1. An instructional television coordinator is a person who devotes the allocated time in the position to improving the instructional television program and reception.

Section 2. An instructional television coordinator shall hold a certificate valid for teaching in Kentucky schools.

JAMES B. GRAHAM  
 Superintendent of Public Instruction

ADOPTED: May 24, 1978

RECEIVED BY LRC: June 28, 1978 at 1:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.



**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Education for Exceptional Children**

**707 KAR 1:041. Programs for deaf-blind children.**

RELATES TO: KRS 157.200 to 157.305, 167.210

PURSUANT TO: 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for deaf-blind children. This regulation is necessary to assure uniformity in providing special education and related services to deaf-blind children and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall be responsible for the education of deaf-blind children pursuant to KRS 157.200 to 157.305, inclusive, 167.210 and the criteria listed in this chapter.

Section 2. Eligibility Criteria. A pupil whose combination of handicaps of deafness and blindness prevents him or her from profiting satisfactorily from educational programs provided for the blind child or the deaf child shall be eligible to participate in a program for the deaf-blind.

Section 3. Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation and placement of deaf-blind children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Section 9, and 707 KAR 1:060 shall be followed.

Section 4. Child Evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The assessment of the referred pupil for identification and placement purposes shall consist of:

- (1) An appropriate medical evaluation, (e.g., otological, ophthalmological, neurological);
- (2) An individual educational assessment of basic school skills;
- (3) A social/developmental history;
- (4) An audiological evaluation;
- (5) An individual psychological assessment;
- (6) A written behavioral observation of the child in familiar surroundings.

Section 5. Individual Education Program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each pupil identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of the individual education program.

Section 6. Placement. Placement in a program for the deaf-blind shall be determined by the appropriate admis-

sions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 3.

JAMES B. GRAHAM  
 Superintendent of Public Instruction

ADOPTED: June 13, 1978

RECEIVED BY LRC: July 13, 1978 at 11:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Fred Schultz, Secretary, State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Education for Exceptional Children**

**707 KAR 1:051. Exceptional children's programs.**

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for exceptional children. This regulation is necessary to assure uniformity in providing special education and related services to exceptional children and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for exceptional children of school attendance age pursuant to KRS 157.200 to 157.305 inclusive, the criteria listed in this chapter and "Standards for Programs for Exceptional Children." Copies may be obtained from the Bureau of Education for Exceptional Children, Kentucky Department of Education, Capital Plaza Tower, Frankfort, Kentucky 40601.

(1) Classroom units. Classroom units for exceptional children are allocated to local school districts provided the following criteria are met:

- (a) Approved teacher;
- (b) Approved housing;
- (c) Approved program plan; and
- (d) Minimum number of children meeting eligibility criteria for type of unit requested.

(2) Fractional classroom unit. A fractional classroom unit is a unit having fewer pupils than the prescribed pupil-teacher ratio as indicated in standards pertaining to the specific categorical program or if the program is in operation for less than a full day or full school year. Such units shall be allotted and certified on a basis proportionate to the pupil-teacher ratio and/or the proportionate length of the school day or the school year.

(3) Personnel. Appropriate state certification shall be as required and provided in 704 KAR 20:205.

(4) Housing:

(a) The resource room and special class programs for exceptional children shall be housed in an elementary or secondary school dependent upon the age range of the pupils, unless exceptions are provided in the sections of the standards which pertain to specific areas of exceptionality. Classroom location shall be made consistent with the least restrictive environment concept. Classrooms shall meet the

standards for regular classrooms pursuant to 702 KAR 4:010 to 702 KAR 4:100.

(b) Housing for the itinerant teacher plan shall be in facilities and/or rooms appropriate for instructing pupils in small groups or individually and shall be housed in an elementary or secondary school dependent upon the age range of the pupils.

(5) Classroom plan. The appropriate classroom plan for exceptional pupils in the local school district shall be determined by the needs of the pupils as specified on this individual education program (IEP). Consideration shall be given to the least restrictive environment concept in the placement of pupils. Programs shall be organized and operated under one or more, or a combination of the following:

(a) A special class plan shall be a classroom-based program which serves exceptional pupils who shall be entered on the class roll of the special class teacher. The pupils shall participate in the regular class program to the maximum extent appropriate as specified on the pupils' individual education programs. The chronological age range for pupils enrolled in the special class shall be determined by the appropriate categorical standards.

(b) A resource room plan shall be a program which serves exceptional pupils who shall be entered on the class roll of a regular class teacher and shall do part of their classwork in the regular class. The pupils shall go to the resource room for special instruction as specified on their individual education programs. The number of pupils in the resource room for instructional purposes at any one time shall be determined by the appropriate categorical standards.

(c) An itinerant teacher plan shall be a program in which the teacher travels to exceptional pupils' school(s) class(es), homes, or hospital setting(s) on a regularly scheduled basis to work with pupils either individually or in small groups. Services by the itinerant teacher shall be determined by the appropriate admissions and release committee and specified on the exceptional pupils' individual education program.

1. Teacher headquarters. For the itinerant teacher plan permanent work space, in addition to the area where personnel work with pupils, shall be provided.

2. Travel expenses. For the itinerant teacher plan, the local board of education shall defray travel expenses incurred by personnel in the execution of duties related to the program pursuant to 702 KAR 3:120.

3. Itinerant teacher in school. Those pupils being served in a school facility shall be entered on the class roll of a regular class teacher and shall receive the majority of their instruction through the regular program. The itinerant teacher shall work with the pupils in an area in the regular classroom or in a room provided for such services.

4. Itinerant teacher in home and/or hospital. The itinerant teacher providing instructional services in the home and/or hospital shall keep a regular Kentucky attendance register. A pupil receiving home and/or hospital services shall have a minimum of two (2) one (1) hour visits per week in order to be counted as being in attendance five (5) days.

(d) A variation plan shall be an alternative to the above plans to include one or more areas of exceptionality. The local school district shall submit annually a written request to and receive approval from the Bureau of Education for Exceptional Children prior to implementation of the plan. The following components shall be considered by the Bureau of Education for Exceptional Children in granting approval of such plan:

1. Rationale for need of the variation plan;
2. Detailed description of the plan;
3. Verification of teacher's certification in the categorical area of the majority of the students to be served or certification in learning and behavior disorders;
4. Method of evaluation to be used to determine effectiveness of the plan.
- (6) Length of school day. The length of school day shall be the same as for non-handicapped children except as specified in KRS 157.270 and 158.060.

Section 2. Identification of Exceptional Children. Local school district personnel shall continue the identification of exceptional pupils residing in their school district including those who are otherwise eligible for attendance in public education systems but who are not attending a program of the local district; and, those pupils enrolled in the education system but who are not currently receiving an appropriate education.

Section 3. Admissions and Release Committees. Local school district personnel shall establish one (1) district-wide administrative admissions and release committee and a school-based admissions and release committee in each school with appropriate membership and functions as listed below. In addition, for those school districts with a school census figure of 15,000 or over, sub-district admissions and release committees may be established pursuant to approval by the Bureau of Education for Exceptional Children.

(1) Administrative Admissions and Release Committee. The membership of the Administrative Admissions and Release Committee (AARC) shall consist of:

- (a) Director, local school district's program for exceptional children or person having such responsibility, chairperson (permanent member);
- (b) Local school district superintendent or his designee (permanent member);
- (c) Referred pupil's principal and teacher (if the child is enrolled in public or private school);
- (d) Involved instructional supervisor depending on the age and level of the child;
- (e) The parent(s) of the referred child;
- (f) The referred child, where appropriate;
- (g) Personnel responsible for providing evaluation information;
- (h) Other members as requested by the AARC.

(2) The functions of the AARC shall include the following:

- (a) Receive referrals of the following nature:
  1. Receive written information on identified children not currently enrolled in the local school district who are thought to need special education and related services.
  2. Review cases where the School-Based Admissions and Release Committee is not able to determine an appropriate educational placement for a referred pupil and make recommendations as to appropriate educational placement.
- (b) Follow due process procedures to insure that exceptional children and their parent(s) are guaranteed procedural safeguards in decisions regarding identification, evaluation, and educational placement.
- (c) Assure that appropriate evaluations on referred children are obtained or conducted.
- (d) Discuss written results of the formal and informal evaluation.
- (e) Make recommendations as to appropriate services and/or programs for the identified child. These recom-

mentations shall be in the form of an individual education program (IEP). The AARC shall determine if the local school district can provide appropriate services, if local programs must be changed to accommodate the identified child, if additional services or programs will be developed, or if the child must receive services outside the local school district. For those pupils who shall receive services within the local school district, the appropriate school-based admissions and release committee shall assume responsibility for the implementation, monitoring, evaluation and annual review of the IEP as well as annual review of placement. In those cases where the local school district has determined that appropriate special education and related services cannot be provided through existing programs in the local school district, services shall be provided to the identified child pursuant to the following:

1. Local school district referral of an exceptional child to a public or private agency. The Administrative Admissions and Release Committee shall:

a. Contact a public agency or approved private agency/organization, as provided in 707 KAR 1:070, which provides the type of services specified on the child's IEP regarding the possible referral of the child to the agency.

b. Insure that a representative(s) of the receiving agency shall participate in a meeting(s) with the AARC regarding the possible referral. Participation may be provided through attendance at meetings, written communications, and/or individual or conference calls. Receiving agency means an approved agency/organization which has indicated a willingness to provide the services requested by the local school district.

c. In collaboration with representative(s) of the receiving agency, review and revise, where appropriate, the child's IEP.

d. In collaboration with representative(s) of the receiving agency, determine if such agency is the appropriate agency to provide the specified services. If the agency is an appropriate one, such agency assumes responsibility for implementing the provisions of the special education and related services specified on the IEP.

e. The local school district shall be responsible for providing continued educational services to the child until such time as the child enters the programs provided by the receiving agency.

2. Placement of an exceptional child in a public or private agency:

a. Public agency (another local school district, Kentucky School for the Blind, Kentucky School for the Deaf). Upon admission of the referred child to the agency's program, the agency shall: Assume responsibility for providing special education and related services to the exceptional child as specified on the IEP; and, insure that the child and parent(s) are afforded all rights and protections as required and provided in 707 KAR 1:051, Section 9, and 707 KAR 1:060.

b. An admissions and release committee of the receiving public agency shall: Conduct meetings for the purposes of reviewing and where appropriate revising the IEP, assure that the IEP shall be reviewed on at least an annual basis and revised where appropriate; insure that any review (including annual review) and revision of the IEP shall be done with the input and approval of the parent(s); and, insure that any review and revisions of the IEP shall include input and approval of the local school district placing the child in the program. The participation of the parent(s) and the local school district placing the child may take place through attendance at meetings, written communications and/or individual or conference calls.

c. Monitoring and evaluation of the IEP shall be done by specific members of the receiving public agency's admissions and release committee at intervals specified on the IEP. This shall be done to document progress and mastery of objectives specified in the IEP. Written results of such monitoring and evaluation shall be forwarded to the parent(s) and the Administrative Admissions and Release Committee of the local school district placing the child in the agency's program.

d. Responsibilities of the Administrative Admissions and Release Committee of the local school district placing the child in another public agency shall be: participation in meetings called by the receiving agency for the purpose of review and revision of the IEP; and, at least annually, review the exceptional child's IEP and review the placement of each exceptional child receiving services outside the local school district in relation to his educational progress in that setting.

e. Private agency/organization (as defined in 707 KAR 1:070) the private agency shall provide those special education and related services specified on the child's IEP. At the discretion of the local school district, the private agency may initiate and conduct meetings for the purposes of reviewing and revising the child's IEP. When circumstances warrant, the private agency shall be responsible for notifying the local school district of the need to initiate and conduct a meeting for such purposes. The local school district shall insure that the parent(s) and a local school district representative(s) are involved in any decision regarding review and revisions of the child's IEP; and, agree to any placement changes before such changes are implemented.

f. Responsibilities for the Administrative Admissions and Release Committee of the local school district placing the child in a private agency shall be: participation in meetings called by the receiving agency regarding review and revision of the IEP; at least annually, review the exceptional child's IEP and review the placement of each exceptional child receiving services outside the local school district in relation to the educational progress in that setting; and, insuring that the child and parent(s) are afforded all rights and protections as required and provided in Section 9 of this regulation, and 707 KAR 1:060.

(f) For those referred pupils who are determined by the AARC not to need special education and related services, the AARC shall provide the referring person and the parents with written explanation of why the child is not to receive special education and related services and shall provide in writing recommended remedial action.

(3) School-Based Admissions and Release Committee (SBARC): The membership of the School-Based Admissions and Release Committee shall consist of:

(a) Chairperson, building principal or designee. The designee shall be recommended by the building principal and approved by the local school superintendent. This person shall not be a regular or special education teacher, (permanent member).

(b) Referring teacher(s);

(c) Teacher(s) of exceptional children;

(d) Parent(s) of the referred pupil;

(e) The referred child, where appropriate;

(f) Personnel responsible for providing evaluation information;

(g) Other members providing input into the referred pupil's educational program as requested by the SBARC.

(4) The functions of the SBARC shall include the following:

(a) Receive written referrals on pupils currently enrolled

in the school and thought to need special education and related services.

(b) Follow due process procedures to insure that exceptional children and their parents are guaranteed procedural safeguards in decisions regarding identification, evaluation and educational placement.

(c) Assure that appropriate evaluations on referred children are obtained or conducted.

(d) Discuss written results of the formal and informal evaluations.

(e) Make recommendations as to appropriate services and/or programs for the identified child. These recommendations shall be in the form of an individual education program (IEP).

(f) At least annually, review the pupil's IEP and review the placement of each exceptional child in the school in relation to his or her educational progress in that setting to determine;

1. Continuation of current educational placement;
2. Change in educational placement; or
3. That special education and related services are no longer needed.

(g) For those referred pupils who are determined by the SBARC not to need special education and related services the SBARC shall provide the referring person and the parents with written explanation why the child is not to receive special education and related services and shall provide in writing recommended remedial actions.

(h) Refer cases where appropriate services are not available within the school to the AARC.

(5) If at any time during the school year, the child's educational placement appears to be inappropriate to the parent(s), the principal, the teacher(s) or specialist(s) providing services to the child, any one of such persons may request a review of placement. The appropriate admissions and release committee shall conduct the review. The child, parent(s) and local school district shall be afforded all due process rights as described in 707 KAR 1:060.

(a) When a review is requested for the purpose of securing a less restrictive environment, the appropriate admissions and release committee determines that the child's needs can be met in a less restrictive setting and the child's placement and educational program shall be changed and support services provided as necessary.

(b) When a review is requested for the purpose of securing a more restrictive educational placement for the child the appropriate admissions and release committee shall review that current educational program after it has been implemented for the minimum time of thirty (30) calendar days.

(6) At any time, during the three (3) years following an individual evaluation utilized for placement purposes, the parent(s), principal, teacher, or specialist(s) providing services to the child may request a re-evaluation. The appropriate admissions and release committee shall be responsible for assuring that such evaluation(s) are obtained or conducted, and shall follow the procedures outlined in Section 3(2) and (4), functions of the AARC and SBARC.

(7) Sub-district admissions and release committees: For those school districts with a school census figure of 15,000 or over, sub-district admissions and release committees (ARCs) may be established within the local school district to facilitate school to school placements. The sub-district ARCs shall not supplant administrative and school-based admissions and release committees and their respective functions. Sub-district ARCs shall be established to conform with district-specified school groupings. These

groupings may be organized either by instructional level or school clusters. Those local school districts wishing to establish sub-district ARCs shall submit a written request to and receive approval from the Bureau of Education for Exceptional Children prior to implementation of the plan. The following components shall be considered by the Bureau of Education for Exceptional Children in granting approval for such plan: Rationale for need of the sub-district ARCs; and, detailed description of the plan, including organizational patterns, and specific functions of the committees.

(a) The membership of sub-district ARCs shall consist of:

1. Local school district administrative staff member, designated by the superintendent, chairperson (permanent member);
2. Person(s) qualified to provide or supervise the provisions of special education programs;
3. Person(s) qualified to provide or supervise the provision of instruction for the age level of the referred child;
4. Referred child's principal and teacher;
5. Parent(s) of the referred child;
6. Referred child, where appropriate;
7. Personnel responsible for providing evaluation information;
8. Other members as requested by such committees.

(b) The functions of sub-district committees shall be similar to the functions of the Administrative Admissions and Release Committee with the following exception: For those pupils recommended to receive services outside the area served by a sub-district ARC or outside the local school district's programs, the sub-district ARC shall be responsible for referring the child to the AARC.

**Section 4. Child Evaluation.** Child evaluation refers to the sum total of information needed to make educational decisions about the child, including information obtained from such sources as informal and formal testing, behavior observation, teacher/parent interviews, work samples, social/developmental history, medical history, school records and anecdotal records. The appropriate admissions and release committee shall be responsible for assuring that child evaluation information is obtained pursuant to the following:

(1) All due process procedures related to evaluation as required and provided in Section 9 of this regulation, and 707 KAR 1:060 shall be followed.

(2) Appropriate evaluations shall be conducted by a multidisciplinary team. Evaluation personnel shall be determined by the appropriate admissions and release committee.

(3) Areas for evaluation shall be determined by the appropriate admissions and release committee and as specified by regulations related to the suspected area of exceptionality.

(4) Evaluation procedures: To the maximum extent possible, child evaluation procedures, shall be non-discriminatory in that:

(a) Techniques and/or materials used are non-biased relative to race, culture, socio-economic status or impaired sensory, manual, or speaking skills.

(b) Qualified personnel provide the evaluation services. Qualified personnel refers to those certified special education personnel and others, as appropriate, selected by the local school district to conduct evaluations. Such personnel shall be trained in specific areas of child evaluation and shall assure that they:

1. Have the expertise to conduct the evaluation;



2. Understand the use of the different evaluation procedures; and

3. Properly administer and interpret the evaluation results.

4. Such personnel may include but are not limited to: educational diagnosticians, assessment specialists, classroom teachers, speech and language therapists, psychologists, psychometrists, counselors.

(c) Tests and materials are provided and administered in the child's native language or primary mode of communication.

(d) Tests and materials have been validated for the specific purpose for which they are used.

(e) Tests and materials are administered in conformance with the instructions provided by the producer.

(5) No single evaluation procedure shall be used to determine an appropriate program for a child.

(6) Each child placed in a program for exceptional children shall be re-evaluated every three years or more frequently as warranted.

(7) Any evaluation conducted within one year prior to the current referral may be accepted by the appropriate admissions and release committee as a legitimate substitute for another evaluation of the same type provided the information obtained meets the criteria specified above in subsection (1) to (5).

Section 5. Individual Education Programs (IEP). The appropriate admissions and release committee shall be responsible for the development, implementation, and monitoring/evaluation of each exceptional child's individual education program.

(1) Development. The individual education program shall include but not be limited to the following components:

(a) Present level of educational/behavioral performance including a written summary of strengths and weaknesses.

(b) Annual goals based on child's current level of functioning.

(c) Short term instructional objectives for each of the annual goals. Short term instructional objectives refer to measureable intermediate steps between the present level of educational/behavioral performance and the specified annual goals. These objectives are identified for the purpose of periodically reviewing and evaluating pupil progress toward meeting the annual goal(s) specified on the IEP.

(d) Specific special education and related services needed to meet the specified goals and objectives.

(e) Extent to which the child will participate in the regular education program.

(f) Projected dates for initiation of specified educational and related services.

(g) Anticipated duration of the specified special education and related services.

(h) Appropriate objective criteria and evaluation procedures; and

(i) Schedule for determining, at least on an annual basis, whether the goals and objectives are being achieved.

(2) Implementation and evaluation. The appropriate admissions and release committee shall be responsible for assuring that strategies and activities designed to meet short-term objectives are implemented, and that the child's progress toward and mastery of the short-term objectives is periodically evaluated.

(a) For each short-term objective specified on the IEP the appropriate admissions and release committee shall assign a specific person(s) who shall be responsible for determining and implementing appropriate strategies and

activities that will assist the child in achieving the specified objectives and goals.

(b) Written documentation of the strategies and activities utilized by the implementer to assist the child in mastering the specified objective shall be maintained.

(c) Written documentation of pupil progress and/or mastery of objectives shall be maintained. The documentation shall include, but not be limited to: criteria used to determine progress and/or mastery, timelines for completion of strategies and activities including dates when strategies and activities were initiated and when mastery was achieved; and, effectiveness of strategies and activities.

(d) The above written documentation shall be utilized by the implementer and the appropriate admissions and release committee for on-going evaluation of the IEP to determine, at specified intervals, effectiveness and appropriateness of the IEP, to recommend changes in the IEP, and to document implementation of the IEP.

Section 6. Placement. All exceptional children as defined in KRS 157.200 are eligible for enrollment in a program for exceptional children.

(1) Placement shall be determined by the appropriate admissions and release committee pursuant to the following:

(a) All due process procedures related to placement as required and provided in Section 9 of this regulation, and 707 KAR 1:060 shall be followed.

(b) The student recommended for placement in a specific categorical program for exceptional children shall meet the established standards (criteria) for eligibility for placement in that program. A written statement justifying placement shall be maintained in the pupil's file. This statement shall contain a description of each evaluation procedure, test, record or report the admissions and release committee used as a basis for the recommended placement.

(c) Placement shall be based on the child's IEP.

(d) Placement shall be determined at least annually, and shall be made consistent with the least restrictive environment concept as required and provided in Section 7 of this regulation.

(e) Temporary placement.

1. Temporary placement may occur, upon written request from the parent, for those students who are new to the school or to the local school district and who have been provided special education and related services by another local school or agency. The appropriate admissions and release committee shall convene to determine appropriate program and placement within thirty (30) calendar days of the pupil's entry into the school or school system.

2. Temporary placement (trial basis) for students not new to the school or school system may be considered pursuant to the following conditions:

a. The placement shall be for no longer than four (4) calendar months and shall not be continued beyond this specified time.

b. Written rationale justifying the temporary placement shall be provided by the admissions and release committee recommending temporary placement and shall be maintained with the IEP.

c. The pupil shall have an IEP specifying temporary placement and the starting and ending dates of such placement.

d. A temporary placement shall not serve as a substitution for a more appropriate placement.

e. The appropriate admissions and release committee shall review the temporary placement no later than four (4) months after initiation of services to determine the effective-

tiveness of such services, and to make recommendations for continuation in that program or a change in programs.

f. All due process procedures as required and provided in Section 9 of this regulation, and 707 KAR 1:060 shall be afforded the parent, child, and school, including written parental permission for temporary placement.

(2) Change in placement. Change in placement refers to those actions that cause a significant alteration in programming for a child who is currently receiving special education and related services. Such alterations may be admissions and release committee initiated or may be the result of extenuating circumstances (e.g., family moves).

(a) The following actions shall be considered significant alteration or change in placement for an exceptional child. A change from:

1. Special education and related services to regular education, including regular education with support services;

2. One categorical program to another (e.g., TMH to EMH);

3. One program plan to another (e.g., special class to resource room);

4. One instructional level to another (e.g., elementary to middle school);

5. A special school or setting to or from a regular school;

6. One school district to another school district.

(b) Any change in placement shall follow due process procedures to insure that exceptional children and their parents are guaranteed procedural safeguards in decisions regarding identification, evaluation, and placement, including written parental permission for change in placement.

(c) Any change in placement shall be subject to established admissions and release committee procedures and consideration of the least restrictive environment concept.

Section 7. Least Restrictive Environment. Least restrictive environment refers to that educational setting or program in which he identified child can function most effectively based upon his/her unique needs and capabilities.

(1) To the maximum extent appropriate exceptional children as defined in KRS 157.200 including those children in public or private institutions or other care facilities shall be educated with children who are not identified as exceptional.

(2) Self-contained classes, separate schooling or other removal of exceptional children from the regular educational environment shall occur only when the nature or severity of the exceptionality is such that education in the regular class with the use of supplementary aids and services cannot be achieved satisfactorily.

(3) Unless an exceptional child's individual education program requires some other arrangement, the child shall be educated in the school in which he or she would attend if not identified as exceptional.

(4) Each agency providing educational services shall insure that a continuum of placement alternatives is available to meet the needs of exceptional children for special education and related services. The alternatives shall include but not be limited to instruction in the regular classroom, special classes, special schools and home and hospital instruction. The alternatives shall also make provision for supplemental services such as resource room or itinerant instruction to be provided in conjunction with regular class placement.

(5) The identified child shall be returned to the most normal setting possible when specified goals and objectives have been achieved, consistent with the child's capabilities and educational needs and as determined by the appropriate admissions and release committee.

Section 8. Program Completion. An exceptional pupil shall be granted a high school diploma pursuant to meeting criteria and standards as provided in the "Program of Studies for Kentucky Schools." These pupils should be considered a part of the graduating class and no distinction shall be made in the ceremonies.

Section 9. Procedural Safeguards. Each child and his or her parent(s) and the local school district shall be guaranteed procedural safeguards in decisions regarding identification, location, evaluation and educational placement of the child in programs for exceptional children as provided in 707 KAR 1:060, the "Due Process Policy and Procedure Manual." These safeguards shall include the following:

(1) The child shall be represented by his or her parent(s) at all decision making points in the identification, evaluation and placement process. "Parent" refers to a natural mother or father, adoptive mother or father, a legally appointed guardian, a person acting as a parent of a child, (grandparent, stepparent, etc.) or a surrogate parent appointed to act in this capacity.

(2) The parent(s) shall receive notification from the local school district that their child has been referred as a possible candidate for programs for exceptional children and that the child has the right to receive a free, appropriate public education.

(3) Parent(s) shall receive written notification in English and the primary language of the home regarding identification, evaluation and placement procedures.

(4) The local school district shall obtain written parental permission prior to individual evaluation, and placement in a program for exceptional children.

(5) The parent(s) shall be notified annually that they have access to relevant school records consistent with the following:

(a) "Educational records" are open for inspection and review by the individual child's parent(s), as defined in Section 9(1).

(b) Upon request of the parent(s) the public agency must provide an explanation and interpretation of such records.

(c) Copies of the records must be provided if failure to do so would prevent the parent from exercising their right to review and inspect the records. A nominal fee may be charged unless it would prevent such access rights.

(d) The parent may request a representative to inspect and review the child's records.

(e) The location, types and person responsible for education records shall be made public information by the agency.

(f) A record of access shall be maintained for those individuals obtaining access to such records, except the parents and authorized parties of the agency.

(g) Information from records containing data on more than one child shall be provided in such a way as to preserve the confidentiality of the other students.

(h) The parent(s) have the right to request an amendment of information in the education records, and have the right to a hearing if the agency refuses to amend the record.

(i) If the result of the hearing does not require such amendment, the parent has the right to place a statement outlining points of dissent in the educational records. This statement must accompany the information each time it is released.

(j) A listing of the names and titles of individuals in the public agency who have access to education records must be maintained for public inspection.

(k) Parental consent must be obtained before disclosing personally identifiable information to individuals or agencies as delineated in the Family Educational Rights and Privacy Act, and P.L. 94-142.

(l) Public agencies must inform the parent(s) when education records are no longer needed for educational services, and destroy that information upon request of the parent. The agency must inform the parents that such information could be needed later for social security benefits or other purposes. A permanent record of the students name, address, phone, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation.

(m) The public agency should develop and adopt policies and procedures consistent with the provisions of the Family Educational Rights and Privacy Act and confidentiality requirements of P.L. 94-142 for all exceptional pupils receiving educational services from that agency.

(6) The parent(s) shall have the right to obtain an independent educational evaluation conducted by a qualified examiner. The results of this evaluation must be considered in decisions regarding the provision of a free appropriate public education to the child.

(7) In accordance with procedures outlined in 707 KAR 1:060, the "Due Process Policy and Procedure Manual," either the parent(s) or the local school district may request an impartial due process hearing to resolve disagreements regarding the identification, evaluation and educational placement of exceptional children. Appeals related to the due process hearing decision shall be conducted pursuant to 707 KAR 1:080.

(8) Where a child's parent(s) or guardian(s) are not known, are unavailable or the child is a ward of the State, such child shall be assigned a surrogate parent to represent him/her in all matters relating to the provision of a free, appropriate public education.

(a) The State Department of Education and local school districts, in cooperation with other public and private agencies, shall recruit persons who can and will serve as surrogate parents. The State Department of Education, Bureau of Education for Exceptional Children, shall maintain a registry of such persons to act in this capacity. Persons selected as surrogate parents shall:

1. Have no other vested interest that would conflict with their primary allegiance to the child they would represent;

2. Be committed to personally and thoroughly acquainting themselves with the child and the child's educational needs;

3. Be familiar with the educational system within the state;

4. Be readily accessible to the children they represent;

(b) Assignment of a surrogate to a particular child shall be made according to the following procedures:

1. Any person may file a request for the assignment of a surrogate to a child with the child's local school district with a copy of the request to the State Department of Education, Bureau of Education for Exceptional Children.

2. The local school district shall send a notice of the request for a surrogate to the adult in charge of the child's

place of residence and to the parent(s) or guardian(s) at their last known address in an effort to determine the need for a surrogate parent.

3. If the local school district determines need for a surrogate as provided in Section 9(1), the State Department of Education, Bureau of Education for Exceptional Children, shall be notified in writing of such need. The Bureau of Education for Exceptional Children shall assign a surrogate within seven (7) calendar days of the notification.

4. The assigned surrogate shall represent the child in all matters relating to identification, evaluation and placement, and the provision of a free appropriate public education.

5. Surrogates shall not be assigned to children who have reached the age of majority.

6. An individual assigned as a surrogate shall not be an employee of a public agency involved in the education or care of the child.

(9) Testing and evaluation materials utilized for the purpose of evaluation and placement of exceptional children must be selected and administered so as not to be racially or culturally discriminatory.

(10) Decisions regarding the placement of exceptional children shall be made with regard to educating these students to the maximum extent appropriate with their non-handicapped peers in the least restrictive environment.

Section 10. 707 KAR 1:050 is hereby repealed.

JAMES B. GRAHAM,  
Superintendent of Public Instruction

ADOPTED: June 13, 1978

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SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Mr. Fred Schultz, Secretary, Kentucky State Board  
for Elementary and Secondary Education, 17th Floor,  
Capital Plaza Tower, Frankfort, Kentucky 40601.

## EDUCATION AND ARTS CABINET

### Department of Education

#### Bureau of Education for Exceptional Children

707 KAR 1:052. Programs for children with communication disorders.

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for children with communication disorders. This regulation is necessary to assure uniformity in providing special education and related services to children with communication disorders and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for children of school attendance age with communication disorders pursuant to KRS 157.200 to 157.305, inclusive, and the criteria listed in this section.

Section 2. Programs for pupils with communication disorders of speech and language shall be operated according to the following provisions:

(1) Eligibility criteria. "Children with communication disorders" shall be those children who evidence disorders in language and/or speech, (i.e., dysfluency, impaired articulation or a voice impairment which adversely affects a child's educational placement).

(2) Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation and placement of communication disordered children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Section 9, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The assessment of the referred pupil for identification and placement purposes shall consist of:

(a) The referring person's written assessment of the pupil's specific strengths and weaknesses in speech, language and/or hearing.

(b) A behavioral observation, to document behaviors exhibited in familiar surroundings, shall be written for pupils referred for the disorders of dysfluency, language or voice.

(c) Evaluations of each child with communication disorders shall include procedures that are appropriate for the diagnosis of speech and language disorders. As necessary, referrals shall be made for additional assessments required in order to make an appropriate placement decision. Evaluations shall include:

1. An evaluation of the receptive and expressive language skills;

2. An appraisal of the structure and function of the speech mechanism;

3. An evaluation of articulation proficiency;

4. An appraisal of voice quality and fluency;

5. An evaluation of auditory acuity and auditory processing.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each pupil identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of the individual education program.

(5) Placement. Placement in a program for communication disorders shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan. Classroom programs for communication disordered pupils shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Classroom programs for communication disorders shall be established under the itinerant plan. Membership and age range shall be consistent with provisions in "Standards for Programs for Exceptional Children." Requests for approval of an alternative plan shall be made to the Bureau of Education for Exceptional Children. Approval shall be based on the following:

(a) Rationale for the proposed plan;

(b) A detailed description of the proposed plan;

(c) The method of annual evaluation to be used to determine the effectiveness of the proposed plan.

(7) Planning time. One-half ( $\frac{1}{2}$ ) day per week shall be allotted for planning and conference.

(8) Mobile van. Local school districts shall have the authority to use a mobile van for the instructional program

providing a written request has been submitted and approved by the Department of Education. Approval shall be made by the Bureau of Education for Exceptional Children in collaboration with the Division of Transportation.

Section 3. Programs for pupils with communication disorders of impaired hearing shall operate according to the following provisions:

(1) Eligibility criteria. A pupil whose primary handicap is a hearing loss ranging from mild to profound shall be eligible for enrollment in a program for the hearing impaired. The loss shall be to such a degree that he/she does not use, with or without amplification, normal communication skills effectively and, which adversely affects his/her educational performance.

(2) Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation and placement of hearing impaired children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Section 9, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate evaluation of each child shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The assessment of the referred pupil for identification and placement purposes shall consist of:

(a) A written behavioral observation of the referred pupil in familiar surroundings (i.e., classroom, playground, etc.).

(b) The referring person's written assessment of the pupil's specific strengths and weaknesses in the basic skills area.

(c) Formal and informal educational evaluation data composed of individual and/or group standardized academic achievement tests and individual assessment of basic skills areas such as reading, math and language.

(d) A developmental and social history.

(e) An audiological evaluation including pure tone, air and bone conduction, speech reception threshold, and speech discrimination.

1. When fitted with hearing aids, the evaluation should include free field measurements by tones and speech for threshold, and speech discrimination;

2. Examination of the earmold, cord receiver, harness and other components of the hearing aid.

(f) Receptive and expressive language evaluation and an evaluation of articulation proficiency.

(g) Additional reports, information and assessments deemed necessary by the admissions and release committee for the appropriate placement of each child.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each pupil identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of the individual education program.

(5) Placement. Placement in a program for hearing impaired shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan and membership. Classrooms for hearing impaired pupils shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Classroom plans for hearing impaired pupils shall be established under the resource room, special class, itinerant or variation plan. Membership and age range shall be consistent with provisions in "Standards for Pro-



grams for Exceptional Children."

(7) Housing. Classes for hearing impaired pupils shall be housed in elementary and secondary schools commensurate with the age range of the pupils or in approved special schools/facilities.

Section 4. 707 KAR 1:010 is hereby repealed.

JAMES B. GRAHAM

Superintendent of Public Instruction

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TO: Fred Schultz, Secretary, State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

## EDUCATION AND ARTS CABINET

Department of Education

Bureau of Education for Exceptional Children

707 KAR 1:053. Programs for crippled and other health impaired children.

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for crippled and other health impaired children. This regulation is necessary to assure uniformity in providing special education and related services to crippled and other health impaired children and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for crippled and other health impaired children of school attendance age pursuant to KRS 157.200 to 157.305, inclusive, and the criteria listed in this section.

Section 2. Eligibility Criteria. (1) "Crippled" shall mean a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of hand, arm, leg, etc.), impairments caused by disease (e.g., polio-myelitis, bone tuberculosis, etc.) and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

(2) "Other health impaired" shall mean limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, sickle cell anemia, hemophilia, epilepsy, rheumatic fever, nephritis, asthma, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance. A pupil shall be eligible for enrollment in a program for crippled and other health impaired who is unable to attend regular class.

Section 3. Admissions and Release Committee. As requested and provided in 707 KAR 1:051, Section 3, a com-

mittee process shall be followed for the identification, evaluation and placement of crippled and other health impaired children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Section 9, and 707 KAR 1:060 shall be followed.

Section 4. Child Evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. Evaluation for identification and placement shall include:

- (1) An educationally relevant medical statement;
- (2) A developmental and social history;
- (3) An individual assessment of basic skills, (i.e., reading, math, language);
- (4) A written behavioral observation;
- (5) Additional reports, such as physical therapy and occupational therapy as deemed necessary by the admissions and release committee for the appropriate placement of each child.

Section 5. Individual Education Program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 6. Placement. Placement in a program for crippled and other health impaired shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

Section 7. Classroom Plan and Membership. Programs for crippled and other health impaired pupils shall be established under the special class, resource, itinerant, or variation plan as described in 707 KAR 1:051, Section 1. Membership and age range shall be consistent with provisions in "Standards for Programs for Exceptional Children."

Section 8. Housing. Classes for crippled and other health impaired pupils shall be housed in elementary or secondary schools commensurate with the age of the pupils or in approved special schools/facilities.

JAMES B. GRAHAM

Superintendent of Public Instruction

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**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Education for Exceptional Children**

**707 KAR 1:054. Programs for the emotionally disturbed; behavior disordered.**

RELATES TO: KRS 157.200 to 157.305  
 PURSUANT TO: KRS 13.082, 156.070, 156.160

**NECESSITY AND FUNCTION:** To promulgate State Board for Elementary and Secondary Education regulations for programs for emotionally disturbed (behavior disordered) children. This regulation is necessary to assure uniformity in providing special education and related services to emotionally disturbed children and to conform with Public Law 94-142.

**Section 1. General Provisions.** Local school boards of education shall operate programs for the emotionally disturbed (behavior disordered) of school attendance age pursuant to KRS 157.200 to 157.305, inclusive, and the criteria listed in this section.

**Section 2. Eligibility Criteria.** Pupils shall be eligible for enrollment in a program for the emotionally disturbed (behavior disordered) who demonstrate one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

- (1) An inability to learn commensurate with the measured functioning ability;
- (2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- (3) Inappropriate types of behavior under normal circumstances;
- (4) A general pervasive mood of unhappiness or depression;
- (5) A tendency to develop physical symptoms or fears associated with personal or school problems;
- (6) The term emotionally disturbed (behavior disordered) includes pupils who are schizophrenic or autistic. The term does not include pupils who are socially maladjusted.

**Section 3. Admissions and Release Committee.** As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of emotionally disturbed (behavior disordered) pupils. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Section 9, and 707 KAR 1:060 shall be followed.

**Section 4. Child Evaluation.** Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The assessment of the referred pupil for identification and placement purposes shall consist of:

- (1) A health screening which would indicate there are no primary visual, auditory or physical handicapping conditions;
- (2) A compilation of specific behavioral data collected over a period of time by the referral source;
- (3) A written compilation of data from direct observation of the referred pupil in familiar surroundings by a person other than the referral source;
- (4) An individual educational assessment of the referred

pupil's specific strengths and weaknesses in basic skill areas;

- (5) An individual psychological or psychiatric evaluation;
- (6) A developmental and social history;
- (7) A record/evidence of previous educational intervention strategies that have been utilized.

**Section 5. Individual Education Program (IEP).** As required and provided in 707 KAR 1:051, Section 5, for each pupil identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

**Section 6. Placement.** Placement in a program for emotionally disturbed (behavior disordered) pupils shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

**Section 7. Classroom Plan and Membership.** Classroom plans for emotionally disturbed (behavior disordered) pupils shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Classroom plans for emotionally disturbed (behavior disordered) pupils shall be established under the resource room, special class or variation plan. Membership and age range shall be consistent with provisions in "Standards for Programs for Exceptional Children."

**Section 8. Housing.** Classes for emotionally disturbed (behavior disordered) pupils shall be housed in elementary and secondary schools commensurate with the age range of the pupils or in approved special schools/facilities.

JAMES B. GRAHAM  
 Superintendent of Public Instruction

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 TO: Fred Schultz, Secretary, State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Education for Exceptional Children**

**707 KAR 1:055. Programs for home instruction, hospital instruction, and combined home and hospital instruction.**

RELATES TO: KRS 157.200 to 157.305  
 PURSUANT TO: KRS 13.082, 156.070, 156.160

**NECESSITY AND FUNCTION:** To promulgate State Board for Elementary and Secondary Education regulations for home instruction, hospital instruction, and combined home and hospital instruction programs. This regulation is necessary to assure uniformity in providing special education and related services in the home and/or hospital setting and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for home instruction, hospital instruction, and combined home and hospital instruction for children of school attendance age pursuant to KRS 157.200 to 157.305, inclusive, and the criteria listed in this section. Children with conditions such as fractures, surgical recuperation, kidney infection, pregnancy or other temporary conditions do not follow due process procedures outlined for exceptional children.

Section 2. Eligibility Criteria. A child shall be eligible for instruction in the home, hospital, or sanatorium provided the condition of the child prevents or renders inadvisable attendance at school or application to study.

Section 3. Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of exceptional children, as defined in KRS 157.200, in the home instruction, hospital instruction, and combined home and hospital instruction programs. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Section 9, and 707 KAR 1:060 shall be followed. The admissions and release committee shall review the statement of the child's condition and any additional reports, information, and assessments that it deems necessary for the placement of each individual child in an appropriate educational program.

Section 4. Child Evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. Evaluations shall include:

- (1) A developmental and social history;
- (2) A medical statement;
- (3) An individual assessment of basic skills, (i.e., math, reading, language);
- (4) Written behavioral observation;
- (5) Additional reports, information, and assessments deemed necessary by the admissions and release committee for the appropriate placement of each child.

Section 5. Individual Education Program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each exceptional child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program. The IEP is required for each exceptional child placed in a program for home instruction, hospital instruction, and combined home and hospital instruction.

Section 6. Placement. Placement in a home instruction, hospital instruction, and combined home and hospital instruction program shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6. The child shall be returned to a less restrictive and more appropriate educational environment when improvement of the condition renders this advisable. Home instruction shall not be used as a substitute for a more appropriate educational placement for exceptional children.

Section 7. Classroom Plan and Membership. Programs for home instruction, hospital instruction, and combined home and hospital instruction shall be established under the itinerant plan as described in 707 KAR 1:051, Section

1. Requests for approval of an alternative plan shall be made to the Bureau of Education for Exceptional Children.

JAMES B. GRAHAM  
Superintendent of Public Instruction

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## EDUCATION AND ARTS CABINET

### Department of Education

### Bureau of Education for Exceptional Children

**707 KAR 1:056. Programs for children with specific learning disabilities.**

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for learning disabled children. The regulation is necessary to assure uniformity in providing special education and related services to children with specific learning disabilities and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for learning disabled children of school attendance age pursuant to KRS 157.200 to 157.305, inclusive, and the criteria listed in this section.

Section 2. Eligibility Criteria. Pupils shall be eligible for enrollment in programs for children with specific learning disabilities pursuant to the following:

(1) An admissions and release committee shall determine that a child has a specific learning disability if:

(a) The child does not achieve commensurate with his or her age and ability levels when provided with learning experiences appropriate for the child's age and ability levels; (in one or more of the seven (7) areas listed below):

1. Oral expression;
2. Listening comprehension;
3. Written expression;
4. Basic reading skills;
5. Reading comprehension;
6. Mathematics calculation;
7. Mathematics reasoning.

(b) The admissions and release committee finds that a child has a severe discrepancy between achievement and intellectual ability in one or more of the seven (7) areas listed above.

(2) The admissions and release committee shall not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of:

- (a) A visual, hearing or motor handicap;
- (b) Mental retardation;
- (c) Emotional disturbance; or
- (d) Environmental, cultural or economic disadvantage.

Section 3. Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation and placement of learning disabled children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Section 9, and 707 KAR 1:060 shall be followed.

Section 4. Child Evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4.

(1) Team Membership. In order to evaluate and identify children with specific learning disabilities, the team membership shall include, but not be limited to:

(a) Referred pupil's regular education teacher; or

1. If the child does not have a regular education teacher, then a teacher qualified to teach a child of his or her age.

2. For a child of less than school age, an individual qualified by the state education agency to teach a child of his or her age.

(b) At least one (1) person qualified to conduct individual diagnostic examinations of children.

(c) Certified teacher of the learning disabled.

(d) Individual qualified to administer individual intelligence tests.

(e) Other individuals as needed; such as,

1. Speech and language pathologist;

2. Guidance counselors;

3. Remedial reading teacher;

4. Physician.

(2) Assessment for identification and placement. The assessment for identification and placement shall consist of:

(a) The referring person's written assessment of the pupil's specific strengths and weaknesses in the academic and behavioral areas.

(b) Written behavioral observation.

1. An evaluation team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting.

2. In the case of a child of less than school age or out of school a team member shall observe the child in an environment appropriate for a child of that age.

(c) Individual standardized test(s) of basic skills to be administered by qualified personnel.

(d) An individual measure of intelligence to be administered by qualified personnel.

(e) In cases where vision, hearing, or serious emotional disturbance is suspected to be the primary handicapping condition, a referral for appropriate assessments by qualified professional(s) shall be made.

(3) Written report. The evaluation team shall prepare a written report of the results of the evaluation.

(a) The report shall include a statement of:

1. Whether the child has a specific learning disability;

2. The basis for making the determination;

3. The relevant behavior noted during the observation of the child;

4. The relationship of that behavior to the child's academic functioning;

5. The educationally relevant medical findings, if any;

6. Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and

7. The determination of the evaluation team concerning the effects of environmental, cultural, or economic disadvantage on the child's performance.

(b) Each evaluation team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the evaluation team member shall submit a separate statement presenting his or her conclusions.

Section 5. Individual Education Program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 6. Placement. Placement in a program for children with specific learning disabilities shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

Section 7. Classroom Plan and Membership. Classroom programs for children with specific learning disabilities shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. The following types of classroom plans shall be utilized: itinerant teacher, resource room, variation, and special class plan. Membership and age range in the above plans shall be consistent with provisions in "Standards for Programs for Exceptional Children."

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: June 13, 1978

RECEIVED BY LRC: July 13, 1978 at 11:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

## EDUCATION AND ARTS CABINET

Department of Education

Bureau of Education for Exceptional Children

707 KAR 1:057. Programs for mentally handicapped children.

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for mentally handicapped children. This regulation is necessary to assure uniformity in providing special education and related services to mentally handicapped children and to conform with Public Law 94-142

Section 1. General Provisions. Local school boards of education shall operate programs for mentally handicapped pupils of school attendance age pursuant to KRS



157.200 to 157.305, inclusive, and the criteria listed in this section.

Section 2. Programs for educable mentally handicapped pupils shall be operated according to the following provisions:

(1) Eligibility criteria. Pupils who meet the definition pursuant to KRS 157.200(4) and who obtain intelligence quotient scores between fifty (50) and seventy-five (75) on individual intelligence tests shall be eligible for enrollment in programs for the educable mentally handicapped. Individual intelligence test scores shall not be the sole criterion for determination of placement, but shall be considered in conjunction with other evaluation information. Pupils whose intelligence score is borderline may be placed in a program for the educable mentally handicapped on a trial basis upon the recommendation of the appropriate admissions and release committee. "Borderline" shall be one (1) standard error of measurement above seventy-five (75) or below fifty (50) IQ points. "Trial basis" shall be a period of time no longer than four (4) months, at which time the pupil's placement shall be reviewed by the appropriate admissions and release committee in consultation with the teacher in whose classroom the pupil was enrolled.

(2) Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of educable mentally handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Section 9, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The evaluation of pupils referred for identification and placement purposes shall consist of:

(a) The referring person's written account of the pupil's specific strengths and weaknesses in the academic and behavioral areas;

(b) A written account of a behavioral observation of the referred pupil in familiar surroundings (i.e., classroom, playground, etc.);

(c) Formal and informal educational evaluation data composed of individual and/or group standardized academic achievement tests and individual assessment of basic skills areas such as reading, math, and language;

(d) An assessment of adaptive behavior including a developmental history;

(e) An individual psychological assessment utilizing a recognized standardized measure of individual intelligence;

(f) In cases where a visual, auditory or physical handicap or serious emotional disturbance is suspected to be a handicapping condition, a referral for appropriate assessment of qualified professional(s) shall be made.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

(5) Placement. Pupil placement in a program for the educable mentally handicapped shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan and membership. Classroom plans shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Programs for educable mentally handicapped pupils may be established under one or more

of the following classroom plans: special class, resource room, itinerant plan, and variation plan. Membership and age range in each plan shall be consistent with provisions in "Standards for Programs for Exceptional Children."

Section 3. Programs for trainable mentally handicapped pupils shall be operated according to the following provisions:

(1) Eligibility criteria. Pupils who meet the definition pursuant to KRS 157.200(5) and who obtain intelligence quotient scores below fifty (50) on individual intelligence tests shall be eligible for enrollment in programs for the trainable mentally handicapped. Individual intelligence test scores shall not be the sole criterion for determination of placement, but shall be considered in conjunction with other evaluation information.

(2) Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of trainable mentally handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Section 9, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The evaluation of pupils referred for identification and placement purposes shall consist of:

(a) The referring person's written account of the pupil's specific strengths and weaknesses in the academic and behavioral areas;

(b) A written account of a behavioral observation of the referred pupil in familiar surroundings (e.g., classroom, playground, etc.);

(c) A measure of social competence;

(d) An individual assessment of basic skills areas such as reading, math, and language;

(e) An assessment of adaptive behavior including a developmental history;

(f) An individual psychological assessment utilizing a recognized standardized measure of individual intelligence;

(g) In cases where a visual, auditory or physical handicap or serious emotional disturbance is suspected to be a handicapping condition, a referral for appropriate assessments by qualified professional(s) shall be made.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

(5) Placement. Pupil placement in a program for the trainable mentally handicapped shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan and membership. Classroom plans shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Programs for trainable mentally handicapped pupils shall be established under the special class or variation plan. Membership and age range in either plan shall be consistent with provisions in "Standards for Programs for Exceptional Children."

(7) Housing. Classes for trainable mentally handicapped pupils shall be housed in elementary or secondary schools

commensurate with the age range of the pupils or in approved special schools for handicapped pupils.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: June 13, 1978

RECEIVED BY LRC: July 13, 1978 at 11:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Fred Schultz, Secretary, State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

**EDUCATION AND ARTS CABINET**  
Department of Education  
Bureau of Education for Exceptional Children

**707 KAR 1:058. Programs for multiple handicapped children.**

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for multiple handicapped children. This regulation is necessary to assure uniformity in providing special education and related services to multiple handicapped children and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for multiple handicapped children of school attendance age pursuant to KRS 157.200 to 157.305, inclusive, and the criteria listed in this section.

Section 2. Eligibility Criteria. "Multiple handicapped children" shall be those children who have a combination of two or more impairments (such as mentally handicapped-blind, mentally handicapped-orthopedically impaired, etc.) the combination of which produces such severe learning, developmental or behavioral problems that appropriate services cannot be provided in special education programs designed solely for children with one impairment. Pupils who meet the requirements of this definition are eligible for enrollment in programs for the multiple handicapped. The term shall not include deaf-blind children.

Section 3. Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of multiple handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Section 9, and 707 KAR 1:060 shall be followed.

Section 4. Child Evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section

4. Evaluations shall include: (1) A developmental and social history;

(2) A medical evaluation;

(3) An individual psychological assessment of current intellectual functioning;

(4) An individual educational assessment of basic skills (i.e., math, reading, language);

(5) Written behavioral observation;

(6) Additional reports, information and assessments deemed necessary by the admissions and release committee for the appropriate placement of each child.

Section 5. Individual Education Program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 6. Placement. Placement in a program for multiple handicapped children shall be determined by the appropriate admissions and release committee pursuant to procedures described in 707 KAR 1:051, Section 6.

Section 7. Classroom Plan and Membership. Programs for multiple handicapped pupils shall be established under the special class or variation plan as described in 707 KAR 1:051, Section 1. Membership and age range in either plan shall be consistent with provisions in "Standards for Programs for Exceptional Children."

Section 8. Housing. Classrooms for multiple handicapped children shall be housed in elementary or secondary schools commensurate with the age range of the pupils or in approved special schools/facilities.

JAMES B. GRAHAM,

Superintendent of Public Instruction

ADOPTED: June 13, 1978

RECEIVED BY LRC: July 13, 1978 at 11:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Mr. Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

**EDUCATION AND ARTS CABINET**  
Department of Education  
Bureau of Education for Exceptional Children

**707 KAR 1:059. Programs for visually handicapped children.**

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for visually handicapped children. This regulation is necessary to assure uniformity in providing special education and related services to visually handicapped children and to conform with Public Law 94-142.

**Section 1. General Provisions.** Local school boards of education shall operate programs for visually handicapped children of school attendance age pursuant to KRS 157.200 to 157.305, inclusive, and the criteria in this section.

**Section 2. Eligibility Criteria.** A pupil shall be eligible for enrollment in a program for the visually handicapped if the child has a visual acuity of 20/70 or less in the better eye after correction. Included are visual handicaps which, even with correction, adversely affect a child's educational performance. The term includes both partially seeing and blind children.

**Section 3. Admissions and Release Committee.** As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of visually handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Section 9, and 707 KAR 1:060 shall be followed.

**Section 4. Child Evaluation.** Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The evaluation for identification and placement shall include:

- (1) An eye examination report, completed and signed by an eye specialist;
- (2) Developmental and social history;
- (3) An individual educational assessment of basic skills, (i.e., math, reading, language);
- (4) A written behavior observation;
- (5) Any additional reports, information, and assessments that the admissions and release committee deems necessary for the placement of a child in an appropriate program;
- (6) Cases in which retardation is suspected to be a handicapping condition, a referral for appropriate assessment by a qualifying professional shall be made.

**Section 5. Individual Education Program (IEP).** As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

**Section 6. Placement.** Placement in a program for visually handicapped shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

**Section 7. Classroom Plan and Membership.** Programs for visually handicapped pupils may be established under one or more of the following plans as described in 707 KAR 1:051, Section 1: special class, resource room, itinerant plan, and variation plan. Membership and age range in either plan shall be consistent with provisions in "Standards for Programs for Exceptional Children."

**Section 8. Housing.** Classes for visually handicapped pupils shall be housed in elementary or secondary schools

commensurate with the age range of the pupils or in approved special schools/facilities.

**JAMES B. GRAHAM**  
Superintendent of Public Instruction

ADOPTED: June 13, 1978

RECEIVED BY LRC: July 13, 1978 at 11:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

#### PUBLIC PROTECTION AND REGULATION CABINET Department of Insurance

**806 KAR 2:090. Fee for collecting city or urban county government insurance tax.**

RELATES TO: KRS 92.285

PURSUANT TO: KRS 13.082, 304.2-110

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable rules and regulations necessary for and as an aid to the effectuation of any provision of the Kentucky Insurance Code. This regulation provides for a reasonable collection fee to be charged by an insurance company or its agent for collecting or remitting to a city or urban county government such taxes or fees required by its ordinances for the privilege of engaging in the business of insurance within that city or urban county government.

**Section 1.** A reasonable collection fee shall be an amount equal to thirty percent (30%) of the license fee or tax collected and remitted to the city or urban county government or two percent (2%) of the premium subject to the license fee or tax, whichever is less. The license fees or taxes to be collected and remitted may be rounded off to the nearest whole dollar.

**HAROLD B. McGUFFEY, Commissioner**

ADOPTED: June 22, 1978

APPROVED:

**MIKE HELTON, Secretary**

RECEIVED BY LRC: July 13, 1978 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Commissioner Harold B. McGuffey, Department of Insurance, 151 Elkhorn Court, Frankfort, Kentucky 40601.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Department of Insurance**

✓ 806 KAR 2:095. Accounting and reporting requirements for collecting insurance tax.

RELATES TO: KRS 92.285

PURSUANT TO: KRS 13.082, 304.2-110

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable rules and regulations necessary for and as an aid to the effectuation of any provision of the Kentucky Insurance Code. This regulation provides for the accounting and reporting procedures to be used by every insurance company or its agent, to which this regulation applies, for the collection and reporting of the fees or taxes and the collection fee herein provided by ordinance of a city or urban county government for engaging in the business of insurance therein.

Section 1. Every insurance company to which this Act applies shall provide, in accordance with the ordinance of each city or urban county government, an accounting, to the commissioner, only on a form to be prescribed by the commissioner, with a copy or abstract thereof to each such governmental unit, which shall include all premiums collected for which the tax or license fee is payable together with the amount of such tax or license fee collected and remitted to each city or urban county government. Every such insurance company shall maintain records which shall be adequate to substantiate such accounting. The accounting required herein shall be filed with the commissioner and each such city or urban county government on or before April 1 of each year following the calendar year to which the accounting applies.

HAROLD B. MCGUFFEY, Commissioner

ADOPTED: June 22, 1978

APPROVED: MIKE HELTON, Secretary

RECEIVED BY LRC: July 13, 1978 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Commissioner Harold B. McGuffey, Department of Insurance, 151 Elkhorn Court, Frankfort, Kentucky 40601.

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Health Services**

✓ 902 KAR 6:050. Formula for allocation of funds.

RELATES TO: KRS 210.420, 210.440

PURSUANT TO: KRS 13.082, 210.420, 210.450

NECESSITY AND FUNCTION: KRS 210.440 requires the Secretary of the Department for Human Resources to allocate funds to the mental health-mental retardation boards at the beginning of each fiscal year. KRS 210.430 requires the Secretary to prescribe, by regulation, a formula for the allocation of these funds, including provisions for per capita allocations, incentive allocations which require local matching funds based on the per capita wealth of the area served, and discretionary allocations to be available to the Secretary to maintain essential services pursuant to KRS 210.410. This regulation prescribes the formula for allocation of these funds.

Section 1. Secretary's Discretionary Funds. The discretionary allocations available to the Secretary to maintain essential services pursuant to KRS 210.410 shall be equal to ten (10) percent of the general funds allocated to the Department for the operation of regional community mental health-mental retardation programs.

Section 2. Per Capita Allocations. Of the general funds allocated to the Department for the operation of regional community mental health-mental retardation centers, seventy and two-tenths (70.2) percent thereof shall be distributed based on a per capita allocation.

Section 3. Incentive Allocations. Of the general funds allocated to the Department for the operation of regional community mental health-mental retardation centers, nineteen and eight-tenths (19.8) percent thereof shall be allocated to the regions based on local matching funds, weighted to reflect the per capita wealth of the region.

ROBERT SLATON, Commissioner

ADOPTED: June 28, 1978

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: June 30, 1978 at 3:25

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



## ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

## Minutes of July 7, 1978 Meeting

(Subject to Subcommittee approval at its next meeting on August 2, 1978.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, July 5, 1978, at 10 a.m. in Room 327 of the Capitol.

The minutes of the June 7, 1978 meeting were approved. Present were:

**Members:** Representative William T. Brinkley, Chairman and Senator Donald L. Johnson.

**Guests:** Representative J. R. Gray; Ed Fossett, Steve B. Marcum, Gayle B. Bowen, Lee Tyler, Department of Education; William M. Sawyer, Alex Marshall, Jr., and Byrnes C. Fairchild, Department of Education; Charles D. Wickliffe and Joe Moore, Executive Department for Finance and Administration; Steve Huddleston and Bill Claxton, Department of Mines and Minerals; Carl B. Larsen, Kentucky Harness Racing Commission; Maurice P. Carpenter and Bradley D. Nease, Department of Revenue; Charles Henry, Harold G. Bernard and Thomas W. Brawner, Department of Transportation; Jessel Moore, Board of Tax Appeals; Stanley A. Stratford, Department for Local Government; Carl Kays and Joe Bruna, Department of Fish and Wildlife Resources; W. O. Hubbard, Department for Human Resources; Roscoe R. Burden and Charles A. Fox, Kentucky Taxicab Association; Jewell Lee, Mozell York, Billy Joe Lovett, Rita Lovett, Annie P. Henderson, R. M. Brown, Mrs. R. M. Brown, Euclid Brown, C. C. Strobel, Sandra Cape, Tony Joyce, Ann Joyce, Mrs. Mac Tucker, Ruby Lee, L. E. Moore, Mac Tucker, Glenn Warren, Charles York, Edward Lee, Howard M. Johnson, Dortha Lovett, William E. Moffett, and Grover Lovett, Unity Cumberland Presbyterian Church.

**LRC Staff:** Mabel D. Robertson, Garnett Evins, Debbie Herd, Joe Hood, Glenn Minch and Grant Winston.

On motion of Senator Johnson the following regulations were deferred until the August 2 meeting:

#### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

##### Coal Producing County Development Fund

200 KAR 4:015. Capital projects.

##### Area Development

200 KAR 9:010. Approval of projects; expenditure of funds; title.

The following regulations were approved and ordered filed:

#### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

##### KHEAA Grant Programs

11 KAR 5:010. Authority, purpose, name of grant programs.

11 KAR 5:020. Definitions.

11 KAR 5:030. Student eligibility requirements.

11 KAR 5:032. Emergency procedures for students suffering disaster related losses.

11 KAR 5:050. Student application.

11 KAR 5:060. Award determination procedure.

11 KAR 5:070. Notification of award.

11 KAR 5:080. Disbursement procedures.

11 KAR 5:085. Requirement of basic grant application.

11 KAR 5:100. Records and reports.

#### DEPARTMENT OF REVENUE

##### Ad Valorem Tax-Local Assessment

103 KAR 7:020. Release of funds by financial institutions.

##### Severance Tax

103 KAR 35:011. Repeal of 103 KAR 35:010.

#### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

##### Accounts

200 KAR 8:020. Reimbursement to law enforcement officers for certain expenses.

##### Division of Occupations and Professions

##### Real Estate Commission

200 KAR 11:005. Application for license.

##### Board of Podiatry

201 KAR 25:011. Approved schools; licensing examination, fees.

201 KAR 25:021. Annual renewal notice for licenses, fees.

#### CABINET FOR DEVELOPMENT

##### Department of Fish and Wildlife Resources

##### Game

301 KAR 2:105. Deer gun and archery season; restrictions.

#### DEPARTMENT OF TRANSPORTATION

##### Bureau of Vehicle Regulation

##### Division of Motor Carriers

601 KAR 1:110. Leasing services.

##### Bureau of Highways

##### Maintenance

603 KAR 3:010. Advertising devices on interstates.

603 KAR 3:020. Advertising devices on federal aid primary system. (A delegation of concerned citizens appeared before the subcommittee to voice their opposition to the regulation because it would prohibit the use of present church signs in their community. Representative J. R. Gray addressed the subcommittee and asked for help in appealing to the Federal Highway Administration to ease the restriction of the 2 x 4 feet sign size. Chairman Brinkley told the delegation that the subcommittee would be happy to draft a letter to the Federal Highway Administration and convey their concern.)

##### Traffic

603 KAR 5:096. Highway classifications.

#### DEPARTMENT OF EDUCATION

##### Office of the Superintendent

##### Planning

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

##### Bureau of Administration and Finance

##### General Administration

702 KAR 1:020. Length of employment.

702 KAR 1:090. Replacement of instructional fees; funds, distribution and use.

**Buildings and Grounds**

702 KAR 4:020. Plans and specifications for construction.

702 KAR 4:030. Local board's contract with architect, engineer.

702 KAR 4:050. Building sites; inspection, approval.

702 KAR 4:060. Construction criteria.

702 KAR 4:070. Mechanical, electrical, sanitary, heating and ventilation design.

702 KAR 4:080. Temporary or supplemental units.

**Bureau of Pupil Personnel Services****School Terms, Attendance and Operation**

703 KAR 2:050. Attendance; resident, non-resident.

**Bureau of Instruction****Instructional Services**

704 KAR 3:285. Programs for the gifted and talented.

704 KAR 3:290. Title I, ESEA annual program plan.

**PUBLIC PROTECTION AND REGULATION CABINET****Board of Tax Appeals**

802 KAR 1:010. Rules of practice and procedure.

**Department of Mines and Minerals****Miner Training, Education and Certification**

805 KAR 7:060. Program approval.

**Public Service Commission****Electric, Water, Gas and Telephone Utilities**

807 KAR 2:045. Sewage. (After vote on this regulation, the promulgating agency advised that a public hearing had been requested, negating subcommittee's consideration. The regulation will be reconsidered after hearing is held and "affirmative consideration" received.)

**Kentucky Harness Racing Commission****Harness Racing Rules**

811 KAR 1:090. Stimulants and drugs.

**DEPARTMENT FOR HUMAN RESOURCES****Bureau for Administration and Operation****Controlled Substances**

901 KAR 1:020. Schedule II substances.

**Vital Statistics**

901 KAR 5:050. Certified copies of certificates; fee.

The meeting was adjourned at 11:45 a.m. to meet again at 10 a.m. Wednesday, August 2, 1978 in Room 327 of the Capitol.