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

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

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

Administrative Register of Kentucky

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Public Hearings Scheduled

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

A public hearing will be held at 9 a.m. EST November 3, 1978 in the auditorium of Capital Plaza Tower, Frankfort, Kentucky 40601 on the following regulation:

400 KAR 1:021. Selective cutting of timber in the Wild Rivers area. [5 Ky.R. 283]

DEPARTMENT FOR HUMAN RESOURCES

A public hearing will be held at 10 a.m. EST November 3, 1978 in Social Insurance Conference Room, DHR Building, 275 E. Main St., Frankfort, Kentucky.

904 KAR 5:190. Payments to fund in lieu of contributions. [5 Ky.R. 277]

Emergency Regulations Now In Effect

JULIAN M. CARROLL, GOVERNOR

Executive Order 78-918

September 21, 1978

EMERGENCY REGULATION Department of Library and Archives Textbook Program for Nonpublic School Students

WHEREAS, HB 168, which was enacted by the 1978 General Assembly, established a program for the selection,

purchase and distribution of textbooks to pupils in non-public schools; and

WHEREAS, the Department of Library and Archives has drafted administrative regulations to implement this program which must be made effective to allow for distribution during the 1978-79 school year; and

WHEREAS, the State Librarian, with concurrence of the Secretary of the Education and Arts Cabinet, has recommended that an emergency be declared in order that the proposed regulations can be made immediately effective;

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.085(2), do hereby acknowledge the finding of grounds for emergency by the Department of Library and Archives with respect to the filing of said regulation establishing a textbook program for nonpublic school students, and direct that said regulation shall be effective upon filing with the Legislative Research Commission as provided in Chapter 13 of Kentucky Revised Statutes.

JULIAN M. CARROLL, Governor

DREXELL R. DAVIS, Secretary of State

EDUCATION AND ARTS CABINET Department of Library and Archives

725 KAR 2:050E. Textbooks for non-public schools.

RELATES TO: KRS 171.215
PURSUANT TO: KRS 13.082, 171.215
EFFECTIVE: September 28, 1978
EXPIRES: January 26, 1979

NECESSITY AND FUNCTION: This regulation is necessary for the Department of Library and Archives to exercise its duties. The Department is designated by KRS Chapter 171 as the agency to administer funds granted for the purpose of providing textbooks to pupils in accredited nonpublic schools in Kentucky. This program includes selection, purchase, distribution, and accountability of the textbooks.

Section 1. Hereinafter, the expression "eligible non-public school" refers to those nonpublic schools, grades one (1) through twelve (12) which are accredited by the Kentucky Department of Education, the initials "D.L.A." refer to the Department of Library and Archives, and the term "textbooks" refers to textbooks approved by the

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15. FOR COMPLETION BY PUBLISHERS MAILING AT THE REGULAR RATES (Section 132.121, Postal Service Manual) 39 U.S.C. 3626 provides in pertinent part: "No person who would have been entitled to mail matter under former section 4350 of this title shall mail such matter at the rates provided under this subsection unless he files annually with the Postal Service a written request for permission to mail matter at such rates." In accordance with the provisions of this statute, I hereby request permission to mail the publication named in item 1 at the phased postage rates presently authorized by 39 U.S.C. 3626.		
SIGNATURE AND TITLE OF EDITOR, PUBLISHER, BUSINESS MANAGER, OR OWNER E. Hugh Morris, Editor		

PS Form 3526 (Page 1)
Mar. 1977

(See instructions on reverse)

State Textbook Commission and which conform to the State Board of Education distribution schedule.

Section 2. (1) Textbook Selection, Acquisition, and Distribution. During the first year of implementation (1978-79) the selection of the subject and grade level will be determined by a committee appointed by the State Librarian within the DLA in consultation with the Kentucky Department of Education. Beginning with the 1979-80 school year an advisory committee shall be appointed by the State Librarian to advise the DLA regarding selections. Membership on this committee shall not exceed five (5) in number and shall be composed of the chief executive or administrative officer of eligible schools and shall, as far as possible, represent the various types of eligible schools. The quantity of textbooks purchased shall be determined annually based on the amount of available funds.

(2) The Technical Services Division of the DLA shall order and process the textbooks. The textbooks shall be received, counted, and stamped with the DLA property stamp, and held for distribution as eligible applications are filled or processed in the order in which they are received. Should the supply of textbooks prove inadequate to meet the demand within the specified application period, applicants shall be mailed written notification of the status of their request, i.e., availability of a partial supply of requested number or unable to provide due to exhausted supply.

Section 3. Application. (1) Any accredited nonpublic school in Kentucky shall be eligible to make annual application for the available textbooks. Applications shall be made according to the following procedure. The DLA shall officially notify all eligible schools of the availability of the textbooks, specifying that applications will be considered on a first-come, first-served basis. This notice shall include a brief application form requesting basic data:

- (a) Name of school;
- (b) Address;
- (c) Chief executive or administrative officer;
- (d) Total school enrollment;
- (e) Total enrollment in specified grade level and subject; and
- (f) Additional information as deemed necessary on a year to year basis.

(2) A deadline for application shall be established annually.

Section 4. (1) The textbooks shall be distributed to the qualified applicants for use by pupils in the specified subject and grade level with the stipulation that the textbooks remain the property of the DLA and that an annual inventory report will be required. The annual report shall consist of an accounting at the end of each school year, indicating:

- (a) The number of textbooks allotted to the school;
- (b) The number of textbooks distributed to pupils during the current school year;
- (c) The number of textbooks collected and held at the end of the school year for redistribution within that school the following year; and
- (d) The condition and location of the textbooks.

(2) When use of the textbooks is discontinued, the schools shall notify the DLA which will direct the school as to the proper disposition of these books.

(3) The chief executive or administrative officer of recipient schools shall be responsible for the care of the textbooks allotted to their respective institutions and for the accountability of same to the DLA.

BARBARA M. WILLIAMS, State Librarian
ADOPTED: September 28, 1978
APPROVED: WENDELL P. BUTLER, Secretary
RECEIVED BY LRC: September 28, 1978 at 4 p.m.

JULIAN M. CARROLL, GOVERNOR
EXECUTIVE ORDER 78-914
September 21, 1978

EMERGENCY REGULATION
Department for Human Resources
Bureau for Social Insurance

WHEREAS, the Secretary of the Department for Human Resources has determined that the policy of the Department for Human Resources with respect to the provision of emergency assistance to children should be expressed in a regulation of current effect; and

WHEREAS, pursuant to the authority of KRS 194.050, the Secretary has promulgated a regulation to express the policy of the Department with regard to the Emergency Assistance Program; and

WHEREAS, various court decisions and subsequent reevaluation have led to significant revision in the Emergency Assistance Program, thus creating an emergency and the necessity that the proposed regulation should, pursuant to the provisions of law, be effective immediately upon filing with the Legislative Research Commission:

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.085(2), do hereby acknowledge the finding of emergency by the Secretary of the Department for Human Resources with respect to the filing of said regulation of the Department for Human Resources providing for the Emergency Assistance Program, and direct that said regulation shall be effective upon filing with the Legislative Research Commission as provided in Chapter 13 of Kentucky Revised Statutes.

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

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 2:009E. Emergency assistance program.

RELATES TO: KRS 205.215

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: September 29, 1978

EXPIRES: January 27, 1979

NECESSITY AND FUNCTION: The Department for Human Resources is authorized by KRS 205.215 to provide short term assistance to families with children in crisis situations as provided for in Title IV-A of the Social Security Act. This regulation sets forth the criteria for

eligibility and type and amounts of assistance granted under the Emergency Assistance Program, hereinafter referred to as EAP, as administered in accordance with 45 C.F.R. § 233.120.

Section 1. Eligibility Conditions for Receipt of Emergency Assistance: (1) The Emergency Assistance Program provides assistance to families with dependent children who are destitute or facing destitution if such destitution did not arise because:

(a) Such child who is eighteen (18) years or older or the specified relative of such child refused to accept employment, or training for employment, or terminated such without good cause;

(b) The family voluntarily created the situation for the purpose of receiving emergency assistance;

(c) The family created the situation through money mismanagement; or

(d) The situation is related solely to lack of employment due to normal vacation or layoff periods if there is a job to which to return, and return can be anticipated at the end of the normal vacation or layoff period; or the destitute situation is related solely to lack of work due to weather conditions, if return can be anticipated within thirty (30) days.

(2) Assistance may be provided only after a signed application has been made on behalf of an eligible group as specified in Section 3. Such application may be made by the specified relative, child or an interested party acting on behalf of a child. In the event the application is made by other than the specified relative, and the specified relative states prior to processing of the application that he/she does not wish assistance to be provided at that time in order to conserve family eligibility, the application shall be denied due to lack of proper authority by the applicant.

Section 2. Definitions: Terms used in the EAP program are defined as follows:

(1) Destitution shall be considered to exist when a child is deprived of adequate shelter including utilities, necessary clothing, or sufficient food; and the liquid assets, plus continuing monthly income of the family, are less than limitations prescribed by the department.

(2) A natural disaster is a fire, flood, storm or earthquake or other occurrences designated as such by the department.

(3) Good cause must always be established in regard to an applicant for emergency assistance if lack of employment has caused the destitution and the responsible relative or child (if age eighteen (18) or over) refused to accept employment or training for employment or terminated employment within the prior six (6) months. Good cause shall not exist if destitution is due solely to direct participation in a labor dispute. ("Direct participation" exists if the individual is: on strike, whether or not such strike is legal; or not working as a result of honoring or refusing to cross picket lines set up by those who are on strike; or not working due to lack of work resulting from a strike situation if employed in a managerial or supervisory position by the firm/organization whose workers are on strike.) Good cause for refusal to accept or continue in an employment situation or training for employment exists only when:

(a) A definite bona fide offer of employment was not made at a minimum wage customary for such work in that community;

(b) The child or responsible relative is unable to engage in such employment or training for mental or physical health reasons;

(c) The child or responsible relative has no way to get to and from the work site or the site is so far removed from the home that commuting time would exceed three (3) hours daily; or

(d) Working conditions at such job or training would be a risk to the health or safety of the child or responsible relative.

(4) Gross income is income from all sources before any deductions. Self-employed persons' and farmers' gross income is to be considered as gross profit less business expenses. Any special allowance made in an AFDC case is to be disregarded in computing gross income. In determining destitution of an applicant for AFDC, the AFDC payment is not to be considered as income until actually received by the client and the EAP application is to be processed independently of the AFDC application.

(5) Liquid assets include, but are not limited to, cash on hand, checking accounts, savings accounts, stocks, bonds, certificates of deposit, and similar assets readily convertible to cash. Excluded for purposes of this program are prepaid burial contracts or burial policies, the cash surrender value of life insurance policies, equity in real or personal property, or home insurance settlements received or to be received.

(6) Net income is gross income less mandatory deductions and work related expenses, which include transportation and child care; any special allowance made in an AFDC case is to be disregarded in determining net income.

(7) Specified relative is any relative acting as the person responsible for the child and who is within the degree of relationship shown in Section 406(a)(1) of the Social Security Act.

Section 3. Eligible Groups: Any family which includes a child under twenty-one (21) or an unborn child may qualify for EAP if all other eligibility conditions are met. In addition, a child who, within six (6) months, did reside with a specified relative as defined in Section 406(a)(1) of the Social Security Act may qualify. Specifically excluded is any family who voluntarily creates the destitution or whose need resulted because of refusal without good cause of the child or responsible relative to accept employment or training for employment or termination of such without good cause as specified above.

Section 4. Limitations for Receipt of Emergency Assistance: (1) Any family which is potentially eligible for any federal assistance program (such as disaster relief, energy assistance, etc., but not including income transfer programs such as Supplemental Security Income, Social Security Benefits, etc.) must apply for those benefits and provide verification of entitlement or award.

(2) Emergency assistance is limited to one (1) period of thirty (30) consecutive days in any (12) twelve consecutive months.

(3) All liquid assets and gross monthly income will be totaled and compared to the financial eligibility scale for the family size. If the amount exceeds that specified, the family is ineligible. If the amount is less than that specified, financial eligibility exists.

Financial Eligibility Scale

Family Size	Income Limitation
1	\$ 265
2	350
3	435
4	520
5	605
6	690
7	775
8	860
9	945
10 or more	1,030

Payment Limitation Scale

Protected Amount	Family Size	Payment Maximum
\$ 150	1	\$ 200
183	2	265
250	3	330
317	4	395
367	5	460
417	6	525
467	7	590
517	8	655
567	9	720
617	10 or more	785

(4) When an application is made by or on behalf of a child who voluntarily establishes a living arrangement independent from his family group, the parent's income and liquid assets must be considered in determining financial eligibility. If a child has not lived with his/her parents during the prior six (6) months, but meets the criteria for inclusion as shown in Section 3, only that amount of income available to the child is to be considered. A child absent from the home for the purpose of attending a school or training course is considered to be a member of the family group remaining in the home, and when application is made under proper authority the income, resources and needs of all family members must be taken into consideration.

Section 5. Needs Which Can Be Met: The Emergency Assistance Program provides for the following needs: food, clothing, shelter, utilities and/or heating fuel, home repairs, home furnishings, transportation, and child care; the stranded or destitute transient or migrant family is assisted to reach its destination through provision of the following as needed; voucher for groceries or prepared meals, overnight lodging, public transportation, car repairs, gas, oil, and information and referral services. Community resources may be utilized to supplement payments provided by the program.

Section 6. Method and Amount of Payment: Emergency assistance payments are made directly to vendors by means of locally authorized voucher or by check drawn in favor of the recipient or recipient and vendor, not to exceed the amounts payable in accordance with Section 7.

Section 7. Payment Limitations in the Emergency Assistance Program. (1) All liquid assets and net monthly income will be totaled and compared to the protected amount on the payment limitation scale for the family size. Any amount in excess of the protected amount will be applied as a deductible to the total amount of the family's needs to alleviate or avoid destitution. (The protected amount is never applied to the amount of need.) A home insurance settlement is to be applied to the need which it is intended to cover. The total amount paid the eligible family group is not to exceed the amount specified in the payment maximum for the family size, except for the separate maximum amounts set forth in subsections (2), (3), and (4)(d) below, for those items.

(2) Payment for limited repairs necessary to make a home owned by the family habitable may in no instance exceed \$1,500, and the need for such repairs must be the result of a natural disaster.

(3) Payment for the repair or replacement of minimum home furnishings determined necessary by the department may in no instance exceed \$1,500, and such need for repair or replacement must be the result of a natural disaster.

(4) A stranded or destitute family (transient or migrant) may be assisted to reach its destination through provision of:

- (a) Voucher for groceries or prepared meals;
- (b) Overnight lodging;
- (c) Public transportation; or
- (d) Car repairs, if needed, not to exceed \$300, and/or voucher for gas/oil.

(5) Food may be provided up to the value of one (1) month's equivalent food stamp allotment for the eligible family members.

(6) Clothing may be provided to eligible family members to ensure a minimum supply of basic apparel in amounts determined necessary by the department.

(7) Shelter needs may be met as necessary to obtain or retain a home or to secure temporary lodging for the destitute family. The department shall make payments for shelter costs in excess of one (1) month's rent or mortgage payment only when such is determined necessary.

(8) Payment for utilities (electricity, gas, and/or water, etc.) may be authorized as necessary to obtain or retain service. The following limitations apply for specific items:

(a) Not more than two (2) tons of coal may be purchased for the family; and

(b) Payment for installation/service of a telephone may not be reimbursed except when medically necessary as verified by a physician or a nurse practitioner.

(9) Child care may be provided on a temporary basis if required due to the imprisonment or hospitalization of the specified relative. Payment for such must be reasonable and may not exceed eight (8) weeks of care.

GAIL S. HUECKER, Commissioner
PETER D. CONN, Secretary

ADOPTED: September 12, 1978

RECEIVED BY LRC: September 29, 1978 at 3:15 p.m.

Amended Regulation Now In Effect

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

201 KAR 20:055. Nurse practitioner.

RELATES TO: KRS 314.011

PURSUANT TO: KRS Chapter 314

EFFECTIVE: October 4, 1978

NECESSITY AND FUNCTION: The 1978 revision of the Nurse Practice Act provides for the registration of advanced registered nurse practice. It is necessary to define the qualifications of those to be registered.

Section 1. "Nurse practitioner" means a registered professional nurse who is currently licensed to practice in the

state[, who meets the state's requirements governing the qualifications of nurse practitioners,] and who meets one (1) of the following conditions:

(1) Is currently certified as a primary care nurse practitioner by the American Nurses' Association or by the National Board of Pediatric Nurse Practitioners and Associates; or

(2) Has satisfactorily completed a formal one (1) academic year educational program that:

(a) Prepares registered nurses to perform an expanded role in the delivery of primary care;

(b) Includes at least four (4) months (in the aggregate) of classroom instruction and a component of supervised clinical practice; and

(c) Awards a degree, diploma, or certificate to persons who successfully complete the program.

Proposed Amendments

DEPARTMENT OF TRANSPORTATION Bureau of Highways (Proposed Amendment)

603 KAR 5:096. Highway classifications.

RELATES TO: KRS 189.222

PURSUANT TO: KRS 13.082, 174.050, 189.222

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

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 40

AA—From jct. US 23 at Paintsville to east end of [jct. KY 292 at Kentucky approach to toll] bridge at West Virginia state line.

KY 54

AAA—From jct. 12th St. and Grimes Ave. [US 60 (2nd Street) in Owensboro] to 0.75 mile southeast of Owensboro Beltline; and from jct. KY 69 west of Fordsville in Ohio Co. to jct. KY 69 in Fordsville [in Ohio Co].

AA—From 0.75 mile southeast of Owensboro Beltline to jct. KY 69 west of Fordsville in Ohio Co.; and from jct. KY 69 in Fordsville to jct. KY 261 east of Fordsville.

A—From jct. KY 261 east of Fordsville to jct. US 62 in Leitchfield.

KY 94

AA—From the Tennessee state line, via Hickman [and including the Hickman Bypass, and via], Water Valley and Murray to jct. US 68 at Aurora.

KY 113

A—From jct. KY 805 at Kona, via Millstone in Letcher Co. to 0.41 mile north of Right Fork Millstone Branch Road [extends north to 3.0 miles to end of state maintenance].

KY 143

A—From jct. KY 109, 2.5 [132, 3.0] mi. s. of Clay in Webster Co. to jct. KY 109, 1.5 mi. w. of Wheatcroft.

KY 188

A—From jct. US 25E at Bear, 3.6 miles n. of Middlesboro to [end of state maintenance, 0.4 mile e. of] Colmar.

KY 286

AAA [A]—From jct. KY 121 in Wickliffe to jct. US 62, 1.4 miles w. of Camelia in McCracken Co.

KY 305

AAA—From jct. US 45 at Julia St. in Paducah to jct. KY 358 near Maxon [I-24, west of Paducah].

A—From jct. US 60, 5.8 miles sw. of Paducah to jct. KY 358 near Maxon [I-24, west of Paducah].

A—From jct. US 45 at Julia St. in Paducah to jct. US 45 B.R. at 13th St. and Kentucky Ave.

KY 353

AAA—From jct. US 62, sw. of Cynthiana to entrance to Genet Quarry near the Bourbon-Harrison Co. Line.

AA—From jct. with New Circle Road (KY 4), via Russell Cave Pike [US 27 in Lexington, 0.1 mile n. of KY 4, via Centerville] to entrance to Genet Quarry.

KY 358

AAA—From jct. KY 996 at Grahamville to jct. KY 305 near Maxon (McCracken Co.).

A—From jct. KY 286, 2.5 miles w. of Gage in Ballard Co. via LaCenter [,] and Rossington [, and Grahamville] to jct. KY 996 [305 in McCracken Co., 0.5 mile ne. of Maxon].

KY 416

A—From jct. US 41A, 1.6 miles s. of Cairo in Henderson Co. to northwest bank of Green River near the Daviess County Line [jct. Birk City Road, 2.5 miles e. of Hebbardsville].

KY 459

A—From jct. KY 6, 5.6 miles w. of Barbourville to jct. KY 11 [US 25E] in Barbourville.

KY 528

A—From jct. KY 55, s. of [US 150 in] Springfield to jct. KY 438 at Lincoln Homestead State Park.

KY 582

A—From jct. KY 160, 6.5 miles s. of Hindman to jct. KY 7 at [, 1.4 miles s. of] Kite.

KY 657

AAA—From jct. US 60, s. of Lewisport in Hancock Co. to jct. KY 334 in Lewisport.

A—From jct. KY 1389 near Scythia [144 at Knottsville] in Daviess Co. to jct. US 60, s. of Lewisport.

KY 682

A—From jct. KY 55 near the Taylor County line [at Kellyville] in Adair Co. to jct. Holmes Bend Road.

KY 695

A—From jct. KY 107 at 18th Street [US 41] in Hopkinsville to jct. KY 117, sw. of Hopkinsville.

[KY 804

A—From jct. US 119 ne. of Mayking in Letcher Co. to jct. KY 805 at Kona.]

KY 805

AA—From jct. US 119, se. of Kona [at Mayking] in Letcher Co., via Kona [Millstone] and Haymond to jct. US 23 and US 119 at Jenkins.

KY 868

A—From jct. US 31W in Muldraugh (Meade Co.) to the Fort Knox boundary [end of state maintenance at SCL of Muldraugh].

KY 992

AA—From jct. US 60, 0.6 mi. w. of Hardinsburg to a point 2.6 mi. w. of US 60.

A—From jct. KY 144 [44] sw. of Cloverport to a point 2.6 mi. w. of US 60 near Hardinsburg.

KY 1003

AAA—From jct. KY 80 near Shopville in Pulaski County to 20 feet southeast of the entrance to Kentucky Stone Co., a distance of 0.800 mile.

A—From jct. KY 192 near [at] Mount Victory in Pulaski Co. to 20 feet southeast of the entrance to Kentucky Stone Co. [Jct. KY 80, e. of Shopville.]

KY 1099

AAA [A]—From jct. KY 94, sw. of Hickman to jct. KY 94 in Hickman.

KY 1138

A—From jct. [KY 987, 1.5 miles sw. of Cawood (Harlan Co.) to] US 421, 0.9 mile w. of Cranks in Harlan Co. to Cranks Creek Lake.

KY 1154

AAA [A]—From jct. US 60, 1.4 mi. w. of Future City in McCracken Co. to jct. KY 725.

KY 1230

AAA—From jct. with US 31W, southwest of Louisville at Watson Lane to a point 1650 feet north of Johnsonstown Road; and from Smith Lane to jct. with KY 1934 at the intersection of Cane Run Road and Terry Road. (Note: Section of KY 1230 from 1650 feet n. of Johnsonstown Rd. to Smith Lane is not state maintained.)

KY 1334

A—From jct. KY 237, 1.2 [1.8] miles s. of Hebron in Boone Co. to jct. KY 20.

KY 1420

AAA—From jct. KY 996 in McCracken Co. extending e. to entrance to Essex Wire Corp. plant.

A—[From TVA Reservation boundary to jct. KY 996; and] from entrance to Essex Wire Corp. plant to jct. KY 305 near NWCL of Paducah.

KY 1463

AAA—From jct. KY 1099 at Hickman to the south entrance to Carborundum plant, a distance of approximately 1.0 mile (Fulton Co.).

A—From Tennessee state line [in Fulton Co.] to south entrance to Carborundum plant, south of jct. KY 1099 at the SCL of Hickman.

KY 1467

AAA—From jct. US 231 (5th St.) in Owensboro to jct. US 60 at 2nd [Leitchfield Road near Third] St.

[KY 1497

A—From jct. KY 786 near Lamont in McCracken Co. to jct. the Cook Road.]

KY 1539

A—From jct. Ky 351 [346] near ECL of Henderson to jct. of Rucker Road.

KY 1567

A—From jct. KY 92, 0.5 mile e. of Revelo to jct. [a point 0.3 mile n. of] US 27 (McCreary Co.).

[KY 1618

AA—From jct. KY 4 in Lexington, 0.3 mile w. of US 27 (N. Broadway) to jct. KY 353.]

KY 1637

A—From jct. KY 360, 3.2 miles e. of Uniontown to the Uniontown Road near the Ohio River [with a spur to the Henderson Co. line] (Union Co.).

[KY 1727

A—From jct. KY 461, 1.7 miles se. of Rockcastle Co. line to a point 2.081 miles se. of the beginning (Pulaski Co.).]

[KY 1732

A—From jct. county road, 1.4 miles e. of Easton to jct. KY 1700, 1.3 miles n. of Easton (Hancock Co.).]

[KY 1824

A—From jct. Connersville-Leesburg Road at Lees Lick to jct. county road 1.893 miles nw. of the beginning (Harrison Co.).]

[KY 1838

A—From jct. county road 0.7 mile w. of Gertrude to jct. KY 1159, 2.428 miles nw. of the beginning (Bracken Co.).]

KY 1855

A—From jct. US 31E at [, 0.9 mile s. of] Cedar Springs to jct. KY 98 at Maynard (Allen Co.).

KY 1862

A—From jct. US 119 [KY 805] at *Mayking*, [Thornton] via *Farraday and Lucastown* to jct. KY 931 at *Polly* [near Camp Branch Church] (Letcher Co.).

[KY 1891

AAA—From jct. KY 380 via Industrial Drive to 1,070 feet ne. of KY 380 at plant entrance (Christian Co.).]

[A—From 1,070 feet ne. of KY 380 to SECL of Hopkinsville.]

[KY 1899

A—From jct. KY 682, 0.8 mile ne. of KY 55 to a point 0.9 mile ne. (Adair Co.).]

[KY 1901

AAA—From jct. KY 380 in Hopkinsville to Hayes Garment Co. plant (Christian Co.).]

[KY 1905

AAA—From jct. KY 380 in Hopkinsville to Colonial Baking Co. (Christian Co.).]

[KY 1916

A—From jct. US 41 Alt., nw. of Madisonville to jct. KY 1069, 1.0 mile n. of KY 1751 (Hopkins Co.).]

[KY 1917

A—From jct. US 41 Alt., 1.5 miles e. of Nebo to jct. KY 1034 (Hopkins Co.).]

KY 1924

AA—From jct. Ford-Hampton Road at Ford in Clark Co. to jct. KY 418 [627] near north end of Boonesborough Bridge.

KY 1979

A—From jct. US 68 in Hopkinsville via 7th St. to KY 507 [107] (Christian Co.).

KY 2004

A—From jct. US 421 at Sand Gap to a point 1.18 miles n. of the *Morrill-Kirby Knob road* [jct. county road 0.7 mile nw. of Kirby Knob] (Jackson Co.).

KY 2021

AA—From jct. KY 451 near Busy to 3.4 miles sw. [jct. Rockhouse Fork Road, 2.843 miles s.] of KY 451 (Perry Co.).

KY 2034

A—From jct. US 119 near *Whitesburg* [Ermine] via *Ermine* [Collie] to jct. county road 0.3 mile n. of Upper Craft Collie School (Letcher Co.).

KY 2083

A—From jct. US 41A in [at SCL of] Nortonville via Main St. to jct. US 41A, 0.6 mile n. of Nortonville (Hopkins Co.).

KY 2084

A—From jct. US 41 at Powell St. in Henderson to KY 351 [54] near Franklin St. (Henderson Co.).

KY 2087

A—From jct. US 41A via Clayton Ave. to jct. KY 132 in Dixon (Webster Co.).

KY 2102

A—From jct. KY 136, 3.5 miles nw. of Smith Mills to a point 1.950 miles nw. (*Henderson* [Union] Co.).

KY 2119

A—From jct. [KY 56 and] KY 81 in Owensboro via Old Henderson Road to *Crabtree Ave.* [, Bosley Road and Ninth St. to Conway St.] (Daviess Co.).

[KY 2121

AAA—From jct. KY 56 in Owensboro via Bosley and Crabtree Ave. to US 60 at Second St. (Daviess Co.).]

KY 2124

A—From jct. KY 261, 0.2 [0.5] mile ne. of Ohio Co. line to jct. KY 1700 at *Easton* [Cabot] (Hancock Co.).

KY 2129

A—From jct. *Crabtree Ave.* in Owensboro, via 9th St. to Conway Ave. (Daviess Co.) [KY 79 in Russellville via Morgan to First St. (Logan Co.).]

[KY 2132

A—From jct. US 68 in Russellville via Fifth St. to South Caldwell St. (Logan Co.).]

[KY 2134

A—From jct. US 68 via Sixth St. to South Morgan St. in Russellville (Logan Co.).]

[KY 2139

A—From jct. US 68 in Russellville via Dockins and Seventh St. to Morgan St. (Logan Co.).]

[KY 2140

A—From jct. US 79 in Russellville via Maple Lane and Seventh St. to Nashville St. (Logan Co.);.]

[KY 2194

A—From jct. KY 54, 4.2 miles w. of Short Creek to Tousey (Grayson Co.).]

[KY 2226

A—From jct. US 68 in Lebanon via Woodlawn St. to jct. KY 55 (Marion Co.).]

KY 2235

AAA [A]—From jct. US 60 westbound in Owensboro via Triplett St. to US 60 eastbound (Daviess Co.).

[KY 2238

A—From jct. First St. in Russellville via Summer St. to Second St. (Logan Co.).]

[KY 2275

A—From jct. US 421 in Campbellsburg via Cardinal Drive to jct. US 421 at ECL (Henry Co.).]

KY 2279

A—From jct. KY 684, 0.1 mile e. of KY 1651 to jct. [a point 0.3 mile e. of] US 27, 1.3 miles s. of Whitley City (McCreary Co.)

[KY 2326

A—From jct. Harrison Road in Berea via Center St. to Manning-Maxwell and Moore plant (Madison Co.).]

[KY 2336

A—From jct. US 60 to Administration Building at Bluegrass Field (Fayette Co.).]

[KY 2371

A—From jct. Montague Road to a point 0.10 mile sw. of the beginning (Kenton Co.).]

[KY 2378

A—From jct. KY 296 in Williamsburg via First, Sycamore and Third Sts. to another jct. with KY 296 (Whitley Co.).]

[KY 2381

A—From jct. KY 296 in Williamsburg via Second St. to Sycamore St. (Whitley Co.).]

[KY 2387

A—From jct. KY 296 in Williamsburg via Fifth St. to Green St. (Whitley Co.).]

[KY 2399

A—From jct. US 23E, 0.5 mile s. of US 119, to a point 0.5 mile s. of beginning (Bell Co.).]

[KY 2411

A—From jct. KY 11 in Barbourville via Dishman St. to Sycamore St. (Knox Co.).]

KY 2545

A—From jct. KY 1862 [1812] in Thornton to Sergeant (Letcher Co.).

[KY 2576

A—From jct. KY 1748 at North side of Purchase Parkway extending ne. and parallel to Parkway for 0.549 mile (Graves Co.).]

[KY 2627

A—From jct. Butler Road at west side of Pennyryle Parkway in Hopkinsville extending south to Lewis St. (Christian Co.).]

[KY 2628

A—From jct. Linwood St. in Hopkinsville extending west and parallel with US 68 to a dead end at US 68-Pennyryle Parkway interchange (Christian Co.).]

[KY 2629

A—From a point approximately 200 feet n. of McGowan St. in Hopkinsville extending n. under Pennyryle Parkway to a point 0.104 mile n. of beginning (Christian Co.).]

[KY 2630

A—From jct. US 41, 0.16 mile nw. of Pennyryle Parkway southbound land extending sw. and se. to a dead end at the Parkway Interchange (Christian Co.).]

[KY 2631

A—From jct. US 41, 0.13 mile se. of Pennyryle Parkway northbound land, extending sw. and nw. to a dead end at the Parkway Interchange (Christian Co.).]

[KY 2632

A—From jct Old Clarksville Pike, 0.1 mile nw. of US 41 alt. extending s. for 0.352 mile (Christian Co.).]

KY 2647

A—From jct. US 41 [alt.], 1.3 miles n. of the Christian Co. line, to the M[a]cIntosh Chapel Road 625 feet e. of the Pennyryle Parkway (Hopkins Co.).

[KY 2665

A—From a point on east side of Pennyryle Parkway 0.3 mile north of KY 862 extending north and parallel to Parkway for 0.413 mile (Hopkins Co.).]

KY 2708

A—From jct. KY 81 [54] at east side of US 60 Bypass extending west and parallel with south side of KY 81 [US 431] for 0.107 mile (Daviess Co.).

KY 2709

A—From jct. Airport Road, 0.39 mile w. of US 60 Bypass, extending east and parallel with south side of KY 81 [54] for 0.190 mile (Daviess Co.).

KY 2760

A—From [a point in Webb Mills Road at south side of Western Kentucky Parkway extending ne. and parallel to the Parkway to a point 0.096 mile ne. of] jct. KY 84 extending ne. 9.096 mile (Hardin Co.).

[KY 2763

A—From a point 1,000 feet west of I-65 via Old Sonora Road to a point 800 feet east of I-65 (Hardin Co.).]

KY 2766

[AA—From jct. KY 1375 at north side of Western Kentucky Parkway, sw. of Elizabethtown extending sw. 1.5 miles.]

A—From a point 1.5 miles sw. of KY 1375 *on north side of W. K. Parkway in Hardin Co.* to a point 2.1 miles sw. of KY 1375.

[KY 2768

A—From jct. Fairview Road at Anderson Co. line extending west and parallel to north side of Blue Grass Parkway for 0.972 mile (Washington Co.).]

KY 2821

AAA—From jct. Warnock Ave. and Hahn St. in Louisville extending west on Warnock Ave. to Floyd St. thence south of Floyd St. to a point 417 feet south of I-65 at Ramp "A," thence ne [W]. along Ramp "A" to I-65 (Jefferson Co.).

[KY 2861

A—From a point on south side of Blue Grass Parkway 0.111 mile sw. of KY 53 extending ne. along south side of the Parkway to a point 1.256 miles ne. of KY 53 (Anderson Co.).]

[KY 2862

A—From jct. KY 33 at south side of Blue Grass Parkway extending east and parallel to the Parkway for 0.660 mile (Woodford Co.).]

KY 2866

A—From jct. Huntertown Road at north side of Blue Grass Parkway extending east and parallel to the Parkway for 0.130 mile (Woodford Co.).]

[KY 2867

A—From a point 550 feet sw. of KY 2926 to a point 800 feet ne. of KY 2926 (Woodford Co.).]

[KY 2868

A—From a point 450 feet south of Blue Grass Parkway via Huntertown Road to a point 1,350 feet north of the Parkway (Woodford Co.).]

[KY 2869

A—From jct. McCowans Ferry Road at north side of Blue Grass Parkway extending west and parallel to the Parkway for 0.380 mile (Woodford Co.).]

[KY 2870

A—From jct. Scotts Ferry Road at south side of Blue Grass Parkway extending east to Old Scotts Ferry Road (Woodford Co.).]

[KY 2871

A—From a point 1,453 feet sw. of the Blue Grass Parkway via Scotts Ferry Road extending ne. over the Parkway along Scotts Ferry Road for 0.539 mile (Woodford Co.).]

KY 2873

A—From jct. Peggy's Flat Road (KY 2874) at west side of I-75 extending north and parallel to I-75 for 0.421 [748] mile (Madison Co.).

[KY 2885

A—From jct. KY 21 in Berea near west side of I-75 extending north for 0.620 mile (Madison Co.).]

KY 2888

AAA—From jct. KY 1958 (Van Meter Road) west of Winchester, via Rockwell Road to jct. KY 1678 [a point 1.6 miles west of beginning] (Clark Co.).

A—From jct. KY 859 *near north side of I-64* [a point 1.6 miles west of KY 1958] to a point 0.48 mile west of KY 859 in Fayette Co. (Note: Section between KY 1678 and KY 859 is not state maintained.)

[KY 2926

A—From jct. Scotts Ferry Road at north side of Bluegrass Parkway extending south under the parkway to jct. KY 2867 (Woodford Co.).]

KY 2944

A—From jct. KY 22 at a point on west side of I-75, to a point 1.253 miles north of KY 22 [to a point on west side of I-75, 0.909 mile south of KY 22] (Grant Co.).

[KY 2968

A—From jct. Beechwood Road north of I-75 extending east and parallel to I-75 to Nordman Lane (Kenton Co.).]

[KY 3016

A—From jct. Main St. in Hazard, 200 feet nw. of High St., extending west to east bank of North Fork of Kentucky River (Perry Co.).]

KY 3099 (Formerly part of KY 1138)

A—From jct. KY 987, 1.7 miles sw. of Cawood (Harlan Co.) to Cranks Creek Lake.

OWENSBORO AREA

[Leitchfield Road (KY 54)

AAA—From jct. 18th St. in Owensboro to jct. with US 60 (W. 2nd St. in Owensboro).]

[Bosley Road and Crabtree Ave. (KY 2121)

AAA—From jct. with KY 81 in Owensboro to jct. with US 60 (W. 2nd St. in Owensboro).]

9th St. (KY 2129 [2119])

AAA—From Crabtree Ave. [Bosley Road] to Conway [Independence] Ave.

Breckinridge St. and Leitchfield Road (KY 1497)

AAA—From Fifth St. (US 231) to intersection of Leitchfield Road and 2nd St. (US 60). [near Third St..]

EDUCATIONAL FACILITIES

8118 (Hopkins Co.)

A—Main entrance to Madisonville Community College and KY 3052 [1751].

HEALTH AND MENTAL HEALTH FACILITIES

[8208 (Jefferson Co.)

A—Main entrance to Waverly Hills Geriatric Center and US 31W.]

* 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: October 13, 1978

RECEIVED BY LRC: October 13, 1978 at 3:15 p.m.

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

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

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 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. The regulation prescribes the formula for allocation of these funds.

Section 1. Population. (1) Population figures used by the secretary to determine the formula allocations come from the U.S. Department of Commerce, Bureau of the Census, Current Population Reports. The publication is Federal-State Cooperative Program for Population Estimates, Series P-26, No. 76-17, July, 1977.

(2) Any geographic breakdown in population is in accordance with KRS 210.370.

Section 2. Definitions. (1) "Per capita funds" means the figure derived by taking seventy and two-tenths (70.2) percent of the yearly allocation and dividing this figure by the population of the state.

(2) "Local match funds" means any revenue raised by a region that does not come from federal or state governments such as local tax, match other, or monies submitted by affiliate health care providers, including in-kind contributions, valued according to the assessed fair market value.

(3) "Local tax" means any funds coming from a mental health-mental retardation tax or an appropriation from a county fiscal court or municipal government, including in-kind contributions, valued according to the assessed fair market value.

(4) "Match other" means all funds raised locally that do not meet the definition of local tax funds. This would include but not be limited to donations, collections for services, earnings from contracts, or other non-appropriations from local governments or fiscal courts, etc. Funds budgeted from savings from prior years cannot qualify as matching funds.

(5) "Per capita wealth" means the current total assessed value of property, as adjusted and recorded by the Kentucky Department of Revenue, divided by the population of a given area.

(6) "Region" means that geographic locality determined by incorporation thereof for the purpose of delivery of comprehensive mental health-mental retardation services under KRS 210.370 as controlled by a board of directors. Region and "district" are synonymous to area development districts as defined by KRS 147A.050 with the exception of Livingston County's placement. Because of isolation, Livingston County is included in the Purchase Area rather than the Pennyrile District found in KRS 147A.050.

Section 3. [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. The sum available to each region as it is incorporated shall be determined by dividing the total funds available by the total population of the Commonwealth, multiplied by the population of each region.

Section 4. [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 5. [Section 3.] Incentive Allocations. (1) 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. These local matching fund figures shall be estimated and revised quarterly causing a concomitant revision in the incentive allocation. The per capita wealth adjustment alters the local tax and match other by adjusting the credit for matching funds from the state. The adjustment figure is computed by dividing the per capita wealth of the state by the per capita wealth of a region. Therefore, the true local tax and match other figures are figured by multiplying the per capita wealth adjustment by the local tax funds or the match other funds respectively.

(a) The state will match at a rate of thirty-five (35) cents for each dollar of local tax match after per capita adjustment.

(b) The state will match at the rate of fifteen (15) cents for each dollar of local match other funds after per capita wealth adjustment.

(c) Therefore, the total of paragraphs (a) and (b) equals the total state funds earned by each center under their incentive section if there are sufficient funds appropriated and allocated to the incentive section of the grant.

(2) Because it is possible that mental health-mental retardation boards may raise sufficient local funds to match more state funds than are available under the incentive section, a maximum must be calculated for each board. This maximum will be applied only if all boards reach their maximum. If one or more boards do not reach their maximum, the amount they are under their maximum will be used to raise the maximum of all other boards. The calculation used to determine the initial maximum incentive funds available to each board is as follows: Divide the total incentive funds available (nineteen and eight-tenths

(19.8) percent of the total general funds appropriated) by the population of the state and multiply that figure by the population of each region.

(3) Any incentive funds not distributed to a region because the region failed to reach its maximum will be placed back into the fund for reallocation to those regions that exceeded their local match.

(a) If through this method all incentive funds cannot be allocated, the remaining funds would then be allocated on the per capita method of allocation.

(b) First quarter allocations of the incentive funds will be based on estimate of local matching funds available. These incentive funds will be adjusted each quarter based on actual receipt of these local matching funds.

(c) Local funds can be provided by affiliates but only to the extent that these funds are used to finance programs endorsed by the board in their annual plan and budget.

ROBERT SLATON, Commissioner
PETER D. CONN, Secretary

ADOPTED: October 12, 1978

RECEIVED BY LRC: October 12, 1978 at 10:55 a.m.

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

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

902 KAR 20:005. Certificate of need. *216.405*

RELATES TO: KRS *216.045* to 216.485, 216.990(2)
PURSUANT TO: KRS 13.082, 216.425

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

Section 1. Definitions: (1) "Certificate of need" means an authorization by the board to an applicant to construct, expand, or modify a health facility, or to initiate, expand or modify a health service.

(2) "Construction or modification" means the erection, building, alteration, reconstruction, modernization, improvement, extension or establishment of a health facility or service, or the purchase or acquisition of diagnostic or therapeutic equipment, the inspection and supervision thereof, and the studies, surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary thereto, which:

(a) Requires the total capital expenditure in excess of \$100,000[; or]. For this purpose, total capital expenditure includes acquisition of equipment through lease or donation which would be in excess of \$100,000 if purchased.

(b) Will either:

1. Initiate or expand the scope or type of services rendered, or
2. Increase or decrease the bed complement of a health facility or health service.

(3) "Health facility and health service" means any program, institution, place, building, or agency or portion thereof, public or private, whether organized for profit or not, used, operated or designed to provide medical diagnosis, treatment, nursing, rehabilitative or preventive care to any person or persons. This shall include, but not be limited to health facilities and health services commonly referred to as hospitals, *psychiatric hospitals, tuberculosis hospitals, extended care and recuperation centers, skilled nursing facilities, nursing homes, personal care homes, family care homes, [homes for the aged and infirm,] intermediate care facilities, outpatient clinics, ambulatory care facilities, ambulatory surgical centers, emergency care centers and services, community mental health and mental retardation centers, home health agencies, kidney disease treatment centers (including freestanding hemodialysis units), health maintenance organizations, medical alcohol emergency detoxification service, day health care programs, services for the mentally retarded/developmentally disabled, primary care centers and services, group homes, and others providing similarly organized services regardless of nomenclature.*

(4) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies and insurance companies), a state or a political subdivision or instrumentality (including a municipal corporation) of a state, but does not include unincorporated associations of individuals.

Section 2. Requirement of Certificate of Need: (1) Construction or modification of health facilities or health services whether public, non-profit, private or investor owned shall not be commenced unless a certificate of need has been issued therefor, in accordance with the provisions of KRS 216.405 to 216.485.

(2) A certificate of need shall be issued or denied by the board only upon the approval or disapproval of the application by the regional health planning council for the area in which the project is proposed and such action further acted on [ratified] by the state health planning council. In all cases where a regional or the state health planning council disapproves an application for certificate of need, council shall set forth in detail reasons for such decision. If the board's action is inconsistent with the recommendation of either of the health planning councils, regional or state, the board shall set forth in detail in writing the reason for its action.

Section 3. Procedures to Follow to Obtain a Certificate of Need: (1) Prior to preparation of applications for certificates of need, potential applicants are urged to discuss with designated staff or representatives of regional comprehensive health planning councils their interest in developing the facility or service and obtain the advice and assistance of the regional comprehensive health planning council in formulation of the elements of the proposed project.

(2) The application shall be prepared by the applicant pursuant to instructions as to form and content and utilizing application materials provided by the regional comprehensive health planning council. The regional comprehensive planning council shall offer its services to the extent available to assist the applicant in the preparation of such applications.

(3) Upon completion of its preparation, the application shall be filed by the applicant with the regional comprehensive health planning council for its review, processing and

transmittal with its recommendations, in writing, to the state comprehensive health planning council.

(4) Regional comprehensive health planning councils shall be responsible for completing the review, processing, and transmittal of applications to the state comprehensive health planning council in accordance with schedules, time limits, and procedures to be established by the state comprehensive health planning council.

(5) The state comprehensive health planning council shall receive applications only from the regional comprehensive health planning councils. Applications shall be reviewed in such detail, depth, and manner as the state comprehensive health planning council may deem to be necessary and appropriate to constitute adequate basis for providing assurances to the Certificate of Need and Licensure Board regarding compliance with criteria for determining need.

(6) The state comprehensive health planning council shall establish appropriate time limits for completion of its review and processing of applications.

(7) Upon completion of its review, the state comprehensive health planning council shall transmit applications with its recommendations to the Certificate of Need and Licensure Board. Such transmittal shall set forth the basis of the state comprehensive health planning council's recommendations, including its findings with respect to criteria for determining need as currently established.

(8) The Certificate of Need and Licensure Board shall receive applications only from the state comprehensive health planning council. Applications shall be reviewed and acted upon by the Certificate of Need and Licensure Board within appropriate time limits as established by the Certificate of Need and Licensure Board. Questions or need for supplemental information arising from the board's review of applications shall be addressed to the state comprehensive health planning council.

(9) Applicants shall be notified by the Certificate of Need and Licensure Board of its final action on applications and of any conditions with respect to progress reports, time limitations on proceeding with the development of the facility or service, and/or other factors.

(10) The Certificate of Need and Licensure Board shall establish procedures for the hearing of appeals from applicants whose applications have been denied by the board as set forth in 902 KAR 20:125.

(11) An application which has been filed with the regional comprehensive health planning council may be withdrawn by the applicant at any point in the foregoing procedures, otherwise the application shall be forwarded through all levels of the review procedure and the applicant shall be informed of the disposition at each level of review.

Section 4. Criteria for Determining Need: For the purpose of providing for the orderly development of all health facilities and services in accordance with the needs of the various regions of the Commonwealth, the following general criteria are established for the issuance of certificates of need:

(1) The proposal for development of the health facility/service clearly defines, in terms of established classifications, the functions and role in the regional or state health care systems which the projected facility/service would fulfill and for which the applicant is prepared to assume ongoing responsibility; and

(a) *The proposal is clearly delineated with individual components clearly defined.*

(b) *The applicant proposes a facility/service which relates and conforms to a classification of care for which*

there are Certificate of Need and Licensure Board regulations and/or other appropriately adopted standards.

(c) *The applicant clearly identifies the specific program role and function to be served by the proposed facility/service in the regional and/or state health care system.*

(2) The proposal for development of the facility/service meets all or a defined and appropriate part of an identified gap or inadequacy in a defined geographical area and is located with concern for providing needed access to services and for achieving a rational configuration of health care resources in the region and state;

(a) *The applicant identifies and documents an area need. The methodology used to determine this need is provided with the application.*

(b) *The service area is realistically defined in terms of geographic boundaries and population to be served.*

(c) *The applicant shows evidence that the proposed services and programs are congruent with community needs and contribute to the rational configuration of health services in the area.*

(d) *The applicant has given consideration to making the service accessible to the population intended to be served (location, cost, Medicaid/Medicare participation, etc.)*

(e) *The applicant specifies existing projects or programs currently providing services which address the needs, in whole or part, identified in the application.*

(3) The proposal for development of the facility/service would serve to accomplish appropriate and effective linkages with other services, facilities, and elements of the health care system in the region and state accompanied by assurance of effort to achieve comprehensive care, proper utilization of services and efficient functioning of the health care system.

(a) *The applicant provides assurances that the project is acceptable to the community and is endorsed by health care and community service providers.*

(b) *The applicant provides evidence of contractual or working arrangements/linkage agreements with appropriate health services.*

(c) *The applicant provides evidence of formal arrangements for patient referral to and/or acceptance from other health programs, facilities and providers.*

(d) *The applicant documents the extent to which the project will complement or provide back-up to existing health services and facilities within the region.*

(e) *The applicant provides existing and/or long range plans for achieving resources or service sharing with other health providers within the area.*

(f) *The applicant documents how the proposal contributes to the continuity of health care within the health services of the region.*

(4) The proposal for development of the facility/service is not inconsistent either with defined priorities or with appropriately established plans for the development of health facilities and/or services in the region or state, including such plans as the Kentucky State Plan for Health Facilities Development, Developmental Disabilities Services Plan, and Community Mental Health Centers;

(a) *The proposal is consistent with applicable and appropriately established statewide or health systems agency plans and priorities including the health systems plan and the annual implementation plan.*

(b) *The proposal is consistent with the applicant's institutional long-range development plan and the applicant provides evidence of coordination of this plan with other area providers.*

(5) The proposal for development of the facility/service, when measured against alternatives for meeting needs, is

judged to be an effective and economical use of resources, not only of capital investment, but also in terms of ongoing requirements for health manpower and operational financing;

(a) *The applicant demonstrates the financial feasibility of the proposed facility/service.*

(b) *The applicant documents the source and availability of resources to:*

1. *Finance the proposal;*

2. *Meet debt service requirements;*

3. *Provide the service at a cost/charge which compares favorably with the prevailing costs/charge of the facility/service in the area.*

(c) *The applicant documents what alternatives have been identified for provision of this service.*

(d) *The applicant compares the proposed method of meeting the identified need against the available alternatives based upon financial resources required, cost effectiveness of alternatives, and manpower requirements and justified the reasons for rejecting the alternatives.*

(6) *The applicant is prepared to and capable of:*

(a) *Undertaking and carrying out the responsibilities involved in the proposal in a manner consistent with appropriate standards and requirements: [, and]*

1. *Evidence of the applicant's ability to implement the proposal is provided.*

2. *Evidence of the applicant's ability to operate the facility/service is provided including the potential to meet applicable regulations, codes and standards.*

3. *There is evidence that the proposed administrative and organizational structure is capable of effectively integrating the program into the internal operation of the facility/service.*

4. *The applicant identifies the person(s) or organization(s) directly responsible for implementing and carrying out the elements of the project.*

(b) *Participating appropriately in the future development and coordination of the regional health care system.*

Section 5. Conditions Relative to a Certificate of Need:

(1) A certificate of need is not transferable and is issued only to the person(s) and premises and for the purpose(s) stated on the certificate. In the event of change in ownership of a facility/service, whether existing or proposed, having a current certificate of need, re-application through the regional and state comprehensive health planning councils shall be required prior to final approval by the board. Change in ownership for certificates of need shall be defined as follows:

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

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

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

(d) **Proprietary corporation:** Where the health facility/service is owned by a corporation of more than ten (10) stockholders, any transfer of any part of the title to the facility/service to another person or firm as well as any

consolidation with another corporation or change of name or transfer of any part of the title to the facility/service shall constitute a change in ownership.

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

(2) A certificate of need shall remain valid only if documentation of implementation is provided as may be required by any condition(s) or stipulation(s) attached to the issuance of such certificate of need by the Certificate of Need and Licensure Board.

Section 6. Dissemination and Publication: *Whenever the scope of coverage, as referred to in this regulation, is revised such revision shall be disseminated to all health care facilities and health maintenance organizations within the state and shall be published in one or more newspapers of general circulation in the state.*

MASON C. RUDD, Chairman

ADOPTED: September 13, 1978

RECEIVED BY LRC: September 25, 1978 at 10:30 a.m.

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

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Health Services

Certificate of Need and Licensure Board

(Proposed Amendment)

902 KAR 20:035. Personal care homes; construction and alteration.

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

PURSUANT TO: KRS 13.082, 216.425

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

Section 1. Scope: This regulation relates to the construction and alteration of personal care homes.

Section 2. Definitions: Personal care homes are establishments with permanent facilities that include resident beds and health related services to provide continuous general supervision and residential care. Residents in a personal care home are able to manage the normal activities of daily living except that they have physical or mental disabilities or in the opinion of a licensed physician are in need of residential care.

(1) **Residential care:** refers to a service that provides a protective environment and includes but is not limited to, social and recreational opportunities for residents.

(2) **Continuous or general supervision:** refers to a service that provides twenty-four (24) hour surveillance of the residents and ensures that health related services required for the residents well-being will be carried out.

Section 3. Essential Characteristics of Personal Care Homes. The essential characteristics of personal care homes are as follows:

- (1) The primary function of the personal care home is to provide general supervision and protective services for residents who do not need nursing services for assistance in activities of daily living.
- (2) Written transfer agreements with other facilities in the service area will provide a level of inpatient care not provided by the personal care facility. Any facility which does not have such an agreement in effect but which is found by the survey agency to have attempted in good faith to enter into such an agreement with another health facility shall be considered to have such an agreement in effect if and for so long as the survey agency finds that to do so is in the public interest and essential to assuring personal care facility services for eligible persons in the community. The administrator shall initiate transfer through an appropriate agency or the resident's physician, when the resident's condition is not within the scope of the personal care definition.
- (3) The personal care home maintains resident beds.
- (4) There is a governing authority legally responsible for the conduct of the personal care home.
- (5) There is an administrator to whom the governing authority delegates the full-time responsibility for the operation of the institution in accordance with established policy.
- (6) Arrangements shall be made by the resident, family or guardian, or facility for physician services for residents at the time of admission.
- (7) Resident care services, with facilities and staff, are continuously maintained, except for homes operated under bona fide Christian Science auspices.
- (8) Supervisory personnel are continuously available.
- (9) A health record is maintained for each resident with a minimum to include the following:
 - (a) Identification information.
 - (b) Discharge summary or transfer form if admitted from another facility.
 - (c) Medical evaluation at time of admission.
 - (d) Notes on changes of residents' condition.
 - (e) Reports from special services, studies or consultations.
 - (f) Medication and treatment sheets.
 - (g) Residents' discharge destination or copy of death certificate.
- (10) There is a supervision of medications ordered by physicians for self-administration by residents under their care.
- (11) Food served to residents meets their nutritional requirements.

Section 4. Preparation of Plans and Specifications. After receiving certificate of need approval from the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board, the following procedures and regulations will be followed:

- (1) Before construction is begun for the erection of new buildings or alterations to existing buildings or any changes in facilities, for a personal care facility, the licensee or applicant shall submit plans to the licensing agency for approval.
- (2) Architectural drawings must bear the seal of an architect registered in the Commonwealth of Kentucky and the mechanical and electrical drawings must bear the seal of a professional engineer registered in the Commonwealth of Kentucky.

(3) Drawings shall not exceed thirty-six (36) inches [feet] by forty-six (46) inches [feet] when trimmed.

Section 5. Submission of Plans and Specifications. (1) First stage; schematic plans (Required only if facility exceeds 100 beds).

(a) Single line drawings of each floor shall show the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room shall be noted. Drawings shall include typical resident room layouts (scaled $\frac{1}{4}'' = 1'0''$) with dimensions noted. The proposed roads and walks, service and entrance courts, parking and orientation shall be shown in a plot plan.

(b) If the project is an addition, or is otherwise related to existing buildings on the site, the plans shall show the facilities and general arrangements of those buildings.

(2) Second stage; preliminary plans. Preliminary sketch plans shall include the following:

(a) Architectural:

1. Plans of basement, floors, and roof showing space assignment, sizes and outline of fixed and movable equipment;

2. All elevations and typical sections;

3. Plot plan showing roads, parking, and sidewalks;

4. Areas and bed capacities by floors.

(b) Mechanical:

1. Single line layout of all duct and piping systems;

2. Riser diagrams for multistory construction;

3. Scale layout of boilers and major associated equipment and central heating, cooling, and ventilating units.

(c) Electrical:

1. Plans showing space assignment, sizes and outlines of fixed equipment such as transformers, main switch and switchboards, and generator sets.

2. Simple riser diagram for multistory building construction, showing arrangement of feeders, subfeeders, bus work, load centers, and branch circuit panels.

(d) Outline specifications:

1. General description of the construction, including interior finishes, types and locations of acoustical material, and special floor covering;

2. Description of the air-conditioning, heating, and ventilation systems and their controls, duct and piping systems; and dietary, laundry, and other special equipment.

3. General description of electrical service including voltage, number of feeders, and whether feeders are overhead or underground.

(3) Third stage; contract documents:

(a) Working drawings. Working drawings shall be complete and adequate for bid, contract, and construction purposes. Drawings shall be prepared for each of the following branches of the work: architectural, structural, mechanical, and electrical. They shall include the following:

1. Architectural drawings:

a. Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new building structures, roadways, walks, and parking areas;

b. Plan of each basement, floor and roof;

c. Elevations of each facade;

d. Sections through building;

e. Required scale and full-size details;

f. Schedule of doors, windows, and room finishes;

g. Equipment. Location of all fixed equipment. Layout of typical and special rooms indicating all fixed equipment

and major items of movable equipment. Equipment not included in contract shall be so indicated;

h. Conveying systems. Details of construction, machine and control spaces necessary, size and type of equipment, and utility requirements for the following: dumbwaiters: electric, hand, hydraulic; elevators: freight, passenger, patient; loading dock devices; pneumatic tube systems.

2. Structural drawings:

a. Plans for foundations, floors, roofs, and all intermediate levels with sizes, sections, and the relative location of the various structural members;

b. Dimensions of special openings;

c. Details of all special connections, assemblies, and expansion joints.

3. Mechanical drawings:

a. Heating, steam piping, and air-conditioning systems; radiators and steam heating equipment, such as warmers and steam tables; heating and steam mains and branches with pipe sizes; diagram of heating steam risers with pipe sizes; sizes, types, and capacities of boilers, furnaces, hot water heaters with stokers, oil burners, or gas burners; pumps, tanks, boiler breeching, and piping and boiler room accessories; air-conditioning systems with required equipment, water and refrigerant piping, and ducts; supply and exhaust ventilation systems with heating/cooling connections and piping; air quantities for all room supply and exhaust ventilating duct openings.

b. Plumbing, drainage, and standpipe systems. Size and elevation of: street sewer, house sewer, house drains, street water main, and water service into the building. Location and size of soil, waste, and water service with connections to house drains, clean-outs, fixtures, and equipment. Size and location of hot, cold, and circulating branches, and risers from the service entrance, and tanks; riser diagram of all plumbing stacks with vents, water risers, and fixture connections. Standpipe and sprinkler systems where required; all fixtures and equipment that require water and drain connections.

4. Electrical drawings:

a. Electric service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections if located in the building;

b. Location of main switchboard, power panels, light panels, and equipment. Diagram of feeders and conduits with schedule of feeder breakers or switches;

c. Light outlets, receptacles, switches, power outlets, and circuits;

d. Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets, and branch conduits;

e. Nurses' call systems with outlets for residents' beds and rest rooms; duty station, door signal light and wiring diagrams; (This is optional but required in all higher levels of care.)

[f. Fire alarm systems with stations, signal devices, control board and wiring diagrams;]

f. [g.] Emergency electrical system with outlets, transfer switch, sources of supply, feeders, and circuits;

g. [h.] All other electrically operated systems and equipment.

(b) Specifications. Specifications shall supplement the drawings to fully describe types, sizes, capacities, workmanship, finishes and other characteristics of all materials and equipment and shall include:

1. Cover or title sheet;

2. Index;

3. Sections describing materials and workmanship in

detail for each class of work;

4. General conditions, which must contain the following requirements: Access to the work. Representatives of the appropriate state agencies will have access at all reasonable times to the work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(4) *Fourth stage; all plans and specifications must be approved by the State Fire Marshal's office and the state licensure agency prior to commencement of construction.*

Section 6. Code and Standards. (1) General. Nothing stated herein shall relieve the sponsor from compliance with building codes, ordinances, and regulations which are enforced by city, county, or state jurisdictions.

(2) The following codes and standards will apply where applicable and adopted by the respective agency authority:

(a) Current Kentucky standards of safety regulations applicable to personal care facilities.

(b) Current Kentucky plumbing standards regulations applicable to personal care facilities.

(c) Current Kentucky standards for air contaminants for incinerators regulations applicable to personal care facilities.

(d) Current Kentucky standards for elevators regulations applicable to personal care facilities.

(e) Current Kentucky standards for making buildings and facilities accessible to and usable by the physically handicapped regulations applicable to hospitals.

(3) *Prior to occupancy, facility shall have final approval from appropriate agencies.*

Section 7. Facility Requirements and Special Conditions. (1) These regulations, except Section 6 which may be administered independent from these regulations, apply to the construction of new facilities and facilities that are being converted to personal care. Existing facilities will be expected to make a concerted and demonstrated effort to fully comply with these regulations and must prove to the satisfaction of the board that there are valid, reasonable, and specific justifications for not being in full compliance. The board, however, reserves the right to establish deadlines for compliance to standards of significant importance as determined by the board.

(2) These standards are intended for facilities to be licensed as personal care homes. There are other separate and unique construction and facility standards applicable only to the specific level of care intended which are not interchangeable.

(3) Facilities shall be available to the public, staff, and residents who may be physically handicapped with special attention given to ramps, drinking fountain height, tilted mirrors, etc.

(4) At least sixty-six (66) percent of the beds in the facility shall be located in rooms designed for one (1) or two (2) beds.

(5) Access to the facility shall be by means of a paved or gravel roadway which shall be available for use by traffic prior to a license being issued to a facility for occupancy.

Section 8. Resident Unit. The following shall be included: (1) Resident rooms. Each room shall meet the following requirements:

(a) Maximum room capacity: four (4) residents.

(b) Minimum room is exclusive of built-in closet, lockers, wardrobes and vestibules: 100 square feet in one (1) bed rooms and eighty (80) square feet in multibed rooms.

(c) Multibed rooms shall be designed to permit not less than a three (3) foot space between beds, and at least a three (3) foot space between the side of the bed and the nearest wall, fixed cabinet, or heating/cooling unit. Beds shall be at least thirty-six (36) inches wide. A minimum of three (3) feet is required between the foot of the bed and opposite wall or foot of opposite bed in multibed rooms.

(d) Windows: All resident rooms must have windows opening to the outside. Sill shall not be higher than three (3) feet above the floor and shall be above grade. Window area to be at least ten (10) percent of resident room floor area.

(e) In all rooms with resident beds one (1) lavatory is required.

(f) Wardrobe or closet for each resident. Minimum clear dimensions: one (1) foot and ten (10) inches deep by one (1) foot and eight (8) inches wide with full length hanging space; provide clothes rod and shelf.

(g) In multibed rooms a method of assuring visual privacy for each resident shall be provided.

(2) Resident toilet and bathing facilities:

(a) Provide a centralized bathing area for each sex on every floor. One (1) shower stall or one (1) bathtub for each twelve (12) residents or major fraction thereof is required. One (1) shower stall shall be designed for wheelchair use.

(b) Provide a centralized toilet area for each sex on every floor. One (1) toilet for each eight (8) residents or fraction thereof and one (1) lavatory for each sixteen (16) residents or fraction thereof is required. Toilets must be separated by a permanent partition and at least one (1) toilet for each sex must be designed for wheelchair use.

(c) The centralized bathing and centralized toilet area may be combined into one (1) location provided provision is made for the privacy of sexes.

(d) Grab bars shall be provided at all tubs, shower stalls, and toilets.

(3) Service areas for each floor. The size and location of each service area will depend on the maximum number of residents the floor was designed for and shall include:

(a) Duty station. An adequate centralized area must be provided for charting and other required administrative functions.

(b) Staff lounge area. Shall have adequate space for lockers and have its own toilet room.

(c) Medication area, with sink, refrigerator, locked storage and facilities for preparation of medication. Controlled substances locker must be under double lock.

(d) Clean linen storage. Enclosed storage area.

(e) Janitor's closet. Storage of housekeeping supplies and equipment. Floor receptor or service sink.

(4) Residents' dining, TV viewing, and recreation areas.

(a) The total areas set aside for these purposes shall be not less than thirty (30) square feet per bed for the first fifty (50) beds and twenty (20) square feet per bed for all beds in excess of fifty (50).

(b) Storage shall be provided for recreational equipment and supplies. (Such as wall cabinets or closets.)

Section 9. Dietary Department. If a commercial service will be used or meals will be provided by an adjacent hospital, dietary areas and equipment shall be designed to accommodate the requirements for sanitary, efficient and safe storage, processing, and handling, otherwise the following will be provided:

(1) Food preparation center. Provide lavatory but do not provide mirror.

(2) Food serving facilities. For residents [patients] and staff.

(3) Dishwashing and potwashing facilities. Dish and utensil washing equipment will be used that will result in sanitized serviceware and will prevent recontamination.

(4) Refrigerated storage. Should accommodate a three (3) day supply minimum.

(5) Dry [Day] storage. Should accommodate a three (3) day supply minimum.

(6) Cart cleaning facilities. Only if this type of system is used.

(7) Cart storage area. Only if this type of system is used.

(8) Janitor's closet. Storage for housekeeping supplies and equipment; floor receptor or service sink.

(9) If a toilet room is built in this department, it must have two (2) door separation from food preparation area or dining areas.

Section 10. Administration Department. The following shall be included: (1) Administrator's office. Business office and information center, the admitting and medical records areas may be combined into one (1) area.

(2) Public and staff toilet rooms may be combined.

(3) Housekeeper's storage space.

Section 11. Laundry. The following shall be included: (1) Soiled linen room.

(2) Clean linen room.

(3) Lavatory. Accessible from soiled, clean, and processing rooms.

(4) Laundry processing room and storage for laundry supplies. (Need not be provided if laundry is processed outside the facility.)

Section 12. Storage and Service Areas. The following shall be included: (1) Sufficient storage space shall be provided.

(2) Engineering service and equipment areas. The following shall be provided where applicable:

(a) Boiler room;

(b) Mechanical and electrical equipment room(s). (Can be combined with boiler room);

(c) Storage room for housekeeping equipment. (Need not be provided if space is available in janitor's closets or elsewhere);

(d) Refuse area, for holding trash prior to disposal, shall be located convenient to service entrance. (See Section 13(1)(e).)

Section 13. Details and Finishes. A high degree of safety for the occupants in minimizing the incidence of accidents shall be provided. Hazards such as sharp corners shall be avoided. All details and finishes shall meet the following requirements:

(1) Details:

[(a) Exits shall comply with the requirements for exit facilities in the "Kentucky Standards for Safety" as adopted by the State Fire Marshal's Office.]

(a) [(b)] Handrails shall be provided on both sides of corridors used by residents in personal care with a clear distance of one and one-half (1 ½) inches between handrail and wall.

(b) [(c)] All doors opening onto corridors shall be swing-type except elevator doors. Alcoves and similar spaces which generally do not require doors are excluded from this requirement.

(c) [(d)] No doors shall swing into the corridor except closet doors.

(d) [(e)] Thresholds and expansion joint covers, if used, shall be flush with the door.

(e) [(f)] Grab bars and accessories in toilet, shower, and bathrooms shall have sufficient strength and anchorage to sustain a load of 250 pounds for five (5) minutes.

(f) [(g)] Lavatories intended for use by residents shall be installed to permit wheelchairs to slide under.

(g) [(h)] The location and arrangement of lavatories and sinks intended for handwashing purposes shall provide sixteen (16) inches clearance each side of center line of fixture. (See Section 16(4)(a).)

(h) [(i)] Mirrors shall be arranged for convenient use by residents in wheelchairs as well as by residents in standing position.

(i) [(j)] Towel rack or dispensers shall be provided at all lavatories and sinks used for handwashing.

(j) [(k)] Ceiling heights:

1. Boiler room. Not less than two (2) feet and six (6) inches above the main boiler header and connecting piping with adequate headroom under piping for maintenance and access;

2. Corridors, storage rooms, residents' toilet room, and other minor rooms. Not less than seven (7) feet and six (6) inches.;

3. All other rooms. Not less than eight (8) feet.

(k) [(1)] Boiler room, food preparation centers, and laundries shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of eighty-five (85) degrees Fahrenheit.

(l) [(m)] Approved fire extinguishers shall be provided in recessed locations throughout the building in accordance with "Kentucky Standards of Safety," adopted by the State Fire Marshal's Office.

(m) [(n)] Noise reduction criteria. The ceilings of the following areas shall be designed to reduce noise transmission:

1. Corridors in resident areas;
2. Work areas such as utility rooms;
3. Lobbies and recreation areas.

(n) [(o)] Special attention shall be given to sound transmission from boiler rooms, mechanical rooms, and kitchen, to resident bedroom areas.

(2) Finishes:

[(a)] Flame spread requirements shall conform to the standards adopted by the State Fire Marshal's Office.]

(a) [(b)] Floors generally shall be easily cleanable and shall have the wear resistance appropriate for the location involved. Floors in kitchen and related spaces shall be waterproof and greaseproof. In all areas where floors are subject to wetting, they shall have a nonslip finish.

(b) [(c)] Adjacent dissimilar floor materials shall be flush with each other to provide an unbroken surface.

(c) [(d)] Walls generally shall be washable and in the immediate area of plumbing fixtures, the finish shall be moistureproof. Wall bases in dietary areas shall be free of spaces that can harbor insects.

(d) [(e)] Ceilings generally shall be washable or easily cleanable. This requirement does not apply to boiler rooms, mechanical and building equipment rooms, shops and similar spaces.

Section 14. Elevators. Elevator requirements shall conform to the current standards for elevators adopted by the Division of Labor Standards, Department of Labor.

(1) Elevators, where required. All facilities where either resident beds or residential facilities such as recreation,

resident dining or therapy rooms are located on other than the first floor, shall have electric or electrohydraulic elevators as follows:

(a) Number of elevators.

1. At least one (1) hospital-type elevator shall be installed where one (1) to fifty-nine (59) resident beds are located on any floor other than the first. (For purposes of these requirements, the first floor is that floor first reached from the main front entrance);

2. At least two (2) elevators, one (1) of which shall be hospital-type shall be installed where sixty (60) to 200 resident beds are located on floors other than the first, or where residential facilities are located on a floor other than those containing the resident beds.

3. At least three (3) elevators, one (1) of which shall be hospital-type shall be installed where 201 to 350 resident beds are located on floors other than the first, or where residential facilities are located on a floor other than those containing the resident beds;

4. For facilities with more than 350 beds, the number of elevators shall be determined from a study of the facility plan and the estimated vertical transportation requirements.

(b) Cars and platforms. [Elevator cars and platforms shall be constructed of noncombustible material, except that fire-retardant-treated material may be used if all exterior surfaces of the cars are covered with metal.] Cars of hospital-type elevators shall have inside dimensions that will accommodate a resident's bed and attendants and shall be at least five (5) feet wide by seven (7) feet and six (6) inches deep; car doors shall have a clear opening of not less than three (3) feet and eight (8) inches. Cars of all other required elevators shall have a clear opening of not less than three (3) feet.

(c) Leveling. Elevators shall have automatic leveling of the two (2) way automatic maintaining type with accuracy within plus or minus one-half (½) inch.

(2) Field inspection and tests. The contractor shall be required to cause inspections and tests to be made and shall deliver to the owner written certification that the installation meets the requirements set forth in this section.

Section 15. Construction. [Including Fire-Prevention Requirements. (1)] Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths, the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement.

[(2) Construction shall meet the "Kentucky Standards for Safety" adopted by the State Fire Marshal's Office.]

[(3) Fire safety approval. Prior to final approval of plans and specifications by the state licensure agency, the plans and specifications must be approved by the State Fire Marshal's Office.]

Section 16. Mechanical Requirements. [(1) Design and construction of refuse chutes, dumbwaiters, conveyors, and material handling systems shall be in accordance with the standards adopted by the State Fire Marshal's Office.]

(1) [(2)] Steam and hot water systems:

(a) Boilers. If boilers are used, a minimum of two (2) must be provided; the combined capacity of the boilers, based upon the published Steel Boiler Institute or Institute of Boiler and Radiator Manufacturer's net rating, must be able to supply 150 percent of the normal requirements of all systems and equipment.

(b) Valves. Supply and return mains and risers of space heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return end.

(c) Covering. Boiler and smoke breeching, all steam supply piping and high pressure steam return piping, and hot water space heating supply and return piping shall be insulated.

(d) the design and installation of all boilers must be in accordance with current Kentucky plumbing standards regulations applicable to personal care facilities.

(2) [(3)] Air-conditioning, heating and ventilating systems:

(a) Temperatures. A minimum temperature of seventy-two (72) degrees Fahrenheit shall be provided for occupied areas at winter design conditions.

(b) Ventilation systems details. All air-supply and air-exhaust systems shall be mechanically operated. All fans serving exhaust systems shall be located at or near the point of discharge from the building. The ventilation rates shown on Table 1, Section 18, shall not be considered as precluding the use of higher ventilation rates if they are required to meet design conditions.

1. Outdoor ventilation air-intakes, other than for individual room units, shall be located as far away as practicable but not less than twenty-five (25) feet from the exhausts from any ventilating system or combustion equipment. The bottom of outdoor intakes serving central air systems shall be located as high as possible but not less than eight (8) feet above the ground level or, if installed through the roof, three (3) feet above roof level.

2. The ventilation systems shall be designed and balanced to provide the general pressure relationship to adjacent areas shown in Table 1, Section 18.

3. Room supply air inlets, recirculation, and exhaust air outlets shall be located not less than three (3) inches above the floor.

4. Corridors shall not be used to supply air to or exhaust air from any room, except that exhaust air from corridors may be used to ventilate rooms such as bathrooms, toilet rooms, or janitor's closets which open directly on corridors.

5. Ducts shall be constructed of iron, steel, aluminum, or other approved metal or materials such as clay, asbestos, cement, fiberglass, etc.

6. All hoods over cooking ranges shall be equipped with fire extinguishing systems and heat-actuated fan controls. Cleanout openings shall be provided every twenty (20) feet in horizontal exhaust duct systems serving hoods.

[7. Boiler rooms shall be provided with sufficient outdoor air to maintain combustion rates of equipment and reasonable temperatures in the room and in adjoining areas.]

(3) [(4)] Plumbing and other piping systems. All plumbing systems shall be installed in accordance with the requirements of current Kentucky plumbing standards regulations applicable to personal care facilities. Lavatories in resident rooms shall have the water supply spout mounted so that its discharge point is a minimum distance of five (5) inches above the rim of the fixture. All fixtures used by staff, and all lavatories used by residents and food handlers shall be trimmed with valves which can be operated without the use of hands. Where blade handles are used for this purpose, they shall be of standard length. (See Section 13(1)(j).)

(4) [(5)] Water supply systems:

(a) System shall be designed to supply water to the fixtures and equipment on the upper floors at a minimum

pressure of fifteen (15) pounds per square inch during maximum demand periods.

(b) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.

(c) Hot, cold and chilled water piping and waste piping on which condensation may occur shall be insulated. Insulation of cold and chilled water lines shall include an exterior barrier.

(d) Backflow preventers (vacuum breakers) shall be installed on hose bibbs and on all fixtures to which hoses or tubing can be attached such as janitor's sinks and bedpan flushing attachments.

(e) Hot water distribution systems shall be arranged to provide hot water at each fixture at all times.

(f) Plumbing fixtures which require hot water and which are intended for resident use shall be supplied with water which is controlled to provide a maximum water temperature of 110 degrees Fahrenheit at the fixture.

(g) Piping over food preparation centers, food serving facilities, food storage areas, and other critical areas shall be kept to a minimum and shall not be exposed. Special precautions shall be taken to protect these areas from possible leakage of, or condensation from necessary overhead piping systems.

(5) [(6)] Hot water heaters and tanks.

(a) The hot water heating equipment shall have sufficient capacity to supply the water at the temperature and amounts indicated below:

	Use		
	Resident	Dietary	Laundry
Gal/hr/bed	6½	4	4½
Temp. F.	110	180	180

(b) Storage tank(s) shall be provided and shall be fabricated of corrosion-resistant metal, or have non-corrosive lining.

[(7) Fire extinguishing and detection systems shall conform to the "Kentucky Standards of Safety" adopted by the State Fire Marshal's Office.]

(6) [(8)] Plumbing approval. Prior to final approval of the plans and specifications by the state licensure agency, the plumbing plans and specifications must be approved by the Division of Plumbing, Department of Housing, Buildings and Construction [for Natural Resources and Environmental Protection].

Section 17. Electrical Requirements. (1) General:

(a) All materials including equipment, conductors, controls, and signaling devices shall be installed to provide a complete electrical system with the necessary characteristics and capacity to supply the electrical facilities shown in the specifications or indicated on the plans. All materials shall be listed as complying with applicable standards of Underwriters' Laboratories, Inc., or other similarly established standards.

(b) The contractor shall be responsible for testing all electrical installations and systems and shall show that the equipment is correctly installed and operated as planned or specified.

(c) The electrical installations must conform to local codes where they exist or to the National Electrical Code. Final approval must be obtained from the State Fire Marshal's Office, after inspection.

(2) Switchboard and power panels. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboard and distribution panelboards shall be enclosed or guarded to provide a dead-front type of assembly. The

main switchboard shall be located in a separate enclosure accessible only to authorized persons. The switchboard shall be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry ventilated space devoid of corrosive fumes or gases. Overload protective devices shall be suitable for operating properly in the ambient temperature conditions. All breakers and switches are to be indexed.

(3) Distribution panelboards. Lighting and appliance panelboards shall be provided for the circuits on each floor. All circuits are to be indexed at panelboard. This requirement does not apply to emergency system circuits.

(4) Lighting:

(a) All spaces occupied by people, machinery, and equipment within buildings, and the approaches thereto, and parking lots shall have electric lighting.

(b) Residents' bedrooms shall have general lighting. A reading light shall be provided for each resident when appropriate. Residents' reading lights and other fixed lights not switched at the door shall have switch controls convenient for use at the luminaire.

(c) Provisions shall be made for the night lighting of corridors. (See Section 18, Table 2, for levels of illumination for various areas.)

(5) Receptacles. (Convenience outlets);

(a) Bedroom. Each resident bedroom shall have duplex receptacles as follows: one (1) each side of the head of each bed (for parallel adjacent beds, only one (1) receptacle is required between beds); receptacles for luminaires, television and motorized beds, if used, and one (1) receptacle on another wall.

(b) Corridors. Single receptacles for equipment such as floor cleaning machines shall be installed approximately fifty (50) feet apart in all corridors. Duplex receptacles for general use shall be installed approximately fifty (50) feet apart in all corridors and within twenty-five (25) feet of ends of corridors.

[(6) Fire alarms and fire detector systems. The design and installation of these systems must be approved by the State Fire Marshal's Office. (See Section 6(2).)]

(6) [(7)] Emergency electric service:

(a) General. To provide electricity during an interruption of the normal electric supply that could affect the care or safety of the occupants, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power for a continuous period up to twenty-four (24) hours.

(b) Emergency electrical connections. Emergency electric service shall be provided to circuits as follows:

1. Lighting:

a. Exitways and all necessary ways of approach thereto, including exit signs and exit direction signs, exterior of exits, exit doorways, stairways, and corridors;

b. Medication preparation areas;

c. Switch-gear location and boiler room;

d. Elevator (if required for emergency);

2. Equipment, essential to life safety and for protection of important or vital materials: *sewage or sump lift pump, if installed.*

[a. Alarm system including fire alarm actuated at manual stations, water flow alarm devices of sprinkler system if electrically operated, fire detecting and smoke detecting systems, paging or speaker systems if intended for issuing instructions during emergency conditions;]

[b. Fire pump, if installed;]

[c. Sewage or sump lift pump, if installed.]

(c) Details. The emergency system shall be so controlled that after interruption of the normal electric power supply, the electric source is brought to full voltage and frequency

and connected to all emergency lighting, all alarms, and equipment.

Section 18. Appendix: Table 1—Pressure Relationships and Ventilation of Certain Personal Care Areas. Table 2—Lighting Levels for Personal Care.

Table 1. Pressure Relationships and Ventilation of Certain Personal Care Areas

Area Designation	Pressure Relationship to Adjacent Areas	All Supply Air From Outdoors	Minimum Air Changes of Outdoor Air per Hour
Resident room	0	—	2
Resident area corridor	0	—	1
Treatment room	0	Yes	1
Physical therapy and hydrotherapy if applicable	N	—	1
Dining and recreation areas	0	—	1
Soiled workroom	N	—	1
Clean workroom	P	Yes	1
Toilet room	N	—	—
Bedpan room if applicable	N	—	—
Bathroom	N	—	—
Janitor's closet	N	—	—
Linen and trash chute room	N	—	—
Food preparation center	0	—	2
Dishwashing area	N	—	—
Dietary dry storage	0	—	—
Laundry, general	0	—	2
Soiled linen sorting and storage	N	—	2
Clean linen storage	P	—	2

P = Positive N = Negative 0 = Equal — = Optional

Table 1. Continued

Area Designation	Minimum Total Air Changes Per Hour	All Air Exhausted Directly to Outdoors	Recirculated Within Area
Resident room	2	—	—
Resident area corridor	4	—	—
Treatment room	4	Yes	No
Physical therapy and hydrotherapy if applicable	6	—	—
Dining and recreation areas	4	—	—
Soiled workroom	4	Yes	No
Clean workroom	4	—	—
Toilet room	10	Yes	No
Bedpan room if applicable	10	Yes	No
Bathroom	10	Yes	No
Janitor's closet	10	Yes	No
Linen and trash chute rooms	10	Yes	No
Food preparation center	10	Yes	No
Dishwashing area	10	Yes	No
Dietary dry storage	2	—	No
Laundry, general	10	Yes	No
Soiled linen sorting and storage	10	Yes	No
Clean linen storage	2	—	—

P = Positive N = Negative 0 = Equal — = Optional

Table 2. Lighting Levels for Personal Care

Area	Footcandles *
Administrative and lobby areas, day	50
Administrative and lobby areas, night	20
Corridors and interior ramps	20
Corridor night lighting	3
Dining area and kitchen	30
Doorways	10
Exit stairways and landings	5
Janitor's closet	15
Staff Lounge, general, day	50
Staff Lounge, general, night	20
Medicine Cabinet	100
Resident care unit (or room), general	10
Resident care room, reading	30
Recreation area (floor level)	50
Stairways other than exits	30
Toilet and bathing facilities	30
Utility room, general	20

* Minimum on task at anytime

MASON C. RUDD, Chairman

ADOPTED: September 8, 1978

RECEIVED BY LRC: September 25, 1978 at 10:30 a.m.

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

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

902 KAR 20:055. Intermediate care facilities; construction and alteration.

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

PURSUANT TO: KRS 13.082, 216.425

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

Section 1. Definition: Intermediate care services are provided intermittently on a twenty-four (24) hour basis by establishments with permanent facilities and health related services to patients who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who because of their mental or physical condition require care and services (above the level of room and board) which can be made available to them only through institutional facilities on an inpatient basis.

Section 2. Essential characteristics: All intermediate care services shall have provisions for the following essential characteristics:

(1) A governing authority legally responsible for the conduct of the facility;

(2) An administrator licensed by the State Board of Licensure for Nursing Home Administrators to whom the governing authority delegates full-time responsibility for the operation of the facility in accordance with established policy;

(3) Inpatient care;

(4) Twenty-four (24) hour supervision (at various levels) according to patient need;

(5) Diagnostic care and evaluation according to need;

(6) Treatment and/or training of the type and frequency required by specific patient needs as detailed in an individual "plan of care;"

(7) Cooperation with appropriate community planning and referral agencies where available for admission and discharge of patients;

(8) Social services as needed by the patients through direct provision or arrangement;

(9) A current and complete record maintained for each patient;

(10) An organized food service which meets the nutritional needs of the patients, with special diets regularly available;

(11) A plan for independent and group activities;

(12) A written patient care policy governing patient treatment in the facility;

(13) Maintaining effective arrangements for required institutional services through a written agreement with an outside resource in those instances where the facility does not employ a qualified professional person to render a required service. The terms of agreement with each such resource are delineated in writing and signed by the administrator or authorized representative and the resource;

(14) Written transfer agreements with other health facilities in the service area will provide a level of inpatient care not provided by the intermediate care facility. Any facility which does not have such an agreement in effect but which is found by the survey agency to have attempted in good faith to enter into such an agreement with another health facility shall be considered to have such an agreement in effect if and for so long as the survey agency finds that to do so is in the public interest and essential to assuring intermediate care facility services for eligible persons in the community;

(15) Intermittent appraisal and intervention by trained nursing personnel is on a twenty-four (24) hour basis;

(16) Medical management by a licensed physician and scheduled intermittent diagnostic care is provided;

(17) Restorative nursing care is provided to each patient to achieve and maintain the highest possible degree of function, self-care and independence.

Section 3. Preparation of Plans and Specifications. After receiving certificate of need approval from the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board, the following procedures and regulations will be followed:

(1) Before construction is begun for the erection of new buildings or alterations to existing buildings or any change in facilities, for an intermediate care facility, the licensee or applicant shall submit plans to the licensing agency for approval.

(2) Architectural drawings must bear the seal of an architect registered in the Commonwealth of Kentucky and the mechanical and electrical drawings must bear the seal of a professional engineer registered in the Commonwealth of Kentucky.

(3) Drawings shall not exceed thirty-six (36) inches by forty-six (46) inches when trimmed.

Section 4. Submission of Plans and Specifications for Intermediate Care. (1) First stage; schematic plans:

(a) Single line drawings of each floor shall show the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room shall be noted. Drawings shall include typical patient room layouts (scaled $\frac{1}{4}" = 1'0"$) with dimensions noted. The proposed roads and walks, service and entrance courts, parking and orientation shall be shown in a plot plan.

(b) If the project is an addition, or is otherwise related to existing buildings on the site, the plans shall show the facilities and general arrangements of those buildings.

(2) Second stage; preliminary plans. preliminary sketch plans shall include the following:

(a) Architectural:

1. Plans of basement, floors, and roof showing space assignment, sizes, and outline of fixed and movable equipment;

2. All elevations and typical sections;

3. Plot plan showing roads, parking, and sidewalks;

4. Areas and bed capacities by floors.

(b) Mechanical:

1. Single line layout of all duct and piping systems;

2. Riser diagrams for multistory construction;

3. Scale layout of boilers and major associated equipment and central heating, cooling, and ventilating units.

(c) Electrical:

1. Plans showing space assignment, sizes and outlines of fixed equipment such as transformers, main switch and switchboards, and generator sets;

2. Simple riser diagram for multistory building construction, showing arrangement of feeders, subfeeders, bus work, load center, and branch circuit panels.

(d) Outline specifications:

1. General description of the construction, including interior finishes, types and locations of acoustical material, and special floor covering;

2. Description of the air-conditioning, heating, and ventilation systems and their controls, duct and piping systems; and dietary, laundry, and other special equipment;

3. General description of electrical service including voltage, number of feeders, and whether feeders are overhead or underground.

(3) Third stage; contract documents:

(a) Working drawings. Working drawings shall be complete and adequate for bid, contract, and construction purposes. Drawings shall be prepared for each of the following branches of the work: architectural, structural, mechanical, and electrical. They shall include the following:

1. Architectural drawings:

a. Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new building structures, roadways, walks, and parking areas;

b. Plan of each basement, floor and roof;

c. Elevations of each facade;

d. Sections through building;

e. Required scale and full-size details;

f. Schedule of doors, windows, and room finishes;

g. Equipment. Location of all fixed equipment. Layout of typical and special rooms indicating all fixed equipment and major items of movable equipment. Equipment not included in contract shall be so indicated;

h. Conveying systems. Details of construction, machine and control spaces necessary, size and type of equipment,

and utility requirements for the following: dumbwaiters: electric, hand, hydraulic; elevators: freight, passenger, patient; loading dock devices; pneumatic tube systems.

2. Structural drawings:

a. Plans for foundations, floors, roofs, and all intermediate levels with sizes, sections, and the relative location of the various structural members;

b. Dimensions of special openings;

c. Details of all special connections, assemblies, and expansion joints.

3. Mechanical drawings:

a. Heating, steam piping, and air-conditioning systems: Radiators and steam heated equipment, such as warmers and steam tables; heating and steam mains and branches with pipe sizes; diagram of heating and steam risers with pipe sizes; sizes, types, and capacities of boilers, furnaces, hot water heaters with stokers, oil burners, or gas burners; pumps, tanks, boiler breeching, and piping and boiler room accessories; air-conditioning systems with required equipment, water and refrigerant piping and ducts; supply and exhaust ventilation systems with heating/cooling connections and piping; air quantities for all room supply and exhaust ventilating duct openings.

b. Plumbing, drainage, and standpipe systems; size and elevation of: street sewer, house sewer, house drains, street water main, and water service into the building; location and size of soil, waste, and water service with connections to house drains, clean-outs, fixtures, and equipment; size and location of hot, cold and circulating branches, and risers from the service entrance, and tanks; riser diagram of all plumbing stacks with vents, water risers, and fixture connections; oxygen and vacuum systems; standpipe and sprinkler systems where required; all fixtures and equipment that require water and drain connections.

4. Electrical drawings:

a. Electric service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections if located in the building;

b. Location of main switchboard, power panels, light panels, and equipment. Diagram of feeders and conduits (with schedule of feeder breakers or switches);

c. Light outlets, receptacles, switches, power outlets, and circuits;

d. Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets, and branch conduits;

e. Nurses' call systems with outlets for beds, duty stations, door signal light, annunciators, and wiring diagrams;

[f. Fire alarm system with stations, signal devices, control board, and wiring diagrams;]

f. [g.] Emergency electrical systems with outlets, transfer switch, sources of supply, feeders, and circuits;

(b) Specifications. Specifications shall supplement the drawings to fully describe types, sizes, capacities, workmanship, finishes and other characteristics of all materials and equipment and shall include:

1. Cover or title sheet;

2. Index;

3. Sections describing materials and workmanship in detail for each class of work;

4. General conditions, which must contain the following requirements: Access to the work. Representatives of the appropriate state agencies will have access at all reasonable times to the work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(4) *Fourth stage: All plans and specifications must be approved by the State Fire Marshal's office and the state licensure agency prior to commencement of construction.*

Section 5. Code and Standards. (1) General. Nothing stated herein shall relieve the sponsor from compliance with building codes, ordinances, and regulations which are enforced by city, county, or state jurisdictions.

(2) The following codes and standards will apply where applicable and as adopted by the respective agency authority.

(a) Current Kentucky standards of safety regulations applicable to intermediate care facilities.

(b) Current Kentucky plumbing standards regulations applicable to intermediate care facilities.

(c) Current Kentucky standards for air contaminants for incinerators regulations applicable to intermediate care facilities.

(d) Current Kentucky standards for elevators regulations applicable to intermediate care facilities.

(e) Current Kentucky standards for making buildings and facilities accessible to and usable by the physically handicapped regulations applicable to hospitals.

(3) *Prior to occupancy, facility must have final approval from appropriate agencies.*

Section 6. Facility Requirements and Special Conditions. (1) These regulations, except Section 5 which may be administered independent from these regulations, apply to the construction of new facilities and facilities that are being converted to intermediate care. Existing facilities will be expected to make a concerted and demonstrated effort to fully comply with these regulations and must prove to the satisfaction of the board that there are valid, reasonable, and specific justifications for not being in full compliance. The board, however, reserves the right to establish deadlines for compliance to standards of significant importance as determined by the board.

(2) These standards are intended for facilities to be licensed as intermediate care facilities. There are other separate and unique construction and facility standards applicable only to the specific level of care intended which are not interchangeable.

(3) Independent facilities with a capacity of fifty (50) beds or less present special problems. The sizes of the various departments will depend upon the requirements of the facilities. Some functions allotted separate spaces or rooms in these general standards may be combined provided that the resulting plan will not compromise the best standard of safety and of medical and nursing practices and the social needs of patients. In other respects, the general standards set forth herein, including the area requirements, shall apply.

(4) Facilities shall be available to the public, staff, and patients who may be physically handicapped with special attention given to ramps, drinking fountain height, tilted mirrors, etc.

(5) The number of beds in a nursing unit shall not exceed sixty (60) unless additional services are provided, as deemed necessary by the Certificate of Need and Licensure Board. At least sixty-six (66) percent of the beds shall be located in rooms designed for one (1) or two (2) beds.

(6) Access to the facility shall be by means of a paved or gravel roadway which shall be available for use by traffic prior to a license being issued to the facility for occupancy.

Section 7. Nursing Unit. (1) Patient rooms. Each pa-

tient room shall meet the following requirements:

(a) Maximum room capacity: four (4) patients:

(b) Minimum room area exclusive of built-in closet, toilet rooms, lockers, wardrobes and vestibules: 100 square feet in one (1) bedroom and eighty (80) square feet per bed in multibed rooms.

(c) Multibed rooms shall be designed to permit not less than a four (4) foot space between beds, and at least three (3) foot space between the side of a bed and the nearest wall, fixed cabinet, or heating/cooling element. A minimum of four (4) feet is required between foot of bed and opposite wall, or foot of opposite bed in multibed rooms;

(d) Window. All patient rooms must have windows opening to the outside. Sill shall not be higher than three (3) feet above the floor and shall be above grade. Window area to be at least ten (10) percent of patient room floor area;

(e) Nurses' calling station(s): (See Section 16(6));

(f) Lavatory. In all patient rooms there shall be a lavatory;

(g) Wardrobe or closet for each patient. Minimum clear dimensions: one (1) foot and ten (10) inches deep by one (1) foot and eight (8) inches wide with full-length hanging space; provide clothes rod and shelf;

(h) A method of assuring visual privacy for each patient shall be provided in each multi-bed patient room and in tub, shower and toilet rooms (cubicle curtains, built-in partitions, etc.);

(i) No patient room shall be located more than 120 feet from the nurses' station, the clean workroom, and the soiled workroom. No room shall be used as a patient room where the access is through another patient's room.

(2) Patient toilet rooms:

(a) Provide a centralized toilet area for each sex on every floor. One (1) toilet for each eight (8) residents or fraction thereof and one (1) lavatory for each sixteen (16) residents or fraction thereof is required. Toilets must be separated by a permanent partition and at least one (1) toilet for each sex must be designed for wheelchair use.

(b) At least one (1) toilet must be easily usable by wheelchair patients. Grab bars shall be provided at all toilets;

(c) Doors to toilet rooms shall have a minimum width of two (2) feet and ten (10) inches to admit wheelchair.

(3) Service areas in each nursing unit. The size of each service area will depend on the number and types of beds within the unit and shall include:

(a) Nurses' station. For nurses' charting, doctors' charting, communications, and storage for supplies and nurses' personal effects;

(b) Staff lounge area. Shall have adequate space for lockers and have its own toilet room.

(c) Clean workroom. For storage and assembly of supplies for nursing procedures; shall contain work counter and sink;

(d) Soiled workroom. Shall contain clinical sink, work counter with two (2) compartment sink, waste receptacles, and soiled linen receptacles.

(e) Medication area. Adjacent to nurses' station; with sink, refrigerator, locked storage, and facilities for preparation and dispensing of medication. (May be designated area within clean workroom if a self-contained cabinet is provided.) Controlled substances locker must be under double lock.

(f) Clean linen storage. Enclosed storage space. (May be designated area within the clean workroom);

(g) Equipment storage room. For storage of IV stands, inhalators, air mattresses, walkers, and similar bulky equipment;

(h) Patient baths. One (1) shower stall or one (1) bathtub shall be required for each twelve (12) beds not individually served. There shall be at least one (1) free standing bathtub in each bathroom. Grab bars shall be provided at all bathing fixtures. Each bathtub or shower enclosure in central bathing facilities shall provide space for private use, for dressing and for a wheelchair and attendant. At least one (1) shower in the central bathing facilities shall not be less than four (4) feet square, without curbs, and designed to permit use from a wheelchair. Soap dishes in showers and bathrooms shall be recessed.

(i) Janitor's closet. Storage of housekeeping supplies and equipment. Floor receptor or service sink;

(j) Bedpan washing facilities shall be provided on each floor and shall be so located that bedpans need not be carried through lobbies and dining areas.

(k) Patients' dining, TV viewing and recreation areas:

(a) The total areas set aside for these purposes shall be not less than thirty (30) square feet per bed for the first fifty (50) beds and twenty (20) square feet per bed for all beds in excess of fifty (50). Additional space shall be provided for outpatients if they participate in a day care program;

(b) Storage shall be provided for recreational equipment and supplies. (Such as wall cabinets or closets);

(c) The areas set aside for these purposes must be readily accessible to wheelchair patients and shall be of sufficient size to accommodate equipment and permit unobstructed movement about of wheelchair patients and personnel responsible for instructing and supervising patients.

Section 8. Dietary Department. If a commercial service will be used or meals will be provided by an adjacent hospital, dietary areas and equipment shall be designed to accommodate the requirements for sanitary, efficient, and safe storage, processing, and handling, otherwise the following will be provided:

(1) Food preparation center. Provide lavatory but do not provide mirror;

(2) Food serving facilities. For patient and staff;

(3) Dishwashing and potwashing facilities. Dish and utensil washing equipment will be used that will result in sanitized serveware and will prevent recontamination.

(4) Refrigerated storage should accommodate a three (3) day supply minimum;

(5) Dry [Day] storage should accommodate a three (3) day supply minimum;

(6) Cart cleaning facilities; only if this type of system is used;

(7) Cart storage areas; only if this type of system is used;

(8) Janitor's closet. For storage for housekeeping supplies and equipment; floor receptor or service sink;

(9) If a toilet room is built within the department it must have a two (2) door separation from food preparation area or dining areas.

Section 9. Administration Department. The following shall be included:

(1) Administrator's office. Business office and information center, admitting and medical records areas may be combined into one (1) area;

(2) Public and staff toilet rooms;

(3) Director of nurse's office. (May be omitted in facilities of less than 100 beds);

(4) Housekeeper's storage space.

Section 10. Laundry. The following shall be included:

(1) Soiled linen room;

(2) Clean linen room;

(3) Lavatory. Accessible from soiled, clean, and processing rooms;

(4) Laundry processing room, and storage for laundry supplies; (Need not be provided if laundry is processed outside the facility);

(5) Janitor's closet. Storage for housekeeping supplies and equipment; floor receptor or service sink.

Section 11. Storage and Service Areas. The following shall be included: (1) Sufficient storage space shall be provided for general storage requirements.

(2) Engineering service and equipment areas. The following shall be provided where applicable:

(a) Boiler room;

(b) Mechanical and electrical equipment room(s). Can be combined with boiler room;

(c) Storage room for housekeeping equipment. (Need not be provided if space is available in janitor's closets or elsewhere);

(d) Refuse area. For holding trash prior to disposal. Shall be located convenient to service entrance.

Section 12. Details and Finishes. A high degree of safety for the occupants in minimizing the incidence of accidents shall be provided. Hazards such as sharp corners shall be avoided. All details and finishes shall meet the following requirements:

(1) Details:

[(a) Exits shall comply with the requirements for exit facilities in the "Kentucky Standards of Safety," as adopted by the State Fire Marshal's Office.]

(a) [(b)] Handrails shall be provided on both sides of corridors used by patients in intermediate care facilities with a clear distance of one and one-half (1½) inches between handrail and wall.

(b) [(c)] All doors to patient-room toilet rooms and patient-room bathrooms shall swing outward or shall be equipped with hardware which will permit access in any emergency.

(c) [(d)] All doors opening onto corridors shall be swing-type except elevator doors. Alcoves and similar spaces which generally do not require doors are excluded from this requirement.

(d) [(e)] No doors shall swing into the corridor except closet doors.

(e) [(f)] Thresholds and expansion joint covers, if used, shall be flush with the floor.

(f) [(g)] Grab bars and accessories in patient toilet, shower, and bathrooms shall have sufficient strength and anchorage to sustain a load of 250 pounds for five (5) minutes.

(g) [(h)] Lavatories intended for use by patients shall be installed to permit wheelchairs to slide under.

(h) [(i)] The location and arrangement of lavatories and sinks with blade handles intended for handwashing purposes shall provide sixteen inches clearance each side of center line of fixture. (See Section 15(4)(a).)

(i) [(j)] Mirrors shall be arranged for convenient use by patients in wheelchairs as well as by patients in standing position.

(j) [(k)] Towel rack or dispenser shall be provided at all lavatories and sinks used for handwashing.

(k) [(l)] Ceiling heights:

1. Boiler room. Not less than two (2) feet and six (6) in-

ches above the main boiler header and connecting piping with adequate headroom under piping for maintenance and access;

2. Corridors, storage rooms, patients' toilet room, and other minor rooms not less than seven (7) feet and six (6) inches;

3. All other rooms. Not less than eight (8) feet.

(l) [(m)] Boiler room, food preparation centers, and laundries shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of eight-five (85) degrees Fahrenheit.

[(n)] Approved fire extinguishers shall be provided in recessed locations throughout the building in accordance with "Kentucky Standards of Safety," adopted by the State Fire Marshal's Office.]

[(m)] [(o)] Noise reduction criteria. The ceilings of the following areas shall be designed to reduce noise transmission:

1. Corridors in patient areas;
2. Nurses' stations;
3. Work areas, such as utility rooms;
4. Lobbies and recreation areas.

[(n)] [(p)] Special attention shall be given to sound transmission from boiler rooms, mechanical rooms, and kitchen, to patient bedroom areas.

(2) Finishes:

[(a)] Flame spread requirements shall conform to the "Kentucky Standards of Safety" adopted by the State Fire Marshal's Office.]

[(a)] [(b)] Floors generally shall be easily cleanable and shall have the wear resistance appropriate for the location involved. Floors in kitchen and related spaces shall be waterproof and greaseproof. In all areas where floors are subject to wetting, they shall have a nonslip finish.

[(b)] [(c)] Adjacent dissimilar floor materials shall be flush with each other to provide an unbroken surface.

[(c)] [(d)] Walls generally shall be washable and in the immediate area of plumbing fixtures, the finish shall be moistureproof. Wall bases in dietary areas shall be free of spaces that can harbor insects.

[(d)] [(e)] Ceilings generally shall be washable or easily cleanable. This requirement does not apply to boiler rooms, mechanical and building equipment rooms, shops and similar spaces.

Section 13. Elevators. Elevator requirements shall conform to the current standards for elevators adopted by the Division of Labor Standards, Department of Labor.

(1) Elevators, where required. All facilities where either patient beds or inpatient facilities such as diagnostic, recreation, patient dining or therapy rooms are located on other than the first floor, shall have electric or electrohydraulic elevators as follows:

(a) Number of elevators.

1. At least one (1) hospital-type elevator shall be installed where one (1) to fifty-nine (59) patient beds are located on any floor other than the first. (For purposes of these requirements, the first floor is that floor first reached from the main front entrance);

2. At least two (2) elevators, one (1) of which shall be hospital-type, shall be installed where sixty (60) to 200 patient beds are located on floors other than the first, or where inpatient facilities are located on a floor other than those containing the patient beds;

3. At least three (3) elevators, one (1) of which shall be hospital-type, shall be installed where 201 to 350 patient beds are located on floors other than the first, or where in-

patient facilities are located on a floor other than those containing the patient beds;

4. For facilities with more than 350 beds, the number of elevators shall be determined from a study of the facility plan and the estimated vertical transportation requirements.

(b) Cars and platforms. [Elevator cars and platforms shall be constructed of noncombustible material, except that fire-retarded-treated material may be used if all exterior surfaces of the cars are covered with metal.] Cars of hospital-type elevators shall have inside dimensions that will accommodate a patient's bed and attendants and shall be at least five (5) feet wide by seven (7) feet and six (6) inches deep; car doors shall have a clear opening of not less than three (3) feet and eight (8) inches. Cars of all other required elevators shall have a clear opening of not less than three (3) feet.

(c) Leveling. Elevators shall have automatic leveling of the two (2) way automatic maintaining type with accuracy within plus or minus one-half ($\frac{1}{2}$) inch.

(2) Field Inspection and Tests. The contractor shall be required to cause inspection and tests to be made and shall deliver to the owner written certification that the installation meets the requirements set forth in this section.

Section 14. Construction. [Including Fire-Prevention Requirements. (1)] Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths, the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement.

[(2)] Construction shall meet the "Kentucky Standards of Safety" adopted by the State Fire Marshal's Office.]

[(3)] Fire Safety Approval. Prior to final approval of plans and specifications by the State Licensure Agency, the plans and specifications must be approved by the State Fire Marshal's Office, or their authorized representative.]

Section 15. Mechanical Requirements. [(1)] Design and construction of refuse chutes, dumbwaiters, conveyors, and material handling systems shall be in accordance with the Kentucky Standards of Safety adopted by the State Fire Marshal's Office.]

[(1)] [(2)] Steam and hot water systems:

(a) Boilers. If boilers are used in minimum of two (2) must be provided; the combined capacity of the boilers, based upon the published Steel Boiler Institute or Institute of Boiler and Radiator Manufacturer's net rating, must be able to supply 150 percent of the normal requirements of all systems and equipment.

(b) Valves. Supply and return mains and risers of space heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return end.

(c) Covering. Boiler and smoke breeching, all steam supply piping and high pressure steam return piping, and hot water space heating supply and return piping shall be insulated.

(d) The design and installation of all boilers must be in accordance with current Kentucky plumbing standards regulations applicable to intermediate care facilities.

(2) [(3)] Air-conditioning, heating and ventilating systems:

(a) Temperatures. A minimum temperature of seventy-two (72) degrees Fahrenheit shall be provided for occupied areas at winter design conditions.

(b) Ventilation systems details. All air-supply and air-exhaust systems shall be mechanically operated. All fans serving exhaust systems shall be located at or near the point of discharge from the building. The ventilation rates shown on Table 1 shall not be considered as precluding the use of higher ventilation rates if they are required to meet design conditions.

1. Outdoor ventilation air-intakes, other than for individual room units, shall be located as far away as practicable but not less than twenty-five (25) feet from the exhausts from any ventilating system or combustion equipment. The bottom of outdoor intakes serving central air systems shall be located as high as possible but not less than eight (8) feet above the ground level or if installed through the roof, three (3) feet above roof level.

2. The ventilation systems shall be designed and balanced to provide the general pressure relationship to adjacent areas shown in Table 1, Section 17.

3. Room supply air inlets, recirculation, and exhaust air outlets shall be located not less than three (3) inches above the floor.

4. Corridors shall not be used to supply air to or exhaust air from any room, except that exhaust air from corridors may be used to ventilate rooms such as bathrooms, toilet rooms, or janitor's closets which open directly on corridors.

5. Ducts shall be constructed of iron, steel, aluminum, or other approved metal or materials such as clay, asbestos, cement, fiberglass, etc.

6. All hoods over cooking ranges shall be equipped with fire extinguishing systems and heat-actuated fan controls. Cleanout openings shall be provided every twenty (20) feet in horizontal exhaust duct systems serving hoods.

7. Boiler rooms shall be provided with sufficient outdoor air to maintain combustion rates of equipment and reasonable temperatures in the room and in adjoining areas.

(3) [(4)] Plumbing and other piping systems. All plumbing systems shall be installed in accordance with the requirements of current Kentucky plumbing standards regulations applicable to intermediate care facilities. (See Section 5(2).)

(a) Lavatories and sinks required in patient care areas shall have the water supply spout mounted so that its discharge point is a minimum distance of five (5) inches above the rim of the fixture. All fixtures used by medical and nursing staff, and all lavatories used by patients and food handlers shall be trimmed with valves which can be operated without the use of hands. Where blade handles are used for this purpose, they shall be of a standard length. (See Section 13(1)(j).)

(b) Clinical sinks shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.

(4) [(5)] Water supply system:

(a) Systems shall be designed to supply water to the fixtures and equipment on the upper floors at a minimum pressure of fifteen (15) pounds per square inch during maximum demand periods.

(b) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.

(c) Hot, cold and chilled water piping and waste piping on which condensation may occur shall be insulated. Insulation of cold and chilled water lines shall include an exterior vapor barrier.

(d) Backflow preventers (vacuum breakers) shall be installed on hose bibbs and on all fixtures to which hoses or

tubing can be attached such as janitor's sinks and bedpan flushing attachments.

(e) Hot water distribution systems shall be arranged to provide hot water at each fixture at all times.

(f) Plumbing fixtures which require hot water and which are intended for patient use shall be supplied with water which is controlled to provide a maximum water temperature of 110 degrees Fahrenheit at the fixture.

(g) Piping over food preparation centers, food serving facilities, food storage areas, and other critical areas shall be kept to a minimum and shall not be exposed. Special precautions shall be taken to protect these areas from possible leakage of, or condensation from, necessary overhead piping systems.

(5) [(6)] Hot water heaters and tanks.

(a) The hot water heating equipment shall have sufficient capacity to supply the water at the temperature and amounts indicated below:

	Use		
	Patient	Dietary	Laundry
Gal/hr/bed	6 ½	4	4 ½
Temp. F.	110	180	180

(b) Storage tank(s) shall be provided and shall be fabricated of corrosion-resistant metal, or have noncorrosive lining.

[(7)] Fire extinguishing and detection systems shall conform to "Kentucky Standards of Safety" adopted by the State Fire Marshal's Office.]

(6) [(8)] Plumbing approval. Prior to final approval of the plans and specifications by the state licensure agency, the plumbing plans and specifications must be approved by the Division of Plumbing, Department of Housing, Buildings, and Construction [for Natural Resources and Environmental Protection].

Section 16. Electrical Requirements. (1) General:

(a) All materials including equipment, conductors, controls, and signaling devices shall be installed to provide a complete electrical system with the necessary characteristics and capacity to supply the electrical facilities shown in the specifications or indicated on the plans. All materials shall be listed as complying with applicable standards of Underwriters' Laboratories, Inc., or other similarly established standards.

(b) The contractor shall be responsible for testing all electrical installations and systems and shall show that the equipment is correctly installed and operated as planned or specified.

(c) The electrical installations must conform to local codes where they exist or to the National Electrical Code. Final approval must be obtained from the State Fire Marshal's Office, after inspection.

(2) Switchboard and power panels. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboard and distribution panelboards shall be enclosed or guarded to provide a dead-front type of assembly. The main switchboard shall be located in a separate enclosure accessible only to authorized persons. The switchboard shall be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry ventilated space devoid of corrosive fumes or gases. Overload protective devices shall be suitable for operating properly in the ambient temperature conditions. All breakers and switches are to be indexed.

(3) Distribution panelboards. Lighting and appliance panelboards shall be provided for the circuits on each floor. All circuits are to be indexed at panelboard. This requirement does not apply to emergency system circuits.

(4) Lighting:

(a) All spaces occupied by people, machinery, and equipment within buildings, and the approaches thereto, and parking lots shall have electric lighting.

(b) Patient's bedrooms shall have general lighting. A reading light shall be provided for each patient when appropriate. Patient's reading lights and other fixed lights not switched at the door shall have switch controls convenient for use at the luminaire.

(c) Provisions shall be made for the night lighting of corridors. (See Appendix, Section 17, Table 2 for levels of illumination for various areas.)

(5) Receptacles (convenience outlets):

(a) Bedroom. Each patient bedroom shall have duplex receptacles as follows: one (1) each side of the head of each bed (for parallel adjacent beds, only one (1) receptacle is required between the beds); receptacles for luminaires, television and motorized beds, if used, and one (1) receptacle on another wall.

(b) Corridors. Single receptacles for equipment such as floor cleaning machines shall be installed approximately fifty (50) feet apart in all corridors. Duplex receptacles for general use shall be installed approximately fifty (50) feet apart in all corridors and within twenty-five (25) feet of ends of corridors.

(6) Nurses' calling system. A nurses' visible signal calling station shall be installed at each patient bed and in each patient toilet, bath, and shower-room. The nurses' call in toilet, bath, or shower-rooms, shall be an emergency call. All calls shall register at the nurses' station and shall actuate a visible signal in the corridor at the patient's door, in the clean workroom, and the soiled workroom of the nursing unit.

[(7) Fire alarms and fire detector systems. The design and installation of these systems must be approved by the State Fire Marshal's Office. (See Section 5(2).)]

(7) [(8)] Emergency electric service:

(a) General. To provide electricity during an interruption of the normal electric supply that could affect the nursing care, treatment, or safety of the occupants, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power.

(b) Sources. The source of this emergency electric service shall be an emergency generating set, when normal service is supplied by one or more central station transmission lines.

(c) Emergency generating set. The required emergency generating set, including the prime mover and generator, shall be located on the premises and shall be reserved exclusively for supplying the emergency electrical system. The emergency generator set shall be sufficient kilowatt capacity to supply all lighting and power load demands of the emergency system. The power factor rating of the generator shall be not less than eighty (80) percent.

(d) Emergency electrical connections. Emergency electric service shall be provided to circuits as follows:

1. Lighting:

a. Exitways and all necessary ways of approach thereto, including exit signs and exit direction signs, exterior of exits, exit doorways, stairways, and corridors;

b. Dining and recreation rooms;

c. Nursing station and medication preparation area;

d. Generator set location, switch-gear location, and

boiler room;

e. Elevator (if required for emergency);

2. Equipment: Essential to life safety and for protection of important or vital materials;

a. Nurses' calling system;

[b. Alarm system including fire alarm actuated at manual stations, water flow alarm devices of sprinkler system if electrically operated, fire detecting and smoke detecting systems, paging or speaker systems if intended for issuing instructions during emergency conditions, and alarms required for non-flammable medical gas systems, if installed;]

[c. Fire pump, if installed;]

b. [d.] Sewage or sump lift pump, if installed;

c. [e.] All required duplex receptacles in patient corridors; and at least one (1) receptacle in each patient room;

d. [f.] Equipment such as burners and pumps necessary for operation of one (1) or more boilers and their necessary auxiliaries and controls, required for heating and sterilization;

e. [g.] Details. The emergency system shall be so controlled that after interruption of the normal electric power supply, the generator is brought to full voltage and frequency and connected within ten (10) seconds through one (1) or more primary automatic transfer switches to all emergency lighting; all alarms; nurses' call; and receptacles in patient corridors. All other lighting and equipment required to be connected to the emergency system shall either be connected through the above described primary automatic transfer switching or shall be subsequently connected through other automatic or manual transfer switching. Receptacles connected to the emergency system shall be distinctively marked for identification. Storage-battery-powered lights shall not be used as a substitute for the requirement of a generator. Where fuel is normally stored on the site, the storage capacity shall be sufficient for twenty-four (24) hour operation of required emergency electric services. Where fuel is normally piped underground to the site from a utility distribution system, storage facilities on the site will not be required.

f. [h.] Emergency heating. Where electricity is the only source of power normally used for space heating, an alternate emergency heating system for the heating of corridors will be required. Emergency heating of corridors will not be required in areas where the facility is supplied by at least two (2) utility service feeders, each supplied by separate generating sources or a network distribution system fed by two (2) or more generators, with the facility feeders so routed, connected, and protected so that a fault any place between the generators and the facility will not be likely to cause an interruption of more than one (1) of the intermediate care facility's service feeders. If there is written plan for the transfer of patients within a reasonable time to other facilities with which the intermediate care facility has written transfer agreements, the above alternate emergency heating system will not be required.

(Continued on next page)

Section 17. Appendix Table 1—Pressure Relationships and Ventilation of Certain Intermediate Care Areas. Table 2—Lighting Levels For Intermediate Care Facilities

Table 1. Pressure Relationships and Ventilation of Certain Intermediate Care Areas

Area Designation	Pressure Relationship to Adjacent	All Supply Air From Outdoors	Minimum Air Changes of Outdoor Air per Hour
Patient room	0	—	2
Patient area corridor	0	—	2
Treatment room	0	Yes	2
Physical therapy and hydrotherapy if applicable	N	—	2
Dining and recreation areas	0	—	2
Soiled workroom	N	—	2
Clean workroom	P	Yes	2
Toilet room	N	—	—
Bedpan room if applicable	N	—	—
Bathroom	N	—	—
Janitor's closet	N	—	—
Linen and trash chute rooms	N	—	—
Food preparation center	0	Yes	2
Dishwashing area	N	—	—
Dietary day storage	0	—	—
Laundry, general	0	Yes	2
Soiled linen sorting and storage	N	—	—
Clean linen storage	P	—	2

P = Positive N = Negative 0 = Equal — = Optional

Table 1. Continued

Area	Minimum Total Air Changes Per Hour	All Air Exhausted Directly to Outdoors	Recirculated Within Area
Patient room	2	—	—
Patient area corridor	4	—	—
Treatment room	6	Yes	No
Physical therapy and hydrotherapy if applicable	6	—	—
Dining and recreation areas	4	—	—
Soiled workroom	4	Yes	No
Clean workroom	4	—	—
Toilet room	10	Yes	No
Bedpan room if applicable	10	Yes	No
Bathroom	10	Yes	No
Janitor's closet	10	Yes	No
Linen and trash chute rooms	10	Yes	No
Food preparation center	10	Yes	No
Dishwashing area	10	Yes	No
Dietary day storage	2	—	No
Laundry, general	10	Yes	No
Soiled linen sorting and storage	10	Yes	No
Clean linen storage	2	—	—

P = Positive N = Negative 0 = Equal — = Optional

Table 2. Lighting Levels for Intermediate Care Facilities

Area	Footcandles *
Administrative and lobby areas, day	50
Administrative and lobby areas, night	20
Barber and beautician areas, if applicable	50
Corridors and interior ramps	20
Corridor night lighting	3
Dining area and kitchen	30
Doorways	10
Exit stairways and landings	5
Janitor's closet	15
Nurses' station, general, day	50
Nurses' station, general, night	20
Nurses' desk, for charts and records	70
Nurses' medicine cabinet	100
Patient care unit (or room), general	10
Patient care room, reading	30
Recreation area (floor level)	50
Stairways other than exits	30
Toilet and bathing facilities	30
Utility room, general	20
Utility room, work counter	50

* Minimum on task at anytime

MASON C. RUDD, Chairman

ADOPTED: September 8, 1978

RECEIVED BY LRC: September 22, 1978 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mason C. Rudd, Chairman, Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40601.

Proposed Regulation

EDUCATION AND ARTS CABINET Department of Library and Archives

725 KAR 2:050. Textbooks for non-public schools.

RELATES TO: KRS 171.215

PURSUANT TO: KRS 13.082, 171.215

NECESSITY AND FUNCTION: This regulation is necessary for the Department of Library and Archives to exercise its duties. The Department is designated by KRS Chapter 171 as the agency to administer funds granted for the purpose of providing textbooks to pupils in accredited nonpublic schools in Kentucky. This program includes selection, purchase, distribution, and accountability of the textbooks.

Section 1. Hereinafter, the expression "eligible non-public school" refers to those nonpublic schools, grades one (1) through twelve (12) which are accredited by the Kentucky Department of Education, the initials "D.L.A." refer to the Department of Library and Archives, and the term "textbooks" refers to textbooks approved by the State Textbook Commission and which conform to the State Board of Education distribution schedule.

Section 2. (1) Textbook Selection, Acquisition, and Distribution. During the first year of implementation (1978-79) the selection of the subject and grade level will be determined by a committee appointed by the State Librarian within the DLA in consultation with the Kentucky Department of Education. Beginning with the 1979-80 school year an advisory committee shall be appointed by the State Librarian to advise the DLA regarding selections. Membership on this committee shall not exceed five (5) in number and shall be composed of the chief executive or administrative officer of eligible schools and shall, as far as possible, represent the various types of eligible schools. The quantity of textbooks purchased shall be determined annually based on the amount of available funds.

(2) The Technical Services Division of the DLA shall order and process the textbooks. The textbooks shall be received, counted, and stamped with the DLA property stamp, and held for distribution as eligible applications are filled or processed in the order in which they are received. Should the supply of textbooks prove inadequate to meet the demand within the specified application period, applicants shall be mailed written notification of the status of their request, i.e., availability of a partial supply of requested number or unable to provide due to exhausted supply.

Section 3. Application. (1) Any accredited nonpublic school in Kentucky shall be eligible to make annual application for the available textbooks. Applications shall be made according to the following procedure. The DLA shall officially notify all eligible schools of the availability of the textbooks, specifying that applications will be considered on a first-come, first-served basis. This notice shall include a brief application form requesting basic data:

- (a) Name of school;
- (b) Address;
- (c) Chief executive or administrative officer;
- (d) Total school enrollment;
- (e) Total enrollment in specified grade level and subject; and
- (f) Additional information as deemed necessary on a year to year basis.

(2) A deadline for application shall be established annually.

Section 4. (1) The textbooks shall be distributed to the qualified applicants for use by pupils in the specified subject and grade level with the stipulation that the textbooks remain the property of the DLA and that an annual inventory report will be required. The annual report shall consist of an accounting at the end of each school year, indicating:

- (a) The number of textbooks allotted to the school;
- (b) The number of textbooks distributed to pupils during the current school year;
- (c) The number of textbooks collected and held at the end of the school year for redistribution within that school the following year; and
- (d) The condition and location of the textbooks.

(2) When use of the textbooks is discontinued, the schools shall notify the DLA which will direct the school as to the proper disposition of these books.

(3) The chief executive or administrative officer of recipient schools shall be responsible for the care of the textbooks allotted to their respective institutions and for the accountability of same to the DLA.

BARBARA M. WILLIAMS, State Librarian

ADOPTED: September 28, 1978

APPROVED: WENDELL P. BUTLER, Secretary

RECEIVED BY LRC: September 28, 1978 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Barbara M. Williams, State Librarian, Kentucky
Department of Library and Archives, Post Office Box 537,
Frankfort, Kentucky 40602.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of Meeting of October 4, 1978

(Subject to Subcommittee approval at its next meeting on November 1, 1978.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, October 4, 1978, at 10 a.m. in Room 327 of the Capitol.

The minutes of the September 6 meeting were approved. Present were:

Members: Representative William T. Brinkley, Chairman and Representative Albert Robinson.

Guests: Linda Woodruff, Kentucky Real Estate Commission; Fred F. Bradley and Keene Daingerfield, State Racing Commission; Bruce K. Davis, Charles Henry and Willard Blackburn, Department of Transportation; Arthur Hatterick, Jr. and H. Gene Taylor, Department of Personnel; Doris McDowell, Board of Nursing; Alice Towber, Certificate of Need and Licensure; Katie Nienaber, Kentucky Welfare Association; W. O. Hubbard, John A. Cubine, Ked R. Fitzpatrick, Department for Human Resources; Frank W. Burke, Jr. and Edward H. Flint, Horsemen's Benevolent Protective Association; Kenneth E. Hollis, Larry W. Potter, Bob Easton and Marilyn Hinkle, Department of Labor; J. Rick Jones, Nick G. Johnson, Donald L. Linder and Carl Wayne Breeding, Department for Natural Resources and Environmental Protection; James R. Smith and Eugene F. Perkins, Department of Housing, Buildings and Construction; Andrew Cammack, Environmental Quality Commission.

LRC Staff: Mabel D. Robertson, Garnett Evins, Deborah Herd, Joe Hood and Steve Armbrust.

Press: Sy Ramsey, Associated Press; Charles K. Pentecost, United Press; Dan Adkins, Public Information.

The following regulation was withdrawn at the request of the issuing agency.

DEPARTMENT FOR HUMAN RESOURCES**Bureau for Social Insurance****Medical Assistance**

904 KAR 1:025. Payments for intermediate care facility services.

The following regulations were deferred at the request of the promulgating agencies.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION**Division of Occupations and Professions****Real Estate Commission**

201 KAR 11:151. Builder as broker.

DEPARTMENT OF TRANSPORTATION**Bureau of Vehicle Regulation****Division of Water Enforcement**

601 KAR 25:030. Registration decal.

DEPARTMENT OF LABOR**Elevator Safety**

803 KAR 4:010. Elevators, dumbwaiters, escalators and moving walks standards.

On motion of Representative Robinson the following regulations were deferred until the November 1 meeting.

DEPARTMENT OF EDUCATION**Office of Superintendent**

705 KAR 5:020. Elementary and secondary education hearing officer.

Bureau of Administration and Finance**School District Finance**

702 KAR 3:060. Teachers' salaries payment plan.

Bureau of Pupil Personnel Services**School Terms, Attendance and Operation**

703 KAR 2:020. Calendar.

703 KAR 2:050. Attendance; resident, non-resident.

The following regulations were approved and ordered filed.

DEPARTMENT OF PERSONNEL**Personnel Rules**

101 KAR 1:030. Personnel board procedures.

101 KAR 1:040. Classification plan.

101 KAR 1:050. Compensation plan.

101 KAR 1:060. Applications and examinations.

101 KAR 1:090. Types of appointments.

101 KAR 1:100. Probationary period.

101 KAR 1:110. Promotion, transfer, demotion and detail to special duty.

101 KAR 1:120. Separations and disciplinary actions.

101 KAR 1:130. Appeals.

101 KAR 1:140. Service regulations.

101 KAR 1:200. Rules for unclassified service.

DEPARTMENT OF REVENUE**Income Tax—Individual**

103 KAR 17:080. Retirement income.

Income Tax—Withholding

103 KAR 18:100. Exemption certificates.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION**Division of Occupations and Professions****Board of Accountancy**

201 KAR 1:045. Subjects of examination; grading; re-examination.

Board of Nursing Education and Nurse Registration

201 KAR 20:055. Nurse practitioner. (As amended during the meeting)

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

401 KAR 6:050. Fees for analyses of water samples.

DEPARTMENT OF TRANSPORTATION**Bureau of Highways****Traffic**

604 KAR 5:096. Highway classifications.

DEPARTMENT OF EDUCATION
Bureau of Pupil Personnel Services
School Terms, Attendance and Operation
703 KAR 2:010. Terms and months.

DEPARTMENT OF LABOR
Labor Standards; Wages and Hours
803 KAR 1:035. Hearing procedure.
Occupational Safety and Health
803 KAR 2:180. Recordkeeping; statistics.

STATE RACING COMMISSION
Thoroughbred Racing Rules
810 KAR 1:012. Horses. (DEFERRED from August and September meetings. There had been objections raised by interested parties as to the \$6 registration fee charged by the Jockey Club. The Chairman pointed out that the Subcommittee was acting on the regulation as presented to them, which is silent as to any fee.)

**DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION**
Plumbing
815 KAR 20:060. Quality and weight of materials.
815 KAR 20:100. Joints and connections.
815 KAR 20:120. Water supply and distribution.
815 KAR 20:130. House sewers and storm water piping; methods of installation.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Certificate of Need and Licensure Board
902 KAR 20:020. Extended care and recuperation center facilities.

The meeting was adjourned at 1:15 p.m., to meet again at 10 a.m. EST, Wednesday, November 1, 1978 in Room 327 of the Capitol.