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Emergency Regulation Now In Effect

JULIAN M. CARROLL, GOVERNOR
Executive Order 79-169
February 16, 1979

EMERGENCY REGULATION
Public Protection and Regulation Cabinet
Public Service Commission
Gas Wellhead Pricing Pursuant to
Natural Gas Policy Act of 1978

WHEREAS, on December 1, 1978, the Natural Gas Policy Act of 1978 became effective, creating a new price structure for natural gas which qualifies under certain specified definitions as set forth in Sections 102-108 of the Act; and

WHEREAS, Section 503(c) of the Natural Gas Policy Act of 1978 provides that the state agency having regulatory jurisdiction with respect to the production of natural gas shall make the initial determinations as to the applicability of these new categories of higher priced gas to individual producers located within that state; and

WHEREAS, KRS 278.010(3)(b) subjects the production of natural gas to the regulatory jurisdiction of the Public Service Commission; and

WHEREAS, KRS 278.110 provides that the Public Service Commission may contract for services of persons in a professional or scientific capacity to perform the duties and exercise the powers conferred by law upon that agency; and

WHEREAS, KRS 353.050 confers upon the Kentucky Department of Mines and Minerals certain jurisdiction over the production of oil and natural gas, including the issuance of permits for new natural gas wells and the enforcement of conservation and safety measures relating to the production of natural gas; and

WHEREAS, in the exercise of its statutory responsibilities, the Department of Mines and Minerals receives and analyzes data relating to gas wells on a regular basis from all producers of natural gas within Kentucky and has the necessary staff and equipment for analyzing geologic and electronic log data of the type that would be necessary to make determinations as to qualifications of a given natural gas well for a new price classification under the federal legislation; and

WHEREAS, the Public Service Commission has never collected geologic data from natural gas producers in Kentucky, nor does it have the required staff and equipment to make the type of analyses required under the federal legislation; and

WHEREAS, the Public Service Commission and the Department of Mines and Minerals have executed an agreement whereby the Department of Mines and Minerals will make the initial determinations as to producer classifications under the new federal energy legislation, and the Public Service Commission shall review such findings and conduct any necessary hearings and forwarding such findings and recommended order to the Federal Energy Regulatory Commission; and

WHEREAS, a new section of the Public Service Commission's regulations would be required to implement the

procedures adopted by the Public Service Commission and the Department of Mines and Minerals; and

WHEREAS, the provisions of the Natural Gas Policy Act of 1978, which became effective December 1, 1978, requires immediate action by the Commonwealth of Kentucky to insure our state's compliance with the federal legislation, the Public Service Commission has determined that an emergency exists requiring the immediate implementation of procedural rules by which natural gas producer classification shall be made; and

WHEREAS, the Secretary of the Cabinet for Public Protection and Regulation, in conjunction with the Public Service Commission, pursuant to KRS 13.082, 278.010(3)(b) and 278.040, has promulgated the regulation hereinabove referenced;

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Public Service Commission within the Cabinet for Public Protection and Regulation, that an emergency exists and direct that the attached regulation become effective immediately upon being filed in the office of the Legislative Research Commission.

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

PUBLIC PROTECTION AND REGULATION CABINET **Public Service Commission**

807 KAR 1:012E. Gas well determinations.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.010(3)(b), 278.040, 278.110

EFFECTIVE: February 16, 1979

EXPIRES: June 16, 1979

NECESSITY AND FUNCTION: KRS 278.010(3)(b) and 278.040 subject the production of natural or manufactured gas, or a mixture of same, to or for the public for compensation, for light, heat or other uses, to the jurisdiction and regulation of the Public Service Commission. The federal Natural Gas Policy Act of 1978 became effective on December 1, 1978. This Act sets forth and defines certain classifications of natural gas to which are assigned maximum lawful prices that may be obtained by gas producers. The Act further provides that it shall be the duty of each state agency possessed of appropriate regulatory jurisdiction to make determinations as to the applicability of the statutorily defined classifications to particular gas wells within that state. Such determinations are to be forwarded to the Federal Energy Regulatory Commission for final determination.

KRS 278.110 empowers the Public Service Commission to contract for services of persons in a professional or scientific capacity to perform the duties and exercise the powers conferred by law on the commission. The commis-

sion has contracted with the Department of Mines and Minerals for the purpose of securing the assistance of that department's Division of Oil and Gas Conservation in collecting and analyzing data necessary for the making of the determinations described hereinabove.

It is the purpose of this regulation to set forth the manner whereby the Public Service Commission will discharge the duties conferred upon it by the Natural Gas Policy Act of 1978.

Section 1. Applications for Determinations. (1) Any owner or operator of a well productive of natural gas within this state may obtain a determination as to whether such well qualifies for one or more of the classifications set forth in sections 102, 103, 107 and 108 of the Natural Gas Policy Act of 1978 by making application to the Department of Mines and Minerals, Division of Oil and Gas Conservation, Post Office Box 680, Lexington, Kentucky 40586.

(2) Each application shall include the following items:

(a) A completed Federal Energy Regulatory Commission (FERC) Form Number 121;

(b) All information, records, documents, notices and affirmations required by 18 Code of Federal Regulations (CFR) Part 274, subpart B;

(c) Any other information, record, document, or affirmation necessary to substantiate and support the determination sought;

(d) A certified check or United State Postal Money Order in the amount of fifty (\$50) dollars made payable to the Department of Mines and Minerals.

(3) Each application shall be submitted on forms available upon request to the Department of Mines and Minerals, Division of Oil and Gas Conservation, Post Office Box 680, Lexington, Kentucky 40586.

Section 2. General Requirements. (1) An applicant shall not be limited to one (1) determination per well, but may obtain all determinations to which a given well is entitled pursuant to the Natural Gas Policy Act of 1978.

(2) A separate application must be completed for each determination sought.

(3) If the person filing an application is an individual, the filing shall be signed by such individual, or in the case of a minor or other legally disabled person, his qualified legal representative. If the person making the filing is a corporation, partnership or trust, the filing shall be signed by a responsible official of the corporation, a general partner of the partnership or the trustee of the trust. In the case of any other legal entity, the operator of the well may sign the application.

(4) An operator under a joint operating agreement may sign an application for a well covered by the operating agreement if notice of the application is given by the operator to all other parties to the joint operation agreement and that fact is certified in the application.

(5) Where an application for a determination is sought for natural gas for which the applicant has an identified purchaser, the application shall include a statement that the applicant has delivered or mailed a copy of the completed FERC Form No. 121 to the purchaser.

(6) The confidentiality of any information, record or document submitted by an applicant shall be governed by KRS 61.870 to 61.884.

Section 3. Processing of Applications. (1) Upon receipt of each application submitted in accordance with this

regulation, the Department of Mines and Minerals will date-stamp the application and analyze the data submitted to determine whether the applicant is entitled to the determination sought pursuant to the Natural Gas Policy Act of 1978 and 18 CFR Parts 271 and 274, subpart B.

(2) Based upon its review of the application, the Department of Mines and Minerals will make a recommended determination and forward the application and recommended determination to the Public Service Commission.

(3) Upon receipt of an application and recommended determination, the Public Service Commission shall cause to be made public notice of the recommended order of the Department of Mines and Minerals by publication in the legal notice section of a newspaper of statewide circulation.

(4) Any interested person may request a hearing on any application by written notification to the Public Service Commission specifically stating the grounds for such request.

(5) If the request for a hearing is received by the commission within ten (10) days of the publication of the recommended determination and the hearing request states grounds which, if proven, would support a reversal or remand of the recommended determination, then the commission will schedule and conduct a hearing in accordance with the procedures set forth in regulation 807 KAR 1:010(1)(2)(3)(4) and (5).

(6) On the basis of the substantial evidence adduced at the hearing, the Public Service Commission shall issue a final order affirming or reversing the recommended determination of the Department of Mines and Minerals.

(7) If no hearing is requested within ten (10) days of the public notice of the recommended order, the commission shall issue a final order affirming the recommended determination unless upon review of the application it finds that:

(a) The recommended determination is not supported by substantial evidence in the record upon which it was made; or

(b) The recommended determination is not consistent with information contained in any public record which is not a part of the record upon which it was made.

(8) The provisions of subsections (6) and (7) notwithstanding, the commission may remand any application to the Department of Mines and Minerals for further consideration if as a result of evidence received at a hearing or upon its own review, it finds the existence of material information not made a part of the application record which would be outcome determinative.

(9) Within fifteen (15) days after issuing a final order pursuant to this regulation, the Public Service Commission shall forward the order and the entire record upon which it was made to the Federal Energy Regulatory Commission in the manner prescribed by 18 CFR 274.104.

RICHARD S. TAYLOR, Chairman

ADOPTED: January 30, 1979

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: February 16, 1979 at 2 p.m.

Proposed Amendments

DEPARTMENT OF FINANCE Board of Hairdressers and Cosmetologists (Proposed Amendment)

201 KAR 12:082. School's course of instruction.

RELATES TO: KRS 317A.090

PURSUANT TO: KRS 317A.050

NECESSITY AND FUNCTION: Schools must provide a course of instruction of 1,800 hours of student training. The curriculum prepares the individual for examination for the appropriate license.

Section 1. The regular course of instruction for cosmetology students shall contain the following:

(1) Professional practices:

(a) The cosmetology profession:

1. Cosmetology vocabulary.
2. Brief history; how it began, and changes.
3. Ethics; ethics in a beauty salon; and salon conduct.

(b) Salon procedures:

1. Hygiene and good grooming; personal and public; personal characteristics; and responsibilities of the cosmetologists.

2. Professional attitudes and salesmanship; personality development; salesmanship and business management; customer relationship; and telephone personality.

3. Public relations and psychology; behavior; and proper image.

(c) Speciality services:

1. Facial treatments and make up: facial treatment, make up preparation; implements and supplies; procedure in giving a plain facial; purpose and effect of massage movements; facial cosmetics; special problems; eyebrow arching; and lash and brow dye.

2. Manicuring: purpose and effect; preparation; equipment; and procedures, including the following: plain manicure, oil manicure, removal of stains, repair work, hand and arm massage, buffing, application of lacquer, and application of artificial nails.

(2) Life sciences (general anatomy):

(a) Osteology: definition; and functions.

(b) Myology: definition; functions; and types.

(c) Neurology: definition; functions; types (motor and sensory) and principal nerves of the head, face and neck.

(d) Angiology: definition; composition of blood, and function of blood.

(e) Dermatology: structure of skin; functions of skin; appendages of skin; conditions of the skin, and lesions of the skin.

(f) Trichology: structure of hair, composition; blood and nerve supply; growth and regeneration; color, texture elasticity, porosity; and conditions to be recognized.

(g) Nails: structure and composition; growth and regeneration; and irregularities.

(3) Physical sciences (chemistry and treatment):

(a) Chemistry:

1. Elements, compounds, and mixtures; properties of; acid and alkali; and chemistry of water.

2. Composition and uses of cosmetics: for the body; for the skin and face: and for the scalp and hair.

3. Chemistry of hair lightening.

4. Chemistry of hair coloring.

5. Chemical hair relaxing.

6. Chemistry of make up.

7. Chemistry of facial treatments.

8. Chemistry of rinses; soaps and shampoos; and detergents.

9. Chemistry of cold waving.

(b) Scalp and hair treatments: purpose and effects; preparation and procedure; use of cap; electricity and therapeutic ray; and safety rules.

(c) Shampoos and rinses: importance of good shampoo; purpose of effects; required materials and implements; brushing and drying; types of shampoos; rinses (not colored); and composition.

(d) Hair coloring: principle reasons for coloring; advantages of coloring; classifications of hair coloring; variation of products; procedures; and safety measures.

(e) Hair lightening: types of lighteners; implements and supplies; procedure; special problems in hair lightening; fillers and toners; removal of aniline derivative tints; and tint back to natural coloring.

(f) Cold waving: basic requirements; scalp and hair analysis; hair porosity; hair texture; hair elasticity; hair density; curling rods and chemicals; variation of permanent wave products; procedures; problems and safety measures.

(g) Sterilization and sanitation: definitions; importance; sterilization rules; and methods of sterilization.

(4) Hair designing or sculpturing:

(a) Hair shaping: fundamentals of hair shaping; correct use of tools; designing and planning the hair cut; sectioning and thinning; razor and shear shaping; wig shaping; and safety precautions.

(b) Hair styling: finger waving; pin curls; hair partings; artistry hair styling; dressing of the coiffure; special consideration in hair styling; chemical hair relaxing and styling; facial types; and hair pressing and types of hot-iron curling.

(c) Care and styling of wigs: purpose; quality; types of wigs; ordering wigs; cleaning; shaping; tinting and color rinsing; setting and safety precautions.

Section 2. Schools must teach the students of the various supplies and equipment used in the usual salon practices.

Section 3. Schools must have the following charts available for students' use:

(1) Charts showing anatomy of muscles of face and neck with special reference to the direction of muscle fibers and function of muscle or groups of muscles;

(2) Charts showing anatomy of nails.

Section 4. All students shall receive not less than 1,800 hours in clinical class work and scientific lectures with 450 minimum lecture hours for science and theory and 1,305 minimum clinic and practice hours; and forty-five (45) hours of Kentucky statutes and regulations.

Section 5. One (1) hour per week should be devoted to the teaching and explanation of the Kentucky law as set forth in KRS Chapter 317A and the rules and regulations of the board.

Section 6. When permission of this board is given a student to enroll in a school for a special brushup course in any of the following subjects, said student will be required to have a course of training of the following number of hours in the course or courses he or she desires to take:

(1) Permanent waving, and all chemical control, 150 hours [croquignole and spiral combination, and all wet curls, 100 hours].

(2) Manicuring, hand and arm massage, [and bleach] 100 hours.

(3) [Marcelling and] All iron curls, 100 hours.

(4) Facials, 125 hours.

(5) Hair coloring and bleaching, 150 hours.

(6) Scalp massage, 25 hours [125 hours].

(7) Hair shaping, trimming, and thinning, 125 hours.

(8) Science, 100 hours.

(9) Hair dressing and styling, 150 hours.

Section 7. No school of cosmetology shall be granted a license to operate a school of cosmetology or annual renewal of license unless the following curriculum is maintained and taught.

(1) Curriculum for freshmen students:

(a) Theory and related theory class, 100 hours:

1. General theory, including Kentucky Cosmetology Law and rules and regulations adopted thereunder.

2. Clinical theory.

3. Lecturing theory.

(b) Clinical and related theory class (freshman practice class on students or mannequins), 200 hours:

1. Cold waves.

2. Facials and make up.

3. Complete "S" formations or complete fingerwaves.

4. Pincurl technique.

5. Hairshaping.

6. Hairstyling techniques.

7. Lash and brow tint.

8. Eyebrow arches.

9. Manicuring.

10. Scalp treatments.

11. Shampooing.

12. Hair coloring, bleaching, and rinsing (mixing and formulas).

13. Heat permanent.

14. Safety measures.

(2) Curriculum for junior and senior students:

(a) Theory and related theory class, 500 hours.

(b) Professional practices, life sciences (general anatomy), physical sciences (chemistry and treatment), hair designing [or sculpturing], safety measures, Kentucky Cosmetology Laws and rules and regulations adopted thereunder.

(c) Clinical class, 1,000 hours:

1. Hair conditioning treatments.

2. Scalp treatments.

3. Hair shaping.

4. Shampoos.

5. Cold waves.

6. Chemical hair relaxing (permanent wave).

7. Complete "S" formation and complete fingerwaves.

8. Pincurl techniques.

9. Hairstyles.

10. Iron curling.

11. Hair coloring and toning.

12. Bleaches and frostings.

13. Facials and make up.

14. Manicuring.

15. Lash and brow tints.

16. Eyebrow arches.

17. Color rinses (certified color).

18. Wiggery.

19. Professional ethics and good grooming.

20. Salesmanship.

21. Reception desk and telephone answering.

22. Record keeping.

[23. Federal and state tax records.]

[24. Sales tax records.]

23. [25.] Dispensary (procedures for ordering supplies and retail merchandise).

24. [26.] Personality development.

25. [27.] Salon management.

26. [28.] Public relations.

Section 8. *In addition to the regular course of instruction, cosmetology schools are permitted to have one related lecture and demonstration per month.* [Schools are permitted to have one (1) lecture per month by a reputable manufacturer, or an authorized manufacturer's representative, to demonstrate their particular product.]

Section 9. Any time not utilized in theory or clinic work must be used for study periods or library work.

Section 10. Each school shall furnish reference books for student's use. Any recognized textbook relevant to the art of science of cosmetology and educational to the student is acceptable to the board.

Section 11. Students of cosmetology shall not be permitted to work on the public until they have completed 300 hours of instruction.

Section 12. Students of cosmetology will be allowed eight (8) hours per day for two (2) out-of-school activities per 1800 hours pertaining to the profession of cosmetology if to the board office on a standard form supplied by the board.

Section 13. Students of cosmetology will be permitted to attend two (2) educational programs within their 1,800-hour course for eight (8) hours credit per day, [exclusive of Sundays] if reported to the board office on a standard form supplied by the board.

[Section 14. Recommended textbooks:]

[(1) "Standard Textbook of Cosmetology", 1938, revised edition, 1967, Milady Publishing Corp., 3837-3839 White Plains Road, Bronx, New York 10476.]

[(2) "Physics of Hair", Wallat, 1960, Milady Publishing Corp., 3837-3839 White Plains Road, Bronx, New York 10467.]

[(3) "The Van Dean Manual", 1940, revised edition, 1962, Milady Publishing Corp., 3837-3839 White Plains Road, Bronx, New York 10467.]

[(4) "Sullivan Beauty Manual", 1963, E. M. Sullivan, revised edition, 1967, E. M. Sullivan, Publisher, P. O. Box 823, Orange, California 92669.]

[(5) "Chemistry for Cosmetology Students", 1969, Intron, Inc., P. O. Box 477, Downey, California 90241.]

[(6) "The Principles and Practices of Beauty Culture", Florence Wall, 1941, revised edition, 1961, Milady Publishing Corp., 3837-3839 White Plains Road, Bronx, New York 10467.]

[(7) "Hair Structure and Chemistry", 1967, Milady Publishing Corp., 3837-3839 White Plains Road, Bronx, New York 10467.]

[(8) "Cosmetology, the Keystone Guide to Beauty Culture", 1970 edition, Keystone Publications, 1657 Broadway, New York, New York 10019.]

[(9) At least one (1) copy of a standard dictionary of the English language.]

[(10) At least one (1) copy of a standard medical dictionary.]

[(11) At least one (1) copy per student of the Kentucky State Board of Hairdressers and Cosmetologists statutes and regulations.]

[(12) At least five (5) copies of the rules of the school.]

[(13) "The Prentice-Hall Textbook of Cosmetology", 1976 by Prentice-Hall, Inc., Englewood Cliffs, New Jersey, 07632. The most recent printing of each textbook is preferred.]

[(14) "The Professional Cosmetologist", 1976, John W. Dalton, West Publishing Company.]

Section 14. Copies of the Kentucky State Board of Hairdressers and Cosmetologists statutes and regulations shall be made available to all students.

Section 15. Manicurist curriculum shall include the following:

- (1) Science and theory; 100 hours:
 - (a) Equipment, sterilization, sanitation, public and personal hygiene safety measures, Kentucky Cosmetology Law and all rules and regulations adopted thereunder.
 - (b) Nail condition and manicure techniques.
 - (c) Hand and arm massage.
 - (d) Science pertaining to areas of hands and arms.
 - (e) Personality, grooming, salon management, professional ethics, and cosmetic theory laws.
- (2) Clinical; 200 hours:
 - (a) Oil and plain manicure.
 - (b) Nail polish changes, moons, half-moons, and tips.
 - (c) Hand and arm massage.
 - (d) Safety measures.
 - (e) Care of equipment.
 - (f) Removal of stains.
 - (g) Repair work.
 - (h) Buffing.
 - (i) Application of lacquer.
 - (j) Application of artificial nails.

Section 16. The course of study and curriculum for an apprentice instructor shall include as minimums, with a total of 1,000 hours the following:

- (1) Orientation, fifteen (15) hours.
- (2) Psychology of student training, fifty (50) hours.
- (3) Introduction to teaching, thirty (30) hours.
- (4) Good grooming and personality development, fifty (50) hours.
- (5) Course outlining and development, forty (40) hours.
- (6) Lesson planning, forty-five (45) hours.
- (7) Teaching techniques (methods), eighty (80) hours.
- (8) Teaching aids, audio-visual techniques, eighty (80) hours.
- (9) Demonstration techniques, fifty-five (55) hours.

(10) Examinations and analysis, sixty (60) hours.

(11) Classroom management, forty-five (45) hours.

(12) Record keeping, twenty-five (25) hours.

(13) Teaching observation, sixty-five (65) hours.

(14) Teacher assistant, ninety (90) hours.

(15) Pupil teaching (practice teaching), 270 hours.

[Section 17. Recommended Textbooks: (1) "Psychology in Teaching," H. P. Smith.]

[(2) "Milady Course of Study for Student Teachers."]

[(3) "325 Teaching Hints."]

Section 17. [18.] All student instructors must be under the immediate supervision and instruction of a licensed instructor at all times during the school day. No student instructor shall ever assume any of the duties and responsibilities of a licensed supervising instructor.

Section 18. [19.] All records of apprentice instructors' hours earned shall be recorded on a standard form supplied by the board office on or before the tenth (10th) day of each month.

Section 19. 201 KAR 12:085, 201 KAR 12:105 and 201 KAR 1:130 do not protect the public from misrepresentation, deceit or fraud in the practice or teaching of beauty culture and are hereby repealed.

CARROLL ROBERTS, Administrator

ADOPTED: March 5, 1979

RECEIVED BY LRC: March 6, 1979 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carroll Roberts, Administrator, Kentucky State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Kentucky 40202.

CABINET FOR DEVELOPMENT Department of Fish and Wildlife Resources (Proposed Amendment)

301 KAR 1:075. Gigging, *hand* grabbing or snagging, tickling and noodling.

RELATES TO: KRS 150.010, 150.025, 150.170, 150.175, 150.235, 150.360, 150.440, 150.445, 150.470

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation is necessary to permit and govern methods of harvest to the benefit of the fishery resource. The Commissioner with the concurrence of the Commission finds it necessary to *remove hand grabbing from one river, and to remove the prohibition of a natural perch or tree as a snagging site.* [revise the list of streams where gigging and snagging are prohibited and to authorize the hand grabbing of rough fish in all waters and so amends this regulation.]

Section 1. As used in this regulation, the word "snagging" means an act of taking fish by using a single hook or one treble hook (except in the main stream of Green River and the main stream of Rolling Fork River where five (5) hooks, either single or treble hooks, may be used) which is attached by line to a pole and is used in a jerking and pull-

ing manner, but does not include the term "snag line" as used in KRS Chapter 150 pertaining to designated commercial fishing streams.

Section 2. A person may gig or snag from the stream or lake banks, but cannot use these fishing methods from a boat or platform [or perch or tree], except gigging is permitted from a boat in any lake with a surface acreage of 500 acres or larger during the daylight hours.

Section 3. The season during which gigging and snagging is permitted is March 1 through May 10, annually, except persons may gig rough fish through the ice in these same waters any time the surface is frozen thick enough to stand on, and gigger must gig while supported by the ice.

Section 4. Gigging and/or snagging for rough fish is permitted night and day in all lakes and streams, except where specifically prohibited as described in Sections 2 and 5.

Section 5. Gigging and/or snagging is specifically prohibited in the following streams and their tributaries. (Exceptions: See subsection (1)(b) and subsection (2)(b) below.)

(1) (a) The Cumberland River below Wolf Creek Dam downstream to the Tennessee line, and in the Cumberland River in the area below Barkley Dam downstream to US 62 bridge.

(b) Those tributaries to the Cumberland River below Wolf Creek Dam downstream to the Tennessee line, shall be open to gigging and snagging in season, except that portion of each tributary which is within one-half (½) mile of its junction with the Cumberland River.

(2) (a) Within 200 yards of any dam or any stream,

(b) Snagging only is permitted in the Tennessee River below Kentucky Dam subject to restrictions in 301 KAR 1:020.

(3) Little Kentucky River—Trimble,

(4) Goose Creek—Russell and Casey,

(5) Casey Creek—Trigg,

(6) Rough River, below Rough River Dam downstream to where Ky. 54 crosses the stream, and above the first rifle on Rough River Lake,

(7) Middle Fork of the Ky. River, from Buckhorn Dam downstream to Breathitt-Perry County line,

(8) Trammel Creek—Allen and Warren,

(9) Peters Creek—Barren and Monroe,

(10) Beaver Dam Creek—Edmonson,

(11) Canada Creek—Wayne,

(12) Shultz Creek—Greenup,

(13) Sulphur Spring Creek—Simpson,

(14) Lick Fork Creek—Simpson,

(15) Sinking Creek—Breckinridge,

(16) Beaver Creek—Barren,

(17) Big Brush Creek—Green,

(18) Rough Creek—Hardin,

(19) Claylick Creek—Crittenden,

(20) Lynn Camp Creek—Hart,

(21) Roundstone Creek—Hart,

(22) Ravens Creek—Harrison,

(23) Boone Creek—Fayette and Clark,

(24) Caney Creek—Elliott,

(25) Greasy Creek—Leslie,

(26) Laurel Fork Creek—Harlan,

(27) Beaver Creek—Wayne,

(28) Craney Creek—Rowan,

- (29) Swift Camp Creek—Wolfe,
- (30) Middle Fork—Powell and Wolfe,
- (31) War Fork—Jackson,
- (32) Indian Creek—Jackson,
- (33) Clover Bottom Creek—Jackson,
- (34) Cane Creek—Laurel,
- (35) Hawk Creek—Laurel,
- (36) Beaver Creek—McCreary,
- (37) Little South Fork—McCreary and Wayne,
- (38) Rock Creek—McCreary,
- (39) Lick Creek—McCreary,
- (40) Bark Camp Creek—Whitley,
- (41) Dogslaughter Creek—Whitley,
- (42) Laurel Creek—Elliott,
- (43) Big Double Creek—Clay,
- (44) Hood Creek—Johnson and Lawrence.

Section 6. All game fish caught by gigging or snagging, except those taken below Kentucky Dam in the Tennessee River, shall be returned to the water immediately, regardless of condition.

Section 7. The tickling and noodling (hand grabbing) season for rough fish only shall be June 10 to August 31 (all dates inclusive) during daylight hours only. Tickling and noodling shall be permitted in all waters except the *South Fork of the Kentucky River and tributaries*. The daily creel limit for tickling and noodling shall be fifteen (15) rough fish of which not more than five (5) may be catfish.

CARL E. KAYS, Commissioner

ADOPTED: March 5, 1979

APPROVED: WILLIAM SHORT, Secretary

RECEIVED BY LRC: March 15, 1979 at 2:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, 592 East Main Street, Frankfort, Kentucky 40601.

CABINET FOR DEVELOPMENT Department of Fish and Wildlife Resources (Proposed Amendment)

301 KAR 2:045. Upland game birds, furbearers and small game; seasons, limits.

RELATES TO: KRS 150.300, 150.305, 150.330, 150.340, 150.360, 150.365, 150.370, 150.390, 150.400

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the hunting season, bag and possession limits for upland game birds and animals and trapping season for furbearers. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport[,] and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of upland game birds, animals and furbearers within reasonable limits based upon an adequate supply. *This amendment is necessary to change the season dates and to specify the restrictions on the use of traps.*

Section 1. Closing of Small Game Season During the Statewide Deer Gun Season, and Exceptions. (1) The entire state will be closed to hunting and trapping for furbearers and all game species except waterfowl, rails, gallinules, woodcock, and snipe during the statewide deer gun season, except the following areas where hunting and trapping will be allowed:

(a) West Kentucky Wildlife Management Area in McCracken County.

(b) Higginson-Henry Wildlife Management Area in Union County [Trigg and Lyon Counties].

(c) Land Between the Lakes Wildlife Management Area in Trigg and Lyon Counties.

(d) Fort Knox Wildlife Management Area in Hardin, Meade and Bullitt Counties.

(e) Fort Campbell Wildlife Management Area in Christian and Trigg Counties.

(f) Yellowbank Wildlife Management Area in Breckinridge County.

(g) Kleber Wildlife Management Area in Owen County.

(h) Clay Wildlife Management Area in Nicholas County.

(2) Falconry hunting will be permitted during the statewide deer gun season.

Section 2. Hunting and Trapping Seasons. See Section 1 for Exceptions and Closures. (1) Squirrel (*gray and fox*): opens third Saturday in August, continues through October 31. Opens again on the third Thursday in November, continues through December 31.

(2) Rabbits: opens third Thursday in November, continues through January 21 [31].

(3) Quail (Bobwhite): opens third Thursday in November, continues through February 17 [the last day in February].

(4) Grouse: opens third Thursday in November, continues through the last day in February.

(5) Furbearers: opens third Thursday in November, continues through January 31. Includes mink, muskrat, beaver, opossum, red fox, raccoon, weasel and skunk. The bobcat is protected year around and may not be trapped or killed.

(6) Traps: all dry land sets are limited to No. 2 or smaller, smooth-jawed steel traps and No. 220 or smaller Conibear-type traps set no closer than ten (10) feet apart.

(7) [(6)] Taking Raccoon and Opossum: Raccoon and opossum may not be taken from a vehicle or boat with the aid of artificial light at any time or any place except by trapping.

(8) [(7)] Falconry hunting: the wildlife listed in this section may be pursued and taken by a licensed falconer with any legal hunting raptor from November 1 through the last hunting date listed for each species.

Section 3. Bag and Possession Limits. Possession limit applies to transporting after two (2) or more days shooting but does not permit double bag limit to be taken or possessed in the field.

Game	Bag Limits	Possession Limits
Squirrel (<i>gray and fox</i>)	6	12
Rabbit	4 [6]	8 [12]
Quail (Bobwhite)	8 [10]	16 [20]
Grouse or native pheasant	4	8
Furbearers (except raccoon by means other than trapping)	No Limits	No Limits
Raccoon (by means other than trapping)	1*	No Limits**

* One (1) per hunter, with no more than three (3) per party of three (3) or more hunters while hunting.

** No possession limit on raccoons, except that no hunter or party of hunters shall possess more than the daily bag limit while hunting in the field.

Section 4. Trapping Licenses. The following trapping licenses are required: (1) Resident landowner or tenant trapping license: This license authorizes either the landowner or his dependent children to take wild animals by trapping upon their farmlands. Either the tenant or his dependent children residing upon the owner's lands have the same privilege. [This license becomes effective on January 1, 1979.]

(2) Resident statewide trapping license: This license authorizes the holder thereof to take wild animals by trapping upon his lands or lands of another person with written consent of the landowner.

(3) Nonresident statewide trapping license: This license authorizes the holder thereof to take wild animals by trapping upon his lands or lands of another person with written consent of the landowner.

Section 5. Shooting hours. Shooting hours on the above species shall be from one-half ($\frac{1}{2}$) hour before sunrise to one-half ($\frac{1}{2}$) hour after sunset, except for raccoon and opossum which may be taken at any time during day or night.

Section 6. Squirrel Hunting Weapons. No person while in the act of hunting squirrels, may use or possess a breech-loading rifle of .240 caliber or larger, or a shotgun with slugs or buckshot. Squirrels may be taken with any type of muzzle-loading weapon.

Section 7. Prohibited Ammunition. No person while in the act of hunting any of the game species listed in this regulation may have in his or her possession any buckshot or shotgun slugs.

CARL E. KAYS, Commissioner

ADOPTED: March 5, 1979

APPROVED: WILLIAM SHORT, Secretary

RECEIVED BY LRC: March 15, 1979 at 2:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, 592 East Main Street, Frankfort, Kentucky 40601.

CABINET FOR DEVELOPMENT
Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 2:050. Land between the lakes hunting rules.

RELATES TO: KRS 150.025, 150.170, 150.176, 150.250, 150.360, 150.640

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to general rules for hunting on Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties. This regulation is necessary in order for the Department's conservation officers to enforce the hunting regulations in cooperation with Tennessee Valley Authorities on Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties. The function of this regulation is to provide law enforcement services which fall within the jurisdiction of the Department. *This amendment is necessary to include changes in permitted area use and hunting regulations.*

Section 1. License Requirements. Hunters must have a valid Kentucky hunting license and a Land Between the Lakes hunting permit. Permits are non-transferable and may be cancelled if rules and regulations are violated and/or if the holder is deemed to be careless with firearms. Permits may be obtained at *any Information Station or at the Administrative Office, Golden Pond, KY 42231 [Information Office, Center Station, Golden Pond, KY 42231]. Deer hunters must also possess a valid Kentucky deer tag and turkey hunters must possess a valid Kentucky turkey tag.*

Section 2. General Rules. (1) Except as noted, state and federal regulations apply.

(2) No species of wildlife may be molested or taken except as authorized.

(3) Target practice is prohibited except at designated ranges and with Land Between the Lakes approval.

(4) Operation of motorized vehicles is permitted only within the designated off-road vehicle area and on Land Between the Lakes system roads. System roads are those designated by signs and listed on a map available free of charge from Land Between the Lakes. [on paved, graveled or graded roads unless otherwise posted, or other roads as authorized] Driving in woods, fields, foot trails, or utility rights of way[s] and blocking access to roads, trails, and entryways is prohibited.

Section 3. Weapons. (1) Prohibitions:

(a) *Handguns cannot be carried on the person except during legal hunting hours while participating in authorized gun deer hunts. [Sidearms and crossbows are prohibited.]*

(b) Firearms and bows and arrows, except target and fishing arrows, are prohibited except during authorized hunts. At this time, [a] hunters must have in their [his] possession a valid Land Between the Lakes hunting permit and a valid Kentucky [state] hunting license, or as otherwise authorized by special regulations. *Such hunters camping on Land Between the Lakes may possess legal hunting weapons one (1) day prior to and one (1) day after an authorized hunt.*

(c) Firearms transported in vehicles during authorized hunts must be unloaded in both chamber and magazine.

(2) *Permitted [Legal] Weapons. All firearms and archery equipment must conform to statewide regulations unless specified in other regulations.*

[(a) For Small Game Hunting. Shotguns using No. 2 (#2) shot or smaller, rifles using .22 caliber rimfire ammunition (no magnums permitted), muzzle-loading rifles and shotguns and longbows with blunt-tipped or field arrows.]

[(b) For Deer Gun Hunting. Shotguns and rifles according to state regulations. Muzzle-loading shotguns and rifles using ball ammunition only.]

[(c) For Deer and Turkey Bow Hunting. Longbows according to state regulations.]

[(d) For Turkey Gun Hunting. Shotguns only, no larger than 12 gauge nor smaller than 20 gauge. Only No. 2 (#2) shot or smaller is permitted.]

Section 4. Hunting and Chasing. (1) Hunting is prohibited in all developed public use areas, safety zones and posted areas *unless so designated by signs.*

(2) Hunting from domestic animals is prohibited *except that domestic animals may be used in authorized field trial areas and while training dogs.* A state permit is required to conduct a field trial.

(3) Fox chasing and raccoon and opossum hunting are permitted from sunset to sunrise during the designated season. [Only .22 caliber rifles using rimfire ammunition (no magnums) and shotguns are permitted.] Raccoons may be bagged or taken for restocking. Dogs must be removed by 8 a.m.

(4) *Quota deer [Deer] hunting applicants are selected for each hunt by computerized drawing. Hunters must [may] hunt only during the period assigned to them and must stay within their assigned hunt area. Hunt areas and dates cannot be changed. Only one (1) application is permitted per hunter. Groups are limited to no more than five (5) hunters. For quota hunts, other than special youth hunts, hunters under sixteen (16) must apply and hunt with an adult. [Hunters under eighteen (18) must apply with an adult.] Some Land Between the Lakes permits for deer may be valid for antlerless deer or either sex deer as specified on the permit.*

(5) Deer and turkey bow hunting. During the concurrent deer and turkey bow hunting season, only those turkey hunters who have a valid Kentucky deer and turkey hunting permit are eligible to hunt turkey. Turkey hunting will not be allowed after the hunter is successful in bagging a deer. This rule applies only when deer and turkey are hunted concurrently and not during the spring turkey only hunting season. [Deer and/or] Turkey taken must be checked out and have both a Land Between the Lakes permanent game tag and a Kentucky turkey tag attached before being removed from the area.

Section 5. Tree Stands. Nails, spikes, tree climbers, screw-in devices, or wire must not be used for attaching stands or for climbing trees. No existing permanent stands may be used. Portable stands and climbing devices that do not injure trees may be used. Portable stands may be placed on trees no more than two (2) weeks prior to the hunting season and must be removed within one (1) week following a hunting season or portion of a split season. All portable stands must display the name and address of the owner.

CARL E. KAYS, Commissioner

ADOPTED: March 5, 1979

APPROVED:

WILLIAM SHORT, Secretary

RECEIVED BY LRC: March 15, 1979 at 2:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, 592 East Main Street, Frankfort, Kentucky 40601.

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

704 KAR 10:050. Courses not in program of studies; procedure for offering.

RELATES TO: KRS 156.160

PURSUANT TO: KRS 13.082, 156.135, [156.010(3), 156.070, 156.160]

NECESSITY AND FUNCTION: This regulation establishes procedures for seeking State Board for Elementary and Secondary Education approval for courses that are not listed in the "Program of Studies for Kentucky Schools, K-12."

Section 1. Any school desiring to offer a course not listed in the "Program of Studies for Kentucky Schools, K-12" shall secure the approval of the State Board for Elementary and Secondary Education upon recommendation of the Superintendent of Public Instruction before such a course is offered. *Annual* [A] approval of the offering of the course shall be secured not later than *July 1*. [the meeting of the State Board for Elementary and Secondary Education immediately preceding the semester of initiating the course.] Failure to secure state board approval before the course is initiated shall *result in the course not being recognized for graduation credit*. [jeopardize accreditation of the school or schools involved.] No course shall be considered for approval that is inconsistent with Kentucky Administrative Regulations, Kentucky Revised Statutes, or [and] the Constitution of the Commonwealth of Kentucky.

Section 2. The procedure for seeking approval of an [unlisted] *experimental* course shall be as follows: *The Superintendent of a county or independent school district or the administrative head of a nonpublic school* [The administrative head of the school or school system] seeking permission to offer an unlisted course shall notify the head of the Bureau of Instruction in writing *no later than May 31* of such intent and shall subsequently submit information concerning the course as follows:

- (1) The name or title of the course;
- (2) A statement indicating need for the course;
- (3) A statement of the objectives of the course;
- (4) A brief of the scope and content of the course;
- (5) A statement describing adequacy of staff, facilities, equipment, and materials for implementing the course;
- (6) A description of deviation from the "Program of Studies for Kentucky Schools, K-12;"
- (7) The amount of credit to be allowed for the course or the extent of grade levels involved in the proposed offering;
- (8) Proposed method of evaluation;
- (9) Anticipated length of experiment; [in terms of school years.]
- (10) *A written evaluation shall be submitted to the head of the Bureau of Instruction at the close of the school year.*

Section 3. The Superintendent of Public Instruction shall[, after due counsel,] submit the request to the State Board for Elementary and Secondary Education, *accompanied by his recommendation. Following action of the State Board for Elementary and Secondary Education, local school districts or nonpublic schools will be notified in writing within ten (10) days of the board decision.*

[Section 4. Upon approval by the State Board for Elementary and Secondary Education, the form describing the course thus approved, with a notation of the approval, shall be filed with the organizational or annual high school report of the school or school system involved and become a part of said official report.]

JAMES B. GRAHAM
Superintendent of Public Instruction

ADOPTED: February 21, 1979

RECEIVED BY LRC: March 2, 1979 at 10 a.m.

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

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Harness Racing Commission
(Proposed Amendment)

811 KAR 1:055. Declaration to start; drawing horses.

RELATES TO: KRS 230.630(1), (3), 230.640

PURSUANT TO: KRS 13.082, 230.630(3), (4), (7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to regulate declarations to start; drawing horses.

Section 1. Declaration. (1) At extended pari-mutuel meetings. Unless otherwise specified in the conditions, the declaration time at extended pari-mutuel meetings shall be 9 a.m.

(2) Declaration time at other meetings. At all other meetings starters must be declared in at 10 a.m. unless another time is specified in the conditions.

(3) No horse shall be declared to start in more than one (1) race on any one (1) racing day.

(4) Timed used. In order to avoid confusion and misunderstanding, the time when declarations close will be considered to be standard time, except the time in use at an extended pari-mutuel meeting shall govern that meeting.

(5) Declaration box. The management shall provide a locked box with an aperture through which declarations shall be deposited.

(6) Responsibility for declaration box. The presiding judge shall be in charge of the declaration box.

(7) Search for declarations by presiding judge before opening box. Just prior to opening of the box at extended pari-mutuel meetings where futurities, stakes, early closing or late closing events are on the program, the presiding judge shall check with the race secretary to ascertain if any declarations by mail, telegraph, or otherwise, are in the office and not deposited in the entry box, and he shall see that they are declared and drawn in the proper event.

(8) Opening of declaration box. At the time specified the presiding judge shall unlock the box, assort the declarations found therein and immediately draw the positions in the presence of such owners or their representatives, as may appear.

(9) Entry box and drawing of horses at extended pari-mutuel meetings. The entry box shall be opened by the

presiding judge at the advertised time and the presiding judge will be responsible to see that at least one (1) horseman or an official representative of the horsemen is present. No owner or agent for a horse with a declaration in the entry box shall be denied the privilege of being present. Under the supervision of the presiding judge, all entries shall be listed, the eligibility verified, preference ascertained, starters selected and post positions drawn. If it is necessary to reopen any race, public announcement shall be made at least twice and the box reopened to a definite time.

(10) Drawing of post positions for second heat in races of more than one (1) dash or heat at pari-mutuel meetings. In races of a duration of more than one (1) dash or heat at pari-mutuel meetings, the judges may draw post positions from the stand for succeeding dashes or heats.

(11) Declarations by mail, telegraph or telephone. Declarations by mail, telegraph, or telephone actually received and evidence of which is deposited in the box before the time specified to declare in, shall be drawn in the same manner as the others. Such drawings shall be final. Mail, telephone and telegraph declarations must state the name and address of the owner or lessee; the name, color, sex, sire and dam of the horse; the name of the driver and his colors; the date and place of last start; a current summary, including the number of starts, first, seconds, thirds, earnings and best winning time for the current year; and the event or events in which the horse is to be entered.

(12) Effect of failure to declare on time. When a track requires a horse to be declared at a stated time, failure to declare as required shall be considered a withdrawal from the event.

(13) Drawings of horses after declaration. After declaration to start has been made no horse shall be drawn except by permission of the judges. A fine, not to exceed \$500, or suspension, may be imposed for drawing a horse without permission, the penalty to apply to both the horse and the party who violates the regulation.

(14) Horses omitted through error. Such drawings shall be final unless there is conclusive evidence that a horse properly declared, other than by telephone, was omitted from the race through error of a track or its agent or employee in which event the horse may be added to this race but given the outside post position. This shall not apply at pari-mutuel meetings unless the error is discovered prior to the publication of the official program.

Section 2. Qualifying Races. At all extended pari-mutuel meetings declarations for overnight events shall be governed by the following:

(1) Within two (2) weeks of being declared in, a horse that has not raced previously at the gait chosen must go a qualifying race under the supervision of a judge holding a presiding or associate judge's license for pari-mutuel meetings and acquire at least one (1) charted line by a licensed charter. In order to provide complete and accurate chart information on time and beaten lengths a standard photo finish shall be in use.

(2) A horse that does not show a charted line for the previous season, or a charted line within its last six (6) starts, must go a qualifying race as set forth in subsection (1). Uncharted races contested in heats or more than one (1) dash and consolidated according to subsection (4) will be considered one (1) start.

(3) A horse that has not started at a charted meeting by August 1 of a season must go a qualifying race as set forth in subsection (1).

(4) When a horse has raced at a charted meeting during the current season, then gone to meetings where the races are not charted, the information from the uncharted races may be summarized, including each start, and consolidated in favor of charted lines and the requirements of subsection (2) would then not apply.

(5) The consolidated line shall carry date, place, time, driver, finish, track condition and distance if race is not at one (1) mile.

(6) The judges may require any horse that has been on the steward's list to go a qualifying race. If a horse has raced in individual time not meeting the qualifying standards for that class of horse, he may be required to go a qualifying race.

(7) The judges may permit a fast horse to qualify by means of a timed workout consistent with the time of the races in which he will compete in the event adequate competition is not available for a qualifying race.

(8) To enable a horse to qualify, qualifying races should be held at least one (1) full week prior to the opening of any meeting of ten (10) days or more and shall be scheduled at least twice a week. Qualifying races shall also be scheduled twice a week during the meeting.

(9) Where a race is conducted for the purpose of qualifying drivers and not horses, the race need not be charted, timed or recorded. This subsection is not applicable to races qualifying both drivers and horses.

(10) If a horse takes a win race record in a qualifying race, such record must be prefaced with the letter "Q" wherever it appears, except in a case where, immediately prior to or following the race, the horse taking the record has been submitted to an approved urine, saliva or blood test. It will be the responsibility of the presiding judge to report the test on the judges' sheet.

(11) Any horse that fails to race at a charted meeting within thirty (30) days after having started in a current year, shall start in a charted race or a qualifying race and meet the standards of the meeting before being allowed to start in a race with pari-mutuel wagering.

Section 3. Coupled Entries. (1) When the starters in a race include two (2) or more horses owned or trained by the same person, or trained in the same stable or by the same management, they shall be coupled as an "entry" and a wager on one (1) horse in the "entry" shall be a wager on all horses in the "entry." Provided, however, that when a trainer enters two (2) or more horses in a stake, early closing, futurity, free-for-all or other special event under bona fide separate ownerships, the said horses may, at the request of the association and with the approval of the commission, be permitted to race as separate betting entries. The fact that such horses are trained by the same person shall be indicated prominently in the program. If the race is split in two (2) or more divisions, horses in an "entry" shall be seeded insofar as possible, first by owners, then by trainers, then by stables; but the divisions in which they compete and their post positions shall be drawn by lot. The above provision shall also apply to elimination heats.

(2) The presiding judge shall be responsible for coupling horses. In addition to the foregoing, horses separately owned or trained may be coupled as an entry where it is necessary to do so to protect the public interest for the purpose of pari-mutuel wagering only. However, where this is done, entries may not be rejected.

Section 4. Also Eligibles. Nor more than two (2) horses may be drawn as also eligibles for a race and their positions

shall be drawn along with the starters in the race. In the event one (1) or more horses are excused by the judges, the also eligible horse or horses shall race and take the post position drawn by the horse that it replaces, except in handicap races. In handicap races the also eligible horse shall take the place of the horse that it replaces in the event that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap. No horse may be added to a race as an also eligible unless the horse was drawn as such at the time declarations closed. No horse may be barred from a race to which it is otherwise eligible by reason of its preference due to the fact that it has been drawn as an also eligible. A horse moved into the race from the also eligible list cannot be drawn except by permission of the judges, but the owner or trainer of such a horse shall be notified that the horse is to race and it shall be posted at the race secretary's office. All horses on the also eligible list and not moved into race by 9 a.m. on the day of the race shall be released.

Section 5. Preference. (1) Preference shall be given in all overnight events according to a horse's last previous purse race during the current year. The preference date on a horse that has drawn to race and been scratched is the date of the race from which he was scratched.

(2) When a horse is racing for the first time in the current year, the date of the first declaration shall be considered its last race date, and preference applied accordingly.

(3) If an error has been made in determining or posting a preference date and said error deprives an eligible horse of an opportunity to race, the trainer involved shall report the error to the racing secretary within one (1) hour of the announcement of the draw. If in fact a preference date error has occurred, the race will be redrawn.

Section 6. Steward's List. (1) A horse that is unfit to race because he is dangerous, unmanageable, sick, lame, unable to show a performance to qualify for races at the meeting, or otherwise unfit to race at the meeting may be placed on a "steward's list" by the presiding judge, and declarations on said horse shall be refused, but the owner or trainer shall be notified in writing of such action and the reason as set forth above shall be clearly stated on the notice. When any horse is placed on the steward's list, the clerk of the course shall make a note on the eligibility certificate of such horse, showing the date the horse was put on the steward's list, the reason therefor and the date of removal if the horse has been removed.

(2) No presiding judge or other official at a non-extended meeting shall have the power to remove from the steward's list and accept as an entry any horse which has been placed on a steward's list and not subsequently removed therefrom for the reason that he is a dangerous or unmanageable horse. Such meetings may refuse declarations on any horse that has been placed on the steward's list and has not been removed therefrom.

Section 7. Driver. Declarations shall state who shall drive the horse and give the driver's colors. Drivers may be changed until 9 a.m. of the day preceding the race, after which no driver may be changed without permission of the judges and for good cause. When a nominator starts two (2) or more horses, the judges shall approve or disapprove the second and third drivers.

Section 8. (1) It shall be the duty of the presiding judge to call a meeting of all horsemen on the grounds before the opening of an extended pari-mutuel meeting for the purpose of their electing a member and an alternate to represent them on matters relating to the withdrawal of horses due to bad track or weather conditions.

(2) In case of questionable track conditions due to weather, the presiding judge shall call a meeting consisting of an agent of the track member, the duly elected representative of the horsemen and himself.

(3) Upon unanimous decision by this committee of three (3) that track conditions are safe for racing, no unpermitted withdrawals may be made.

(4) Any decision other than unanimous by this committee will allow any entrant to scratch his horse or horses after posting ten (10) percent of the purse to be raced for. In the event sufficient withdrawals are received to cause the field to be less than six (6), then the track member shall have the right of postponement of an early closing event or stake and cancellation of an overnight event.

(5) Said money posted shall be forwarded to the commission and shall be retained as a fine, or refunded to the individual upon the decision of the commission as to whether the withdrawal was for good cause.

(6) The above procedure applies only to the withdrawal of horses that have been properly declared in and does not relate to postponement which is covered in 811 KAR 1:060.

CARL B. LARSEN, Deputy Commissioner

ADOPTED: August 18, 1978

APPROVED: DONALD N. RHODY, Secretary
RECEIVED BY LRC: March 2, 1979 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Betty Burton, Acting Executive Secretary, Kentucky
Harness Racing Commission, 369 Waller Avenue, Lexington, Kentucky 40504.

PUBLIC PROTECTION AND REGULATION CABINET Kentucky Harness Racing Commission (Proposed Amendment)

811 KAR 1:125. Pari-mutuel rules.

RELATES TO: KRS 230.630, 230.640, 230.690, 230.710
PURSUANT TO: KRS 13.082, 230.630

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to provide and regulate pari-mutuel wagering at race meetings.

Section 1. Equipment. (1) The Commission considers it desirable for licensees to use vending machines for the sale of pari-mutuel tickets. All licensees will be required to employ the use of totalizator equipment or its equivalent of a type approved by the commission.

(2) The controls necessary to operate the odds board in the infield, relative to the way the horses finish, (if the finish is being contested, if there is a photo, dead heat, time or race) are to be located in the judge's stand and controlled only by the presiding judge, or one associate judge designated to do so.

Section 2. Definitions for Pari-Mutuel Rules. (1) For the purpose of pari-mutuel betting, every heat or dash shall be a separate and distinct race.

(2) Where the term "race" is used throughout the following rules, it shall not be considered to apply as if the term "heat" had been used. Wagering shall be prohibited on more than ten (10) races, heats excluded, during the course of a single racing program, provided that the commission may extend the number of races authorized.

Section 3. Tax. Each day's tax imposed by KRS Chapter 138 shall be remitted to the Kentucky Department of Revenue by the licensee by check or bank draft within twenty-four (24) hours after the close of the racing program. Such remittance shall be accompanied by a tax return executed by the licensee on a form furnished by the Kentucky Department of Revenue. A copy of said form will be filed daily with the commission.

Section 4. Sale of Pari-Mutuel Tickets. (1) Only one (1) method of selling pari-mutuel tickets shall be used for the sale of tickets on individual races during any racing day.

(2) Unless prior commission approval has been obtained no pari-mutuel tickets shall be sold except through regular ticket windows properly designated by signs showing type of tickets sold at that particular window.

(3) No pari-mutuel tickets shall be sold on any race prior to thirty (30) minutes before scheduled off-time of that race, except daily double, perfecta, double perfecta, quinella, double quinella and trifecta tickets may be sold one (1) hour before scheduled off-time[.] *except that on stake races whose purse value exceeds \$100,000, tickets may be sold up to sixty (60) hours prior to the scheduled off time with approval of the commission.*

(4) Book making or betting other than pari-mutuel betting is strictly prohibited.

(5) No minor shall be allowed to bet and no mutuel employee shall sell or pay a wager to a minor.

(6) All wagering shall stop as soon as the word "go" shall be given by record or by voice of the starter. Vending machines for the sale of pari-mutuel tickets shall be electrically locked by the presiding judge from the judge's stand.

(7) When the sale of pari-mutuel tickets has closed, it shall remain closed until after the race has finished and has been declared official, unless an objection imposes a delay in which case the sale of pari-mutuel tickets for the next succeeding race may be begun without waiting for the race to be declared official.

(8) Without approval of the commission, no pari-mutuel ticket shall be sold for less than two dollars (\$2). Without approval of the commission, no pari-mutuel ticket combining win and place, win and show, or place and show, shall be sold for less than four dollars (\$4). Without approval of the commission, no pari-mutuel ticket combining win, place, and show shall be sold for less than six dollars (\$6). Without approval of the commission, no pari-mutuel tickets for perfecta, double perfecta, quinella or double quinella combinations shall be sold for less than two dollars (\$2).

(9) The method of selling pari-mutuel tickets shall be approved by the commission.

(10) The manager of the pari-mutuel department shall be properly and timely advised by the presiding judge, prior to the beginning of wagering on each race, of the horses that will compete in the race.

(11) At meetings of more than ten (10) days, if less than six (6) interests qualify to start in a race, the manager of the

pari-mutuel department, with the consent of the representative of the commission, shall be permitted to prohibit show wagering on that race.

(12) At meetings of more than ten (10) days, if less than five (5) interests qualify horses to start in a race, the said manager, with the consent of the representative of the Kentucky Harness Racing Commission shall be permitted to prohibit both place and show wagering on that race.

(13) At meetings of more than ten (10) days, if less than three (3) interests qualify horses to start in a race, the said manager, with the consent of the representative of the commission shall be permitted to prohibit wagering on that race.

(14) At meetings of more than ten (10) days, the said manager with the consent of the representative of the commission, may prohibit wagering on any particular horse or entry in any race. Such consent shall be sought by the manager of the pari-mutuel department from the representative of the commission. Such exclusions, if consented to by the representative of the commission, shall be clearly indicated on the program or score card or announced and horses excluded shall be numbered so as to in no way infer that they are coupled in "the field." Horses once excluded from the the betting shall remain excluded during the day or race in which they are scheduled to start.

(15) When more horses representing separate interests are started in a race than the number of post positions on the infield tote board, all horses in excess of a number of interests one (1) less than the total number of post positions on the infield tote board shall be grouped in the betting as the "field."

(16) A refund at cost value shall be made to all holders of a purchased ticket bearing the number of a horse in any race which has been scratched or withdrawn before said horse has become a starter in the race under the rules, unless such horse is part of an entry, and one (1) or more of said entry starts.

Section 5. Payments. (1) Payments due on all wagers shall be made in conformity with well established practice of the pari-mutuel system. The practice is to work in dollars and not in the number of tickets. Money wagered on winning tickets is returned in full plus the profits. In all cases of a winning mutuel pool each licensee must redistribute not less than one dollar and ten cents (\$1.10) on each one dollar (\$1) wager and two dollars and twenty cents (\$2.20) on each two dollars (\$2) wager.

(2) At the end of each race, the judges shall advise the manager of the pari-mutuel department by the use of the tote equipment or by telephone of the official placement of the horses, and no payoffs shall be made until the receipt of such notice.

(3) If a horse wins and there is no money wagered on him to win, the win pool shall be apportioned among the holders or the place tickets on that horse, if any, otherwise among holders of the show tickets.

(4) If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among the holders of the place tickets on the other horse which was placed first or second.

(5) If no money has been wagered to show on a horse which has placed first, second or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second or third in that race.

(6) In the event that only two (2) horses finish in any one (1) race, the show pool shall be figured the same as the

place pool and monies apportioned to the holders of show tickets on the two (2) finishing horses. In the event only one (1) horse finishes in any one (1) race all three (3) pools shall be figured separately as straight pools and all the monies shall be awarded to the ticket holders of the finishing horse. In the event no horse finishes the race, then the entire pool shall be refunded to all ticket holders.

(7) If two (2) horses finish in a dead heat for first place, the money in the win mutuel pool is divided between the two (2) dead-heaters according to their proportionate shares in the pool.

(8) If two (2) horses finish in a dead heat for second place, the division is made as follows: There shall be allotted to the pool of the winner of the race one-half ($\frac{1}{2}$) of the place pool and the two (2) dead-heaters one-half ($\frac{1}{2}$) each of the remaining half of the place pool.

(9) If two (2) horses coupled in the betting as an "entry" or "the field" finish first and second, first and third, or second and third, two-thirds ($\frac{2}{3}$) of the net show pool shall be allotted to the pool of the entry and the balance one-third ($\frac{1}{3}$) to the other horse.

(10) In the event that one (1) horse of the entry or the field finishes first or second and the other part of the entry or field finishes in a dead heat for third with another horse, the division of the net show pool shall be as follows: one-half ($\frac{1}{2}$) of the net show pool shall be allotted to the pool of the entry, one-third ($\frac{1}{3}$) to the non-entry horse not involved in the dead heat, and one-sixth ($\frac{1}{6}$) to the non-entry horse finishing in the dead heat.

(11) If the entry or field horses should finish first, second and third, the entire money in each pool goes to the entry or field tickets, no other tickets participating.

(12) No mutilated pari-mutuel ticket that is not easily identifiable as being a valid ticket shall be accepted for payment.

(13) No claims for lost pari-mutuel tickets shall be considered.

(14) In the event an error is made in calculation resulting in a price being too high, the association shall lose such amount between the proper price and the one paid. If the error in calculation results in a price being too low, such amount between proper price and price paid shall be added to the net pool of the same position in the following race on the same day or if it is the last race of the day then it shall be added to the net pool of the same position in the same race on the following day. If such an error occurs causing underpayment on the last race of the entire racing meeting, the underpayment shall be paid to the Kentucky Department of Revenue.

Section 6. Daily Doubles. (1) Positively no exchange of daily double tickets after purchaser thereof has left the sales window.

(2) The daily double is not a parlay, and has no connection with or relation to the "tote" betting. All tickets on the daily double will be calculated in an entirely separate pool. Without prior commission approval, only one (1) daily double will be permitted during any single program.

(3) All tickets will be to win (straight) only. Entries and the field run as one (1) horse in the daily double. If two (2) or more horses in a race are coupled on the same totalizator ticket, there shall be no refunds, unless all of the horses so coupled are excused before off time.

(4) Selections are to be made of one (1) horse for each of two (2) races in the daily double by "tote" program numbers.

(5) If no ticket is sold combining the two (2) winners of the daily double, the pool shall then be apportioned equal-

ly between those having tickets including the winner in the first race of the daily double and those having tickets including the winner in the second race of the daily double in the same manner in which a place pool is calculated and distributed.

(6) If no ticket is sold on the winner of the first race of the daily double on any combination, the entire pool is apportioned to the holders of tickets on the winner of the second race of the daily double. Likewise, if no ticket is sold on the winner of the second race of the daily double or any combination, the entire pool is apportioned to the holders of tickets on the winner of the first race of the daily double.

(7) If a dead heat to win should result in either the first or second race of the daily double, the total pool is calculated as a place pool. In case of a dead heat for the winner of the first race of the daily double, the posting of payoff prices will be made after winner of second race of the daily double is official.

(8) Should no ticket be sold containing the numbers of either winner on any combination, the pool shall be allotted to those having tickets on horses finishing next to the winners.

(9) In the event any horse or horses in the first half of the daily double should be excused by the judges after the horses shall have left the paddock for the post, or after the betting on the daily double has been closed, or should any horse or horses in the first half of the daily double be prevented from racing because of failure of the arm or arms of the starting gate to open, the money wagered on any horse or horses so excused or prevented from racing shall be deducted from the daily double pool and refunded to the purchaser or purchasers of tickets on the horse or horses so excused or prevented from racing.

(10) If a horse is scratched from the second half of the daily double before it becomes a starter in the second half, but after the first half of the daily double has been run, all daily double tickets combining the scratched horse in the second race of the daily double with the actual winner of the first race of the daily double shall be paid a price equivalent to that fraction of the net pool derived by dividing the net pool by the total purchase price of all tickets combining the winner of the first race of the daily double with all horses in the second race of the daily double. The total payoff on all tickets combining the winner of the first race of the daily double with the scratched horse in the second race of the daily double as determined by the method set forth in this rule shall be deducted from the net daily double pool.

(11) The possible payoff prices shall be posted or announced to the public before the start of the last race of the daily double, and as soon as possible after the horses in the race of the last half of the daily double have entered upon the track on the way to the post.

(12) If for any reason the second race of the daily double is cancelled or declared "no race" by the judges after the first daily double race is declared official, then the net daily double pool shall be distributed to wagering combinations which include the horse or betting interest which finished first in the first daily double race.

(13) If a daily double is scheduled to be held, subsections (1) to (12) of this section shall be printed in conspicuous places in the grandstand area and an abbreviated version shall be printed on the day's racing program, and notice printed on said program as follows: "Retain Your Tickets Until The Result Of the Daily Double Has Been Posted."

Section 7. Perfecta Wagering. (1) The "perfecta" (also

known as exacta or correcta) is a contract by the purchaser of a ticket combining two (2) horses in a single race, selecting the two (2) horses that will subsequently finish first and second in that race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.

(2) The perfecta is not a "parlay" and has no connection with or relation to the win, place or show betting and will be calculated as an entirely separate pool.

(3) If no ticket is sold on the winning combination of a perfecta pool, the net pool shall be distributed equally between holders of tickets selecting the winning horse to finish first and/or holders of tickets selecting the second place horse to finish second.

(4) If no ticket is sold that would require distribution of a perfecta pool to winner as above defined, the association shall make a complete and full refund of perfecta pool.

(5) In case of a dead heat between two (2) horses for first place the net perfecta pool shall be calculated and distributed as a place pool to holders of tickets of the winning combination(s). In case of a dead heat between two (2) horses for second place, the perfecta pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two (2) horses finishing second participating in the payoff.

(6) In the event of a dead heat for second place, if no ticket is sold on one (1) of the two (2) winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination. If no tickets combine the winning horse with either of the place horses in the dead heat, the perfecta pool shall be calculated and distributed as a place pool to holders of tickets representing any interest in the net pool.

(7) *In the event two (2) or three (3) horses coupled in an entry or the mutuel field finish first and second or first, second and third, the winning combination shall be the coupled horses and the horse placed immediately behind such entry or field.* [No entries or field horses shall be allowed in any race that the perfecta is being sold.]

Section 8. Quinella Wagering. (1) The "quinella" is a form of a pari-mutuel wagering consisting of selecting the first two (2) horses to finish, irrespective of their place of finish.

(2) The quinella is not a "parlay" and has no connection with or relations to the win, place or show betting and will be calculated as an entirely separate pool.

(3) In case of a dead heat between two (2) horses for first place, the combination shall be the winner of the quinella pool. In case of a dead heat between two (2) horses for second place, the quinella pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two (2) horses finishing second participating in the payoff.

(4) In the event of a dead heat for second place, if no ticket is sold on one (1) of the winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination. If no tickets combine the winning horse with either of the place horses in the dead heat, the net pool shall be calculated and distributed as a place pool to holders of tickets combining either of the place horses; however, if any tickets combine both horses in the dead heat for place, the net pool shall be calculated and distributed as a win pool to holders of such tickets.

(5) If no ticket is sold on the winning combination of a quinella pool, the net pool shall then be apportioned equal-

ly between those having tickets including the horse finishing first and those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

(6) If no ticket is sold that would require distribution of a quinella pool to a winner as above defined, the association shall make a complete and full refund of the quinella pool.

(7) If a perfecta and/or quinella is scheduled to be held, each association shall print an abbreviated version of this rule on the day's racing program.

(8) *In the event two (2) or three (3) horses coupled in an entry or the mutuel field finish first and second or first, second and third, the winning combination shall be the coupled horses and the horse placed immediately behind such entry or field.*

Section 9. Double Perfecta Wagering. (1) the double perfecta is a form of pari-mutuel wagering in which the bettor selects the two (2) horses that will finish first and second in each of two (2) consecutive races in the exact order as officially posted.

(2) Double perfecta tickets shall be sold only at double perfecta windows and only from automatic double issue machines.

(3) Each bettor purchasing double perfecta tickets shall designate his two (2) selections as the first two (2) horses to finish in that order in the first of two (2) consecutive races.

(4) After the official declaration of the first two (2) horses to finish in the first race of the double perfecta, each bettor holding a ticket combining the first two (2) horses in the exact order of finish must, prior to the running of the second double perfecta race exchange ticket at the double perfecta window and at such time shall select the two (2) horses to finish in the second race of the double perfecta in the exact order as officially posted. No further money shall be required of the holder of the ticket in order to make the exchange.

(5) No double perfecta exchange ticket upon the second race shall be issued except upon the surrender of the double perfecta ticket from the first race as described in these rules. The double perfecta pool obtained from the sales of double perfecta tickets upon the first race shall be held, subject to these rules, and divided among the winning tickets of the double perfecta exchange tickets, subject to those rules to the contrary. Double perfecta windows shall be open for the purpose of making the exchange as described only after the first race has been declared official.

(6) If a winning double perfecta ticket from the first race is not presented for exchange within the time provided the bettor forfeits all rights to any distribution or refund except in the event the second half of the double perfecta is cancelled or declared "no race."

(7) If a horse is scratched in the first race of the double perfecta races, all double perfecta tickets on the scratched horse will be refunded.

(8) If a horse is scratched in the second race of the double perfecta, after the first race of the double perfecta has been declared official, all exchange tickets combining the scratched horse shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows: the net double perfecta pool (gross pool less commission) shall be divided by the total purchase price of all tickets combining the winners of the first race of the double perfecta. The quotient thus obtained shall be the price to be paid to holders of exchange tickets combining the scratched horse in the second race of the double perfecta. The entire consolation pool (number of eligible tickets

times the consolation price) shall be deducted from the net double perfecta pool.

(9) If no double perfecta ticket is sold as a winning combination in the first race of the double perfecta, the double perfecta pool shall be divided among those having tickets including the horse finishing first and those having tickets including the horse finishing second and such distributions shall be calculated and made as a place pool. In such an instance the double perfecta race shall end and the pool be closed for the day.

(10) If no double perfecta exchange ticket is sold on the winning combination the net pool shall then be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

(11) If a double perfecta exchange ticket combines only one (1) of the two (2) winners and no double perfecta exchange ticket combines the other winner, the entire pool shall be distributed as a straight pool to the holders of those tickets.

(12) If no exchange ticket includes either the first or second horse of the second half of the double perfecta the entire net pool shall be distributed as a straight pool to all holders of exchange tickets.

(13) In the event of a dead heat for place in the first race of the double perfecta races, all double perfecta tickets combining the first horse and either of the place horses shall be eligible for exchange for double perfecta exchange tickets.

(14) In the event of a dead heat for place in the second race of the double perfecta, the double perfecta pool shall be divided, calculated and distributed as a place pool to the holders of double perfecta exchange tickets combining the first horse and either of the place horses. In the event of the dead heat to place and there are no tickets sold on one (1) combination, then the other combination having the winning horses shall be declared the winner. If no exchange tickets combining the winning horse with either of the place horses in the dead heat, the double perfecta pool shall be calculated and distributed as a win pool to holders of tickets representing any interest in the net pool.

(15) If for any reason the second of the double perfecta races is cancelled or declared "no race," the pool shall be calculated as a straight pool and shall be distributed among the holders of the tickets combining the first two (2) horses of the first race of the double perfecta otherwise eligible for double perfecta exchange tickets and also distributed to holders of the double perfecta exchange tickets.

(16) If there is a dead heat for the winning horse in either of the two (2) consecutive races for the double perfecta, such calculation of distribution of the double perfecta pool shall be made in the manner in which any ordinary perfecta pool would be made should there be a dead heat for the win despite the number of horses involved in the dead heat.

(17) The purchase of double perfecta tickets other than through pari-mutuel machines and the sale of double perfecta tickets from one (1) individual to another shall be deemed illegal and is prohibited.

Section 10. Big "Q" Rules (1) Each operator wishing to conduct Big "Q" wagering must first petition the commission [board] for permission to do so.

(2) Each operator shall either print in the daily program or prominently post at all areas where Big Q wagering is conducted the complete rules for Big Q wagering as set forth in the following sections:

(a) The Big Q consists of selecting the quinella (the first two (2) horses to finish) of each of two (2) consecutive races. Pari-mutuel wagering tickets are to be sold upon the first race of the two (2) races only. The division of the pool shall be calculated as in a straight pool, subject to provisions of these rules to the contrary.

(b) No entries or field horses shall be allowed to start in any race comprising the Big Q.

(c) Tickets shall be sold only at Big Q windows and only from automatic double issuing machines.

(d) Each bettor purchasing tickets shall designate his two (2) selections as the first two (2) horses to finish in the first race of the two (2) races.

(e) After the official declaration of the first two (2) horses to finish the first of the Big Q races, each bettor holding a ticket combining the said two (2) horses to finish must, prior to the running of the second race, exchange such winning ticket for a Big Q exchange ticket at the Big Q windows and at such time the said holder shall select the first two (2) horses to finish in the second race of the Big Q. No further money shall be required of the holder of the ticket in order to make the exchange.

(f) No Big Q exchange ticket upon the second race shall be issued except upon the surrender of the Big Q ticket from the first race as described in these sections. The Big Q pool obtained from the sales of the Big Q tickets upon the first race shall be held subject to these sections, and divided among the winning tickets of the Big Q exchange tickets, subject to these sections to the contrary. Big Q windows shall be open for the purpose of making the exchange as described only after the first race has been declared official and such windows shall close at post time at the start of the second race of the Big Q races.

(g) If a winning Big Q ticket from the first race is not presented for exchange within the time provided, the bettor forfeits all rights to any distribution or refund except in the event the second half of the Big Q is cancelled or declared "no race" or if no exchange ticket includes either the first or second horse of the second half of the Big Q.

(h) If a horse is scratched in the first race, all Big Q tickets on the scratched horse will be refunded. If a horse is scratched in the second race, the holders of tickets on the scratched horse will be entitled to exchange their tickets for another selection. In the event of a late scratch, after the exchange windows have been closed, all exchange tickets combining the scratched horse shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows: The net Big Q pool (gross pool less commission) shall be divided by the total purchase price of all tickets combining the winnings of the first race of the Big Q. The quotient thus obtained shall be the price to be paid to holders of exchange tickets combining the scratched horse in the second race of the Big Q. The entire consolation pool (number of eligible tickets times the consolation price) plus the breakage shall be deducted from the net Big Q pool.

(i) If no ticket is sold as a winning combination in the first race of the Big Q, the Big Q pool shall be divided among those having tickets including the horse finishing first or second and such distributions shall be calculated and made as a place pool. In such an instance, the Big Q race shall end and the pool be closed for the day.

(j) If no Big Q exchange ticket is sold on the winning combination, the net pool shall be apportioned equally between those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

(k) If a Big Q exchange ticket combines only one (1) of the winners and no Big Q exchange ticket combines the other winner, the entire pool shall be distributed as a straight pool to the holders of those tickets.

(l) If no exchange ticket includes either the first or second horse of the second half of the Big Q, the entire net pool will be distributed as a straight pool to all holders of exchange tickets and winning combinations of the first half that have not been exchanged.

(m) In the event of a dead heat for place in the first race of the Big Q races all Big Q tickets combining the first horse and either of the place horses shall be eligible for exchange for Big Q exchange tickets.

(n) In the event of a dead heat for place in the second race of the Big Q races the pool will be divided, calculated and distributed as a place pool to the holders of Big Q exchange tickets combining the first horse and either of the place horses. In the event of the dead heat to place and there are no tickets sold on one (1) combination, then the other combination having winning horses shall be declared the winner.

(o) If no exchange tickets combine the winning horse with either of the place horses in the dead heat, the Big Q pool shall be calculated and distributed as a place pool to holders of tickets combining either of the place horses, however if any exchange tickets combine both horses in the dead heat for place, the Big Q pool shall be calculated and distributed as a place pool to holders of such tickets.

(p) If for any reason the first race of the Big Q races is cancelled or declared "no race" full and complete refund shall be made from the Big Q pool.

(q) If for any reason, the second of the Big Q races is cancelled or declared "no race" the pool shall be calculated as a straight pool and shall be distributed among the holders of tickets combining the first two (2) horses of the first race of the Big Q otherwise eligible for Big Q exchange tickets and also distributed to holders of the Big Q exchange tickets.

(r) If there is a dead heat for the winning horses in either of the two (2) consecutive races for the Big Q such calculation of distribution of the Big Q pool shall be made in the manner in which any ordinary quinella pool would be made should there be a dead heat for the win despite the number of horses involved in the dead heat.

(s) In the event that an incorrect exchange ticket is issued during the second half of the Big Q pool, such incorrect exchange ticket must be turned in to the State Auditor prior to the running of the second half. Said tickets shall be deducted from both exchange and individual combination totals. The ticket shall be voided and filed with the performance worksheets and a report including the seller's name and license number, shall be made to the board of the complete incident.

Section 11. Trifecta Wagering. (1) The "Trifecta" is a contract by the purchaser of a ticket combining three (3) horses in a single race, selecting the three (3) horses that will subsequently finish first, second and third in that race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.

(2) The "Trifecta" is not a parlay and has no connection with or relation to the Win, Place and Show betting and will be calculated as an entirely separate pool.

(3) Trifecta tickets shall be sold in not less than two dollars (\$2) denominations.

(4) If no ticket is sold on the winning combination of a Trifecta Pool, the net pool shall be distributed to the

holders of tickets selecting the win and place finishers in that order. If no ticket is sold combining the win and place finish, the net pool will be distributed to the holders of tickets selecting the winner.

(5) If no ticket is sold that would require distribution of the net Trifecta Pool to a winner as above defined, the association shall make a full refund of the Trifecta Pool.

(6) In the event of a dead heat or dead heats, all Trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in either position dead heated, shall be winning tickets. The payoff will be calculated as a place pool.

(7) In the event of a scratch in the Trifecta no exchanges will be made. All tickets which include the scratched horse are eliminated from further participation in the Trifecta Pool and will be refunded.

(8) No entries or field horses shall be allowed in any race that the Trifecta is being sold.

(9) Trifecta tickets shall be sold only by the licensee through pari-mutuel machines programmed to print all selections on one (1) ticket. Resale of such tickets from one (1) individual to another is prohibited and shall be grounds for ejection.

(10) Each association shall print in heavy type in a conspicuous place in its printed program all the provisions of this section and post printed copies of this section about the track in such places as it may deem advisable.

Section 12. Types of Wagering Allowed. The following types of wagering shall be permitted at all tracks given racing dates by the commission:

(1) Normal win, place and show betting on each race.

(2) A daily double on the first and second races.

(3) Any other methods of betting approved in advance by the commission.

CARL B. LARSEN, Deputy Commissioner

ADOPTED: April 21, 1978

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: March 2, 1979 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Betty Burton, Acting Executive Secretary, Kentucky Harness Racing Commission, 369 Waller Avenue, Lexington, Kentucky 40504.

PUBLIC PROTECTION AND REGULATION CABINET Kentucky Harness Racing Commission (Proposed Amendment)

811 KAR 1:180. Personnel to be licensed; fees.

RELATES TO: KRS 230.630(1), (3), 230.640, 230.700, 230.710

PURUSANT TO: KRS 13.082, 230.630(3), (4), (7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to provide for the licensing of personnel and the fees to be charged for licensing.

Section 1. Every person holding a permit to conduct pari-mutuel wagering in this state and every person who is a member of an association holding such a permit and every person who is an officer of a corporation which holds such a permit, and every employee of the holder of such permit in any capacity connected to any extent with the pari-mutuel wagering business in this state, and all owners, trainers, drivers, grooms, managers, agents, blacksmiths, veterinarians, and like persons who actively participate in the racing activities of any such permit holders, shall furnish the commission, on demand, for its files, his fingerprints and photograph, which fingerprints and photograph shall be furnished at the time application is made for license from this commission.

Section 2. No one shall be permitted to enter in or about the grounds, stables or stable enclosures who does not have in his possession a license issued by the commission as owner, trainer, driver, apprentice, agent, stable foreman, groom, veterinarian, or proper credentials issued by the association, and a full record of these credentials shall be compiled and open to inspection at all times.

Section 3. At all pari-mutuel racing meetings all persons in the appended list shall procure a license from the commission. The annual fee for such licenses shall be paid at the time of the filing of the application and shall be as follows:

Stable License	\$25	Announcer	\$10
Owner-Driver	15	Assistant Race Secretary	10
Owner-Driver-Trainer	15	Assistant Starting	
Driver	10	Judge/Gate Driver	10
Driver-Trainer	10	Charter	10
Owner	10	Clerk of Course	10
Owner-Trainer	10	Farrier	10
Trainer	10	Mutuel Employees	10
Judges-Associate	15	Program Director	10
Judges-Paddock	15	Timer	10
Judges-Patrol	15	Veterinarian	15
Judges-Presiding	15	Miscellaneous	10
Judges-Starting	15	Groom	4
Race Secretary	15		

Section 4. Should a licensee lose a permit or should a permit in some manner be destroyed, such licensee may apply for a duplicate permit for a fee of five dollars (\$5), except a grooms license shall be duplicated for one dollar (\$1) [by filing an affidavit and the payment of a fee of one dollar (\$1)].

Section 5. If the commission, in its discretion, shall find that the experience, character and general fitness of the applicant are such that the participation of such person in harness horse race meets will not be consistent with the public interest, convenience and necessity and with the best interests of racing generally in conformity with the purposes of the harness racing act, it may thereupon deny a license.

Section 6. If a license has previously been issued by the United States Trotting Association, then upon payment of the license fee set out in Section 3, said license may be approved by an official stamp of the commission without the

requirement on the part of said applicant to submit data required by Section 1.

CARL B. LARSEN, Deputy Commissioner

ADOPTED: January 19, 1979

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: March 2, 1979 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Betty Burton, Acting Executive Secretary, Kentucky Harness Racing Commission, 369 Waller Avenue, Lexington, Kentucky 40504.

PUBLIC PROTECTION AND REGULATION CABINET Kentucky Harness Racing Commission (Proposed Amendment)

811 KAR 1:200. Administration of purses and payments.

RELATES TO: KRS 230.770

PURSUANT TO: KRS 230.770 [(5), (6)]

NECESSITY AND FUNCTION: To regulate races and purses and payments in races for which a portion of the purse is provided by the Kentucky Standardbred Development Fund. The function of this regulation is to establish mandatory criteria for these races and the administration of purses and payments in such races.

Section 1. Races in which any part of the purse is provided by the Kentucky Standardbred Development Fund shall be subject to the rules and regulations of the Kentucky Harness Racing Commission.

Section 2. Each participating foal must have been sired by a stallion registered with the Kentucky Harness Racing Commission, and eligible to the Kentucky Standardbred Development Fund.

Section 3. Each race shall be a one (1) mile dash.

Section 4. The race will split if more than twelve (12) declare to start. In the case of a split the event will be raced adopting one of the methods of division racing then current in the Kentucky Harness Racing Commission rules and regulations, except the Kentucky Standardbred Development Fund will add the money to the purses.

Section 5. Gait must be specified by the first two (2) year old payment. Transfer may be made at the time of declaration but sustaining payments remain in the respective funds.

Section 6. All races will be raced in separate colt-gelding and filly divisions.

Section 7. All declaration fees will be added to the purse and will be made payable to the Kentucky Standardbred Development Fund at the time of declaration.

Section 8. The purse will be distributed on the following percentage basis:

- (1) 50-25-12-8-5: 5 starters or more;
- (2) 50-25-15-10: 4 starters;
- (3) 60-30-10: 3 starters;
- (4) 65-35: 2 starters.

Section 9. Should circumstances prevent the racing of any event, monies will be prorated among horses eligible for the uncontested event at the time of declaring off. In the event the race is drawn, the monies will be equally divided among the horses entered to start. This will include stake payments, declaration fees and purses provided by the Kentucky Standardbred Development Fund.

Section 10. Starters will declare in at each track at the time specified by the association conducting the event.

Section 11. At the time of the declaration a starter must show at least one (1) charted line with no breaks within the last six (6) starts and within thirty (30) days prior to the day of the race and a two (2) year old trotter must have been timed in 2:18 or faster and a two (2) year old pacer must have been timed in 2:15 or faster. An eligibility certificate or a clear photocopy of the eligibility certificate must be on deposit with the race secretary at the time of declaration or the declaration may be rejected. If the horse has a start subsequent to the eligibility certificate of photocopy being sent, the declarer must advise the race secretary of the commitment to race or the horse may be scratched from the race. This rule shall be in effect for wagering and non-wagering races.

Section 12. After payment of the nomination fee, foals shall remain eligible for events each year by making the required sustaining and declaration payments for that year.

Section 13. The Kentucky Standardbred Development Fund will be distributed by the Kentucky Harness Racing Commission on an equitable basis to promote the purposes expressed in KRS 230.770. The commission may authorize expenditures at any time; however, the commission will, at its scheduled meeting each November, make provisions for the following year's distribution of funds for stake races. [divided each year in accordance with the ratio established by law.]

Section 14. The Kentucky Standardbred Development Fund will provide a trophy for each event. In the case of division races each division shall receive a trophy.

Section 15. All nomination and sustaining payments shall be made to the Kentucky Standardbred Development Fund.

Section 16. Payments: [\$15,000 added each stake; estimated:]

Two-Year Olds

[2-Year Olds Racing in 1977]

PAYMENTS

March 15th\$ 40
 May 15th\$100
 Starting Fee (for each track)\$100
 March 15th payment makes entry eligible as a 3-year old.

Three-Year Olds

[3-Year Olds Racing in 1977]

PAYMENTS

February\$ 40
 March 15\$100
 Starting Fee (for each track)\$100

Section 17. [Beginning 1977] All yearlings will be nominated on May 15 and fees will be ten dollars (\$10) each. Fees are payable to the Kentucky Standardbred Development Fund.

CARL B. LARSEN, Deputy Commissioner

ADOPTED: February 23, 1979

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: March 2, 1979 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
 TO: Betty Burton, Acting Executive Secretary, Kentucky
 Harness Racing Commission, 369 Waller Avenue, Lexington,
 Kentucky 40504.

Proposed Regulations

DEPARTMENT OF FINANCE Board of Medical Licensure

201 KAR 9:136. Reciprocity.

RELATES TO: KRS 311.650 to 311.658, 311.990(18)
PURSUANT TO: KRS 13.082, 311.654

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to establish procedures whereby paramedics certified in other states may apply for certification in Kentucky.

Section 1. Procedure for Certification. Paramedics currently certified in other states may make application to the board for certification as a paramedic in this state. Each applicant shall submit a letter from a provider in this state stating that the applicant will be considered for employment. The applicant shall also submit a letter of recommendation from the provider's medical advisor agreeing to supervise the paramedic in the event he is certified in this state. If in the opinion of the board, the applicant meets all of the board's requirements, the board may admit such applicant to the Kentucky paramedic certification examination, upon payment of required fees.

JOHN C. QUERTERMOUS, M.D., President

ADOPTED: February 15, 1979

RECEIVED BY LRC: March 6, 1979 at 10:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

DEPARTMENT OF FINANCE Division of Occupations and Professions Board of Examiners of Psychologists

201 KAR 26:010. Licensure; qualifications and examinations.

RELATES TO: KRS 319.050

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To fulfill requirement of defining qualifications and examinations for licensure, and applications and fees.

Section 1. Qualifications. (1) Training. In order to be admitted to examination for licensure, an applicant must have, among other requirements described in KRS 319.050, "a degree of doctor of philosophy or its equivalent in psychology from an educational institution voted as acceptable. . . ."

(a) The following criteria will be used by the board to identify and designate educational programs as psychology programs:

1. Programs that are accredited by the American Psychological Association are recognized as meeting the definition of a professional psychology program. The criteria for accreditation serve as a model for professional psychology training.

2. Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education.

3. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

4. The psychology program must stand as a recognizable, coherent organizational entity within the institution.

5. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

6. The program must be an integrated, organized sequence of study.

7. There must be an identifiable psychology faculty and a psychologist responsible for the program.

8. The program must have an identifiable body of students who are matriculated in that program for a degree.

9. The program must include supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology.

10. The curriculum shall encompass a minimum of three (3) academic years or equivalent of graduate study. In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics, and psychometrics, the core program shall require each student to demonstrate competence in each of the following substantive content areas. This typically will be met by including a minimum of three (3) or more graduate semester hours (five (5) or more quarter hours) in each of these four (4) substantive content areas:

a. Biological bases of behavior: Physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.

b. Cognitive-affective bases of behavior: Learning, thinking, motivation, emotion.

c. Social bases of behavior: Social psychology, group processes, organizational and systems theory.

d. Individual differences: Personality theory, human development, abnormal psychology.

11. In addition to the core courses, all professional education programs in psychology will include course requirements in specialty areas.

(b) Equivalent to a degree of Doctor of Philosophy (Ph.D.) in Psychology: An applicant holding a Doctor of Education in Psychology (Ed.D.) or a Doctor of Psychology (Psy.D.) from an accredited institution of higher learning will be deemed to have the equivalent of a Doctor of Philosophy (Ph.D.) in Psychology; however,

such applicant must meet the core and specialty requirements of training and experience.

(c) Experience: An internship in the practice of an appropriate specialty area at a program site acceptable to the board is required. In the event a formal internship site does not exist for a particular specialty, 2,000 hours of supervised experience acceptable to the board will be required.

(2) The following criteria will be used in specifying an applicant's eligibility to be examined in a specialty area(s) of competence. Specialty course requirements are in addition to the core course. A course used by the applicant to meet the core course requirement shall not be used to meet a specialty requirement. All courses must be at the graduate level.

(a) Clinical psychology:

1. Content and theoretical foundations (six (6) semester hours): Developmental psychology, social psychology, emotions, motivation, learning, physiological psychology, sensation, perception, personality.

2. Psychological assessment (six (6) semester hours): Individual and group approaches, projective and actuarial approaches to assessment of intelligence, perception and personality.

3. Psychological classification (three (3) semester hours): Psychopathology, abnormal psychology.

4. Psychological intervention (six (6) semester hours): Psychotherapy, systems of psychotherapy, specific psychotherapeutic or intervention strategies.

5. Quantitative, measurement and research techniques (nine (9) semester hours): Statistics, data analysis, experimental design, measurement, empirical investigation, research methods, tests and measurements.

6. Applied training:

a. Practicum in psychological assessment (three (3) semester hours).

b. Practicum in psychotherapy (three (3) semester hours).

7. Internship: A one (1) year internship at a program site acceptable to the board and which provides a minimum of two (2) weekly face-to-face supervisory sessions throughout the year and a total of 2,000 hours of supervised clinical experience, 400 hours of which must be in clinical assessment and 400 hours of which must be in psychotherapy.

(b) Counseling psychology:

1. Content and theoretical foundations (six (6) semester hours): World of work, occupational trends, culture and personality, social psychology, industrial psychology, educational psychology, personality, psychology of adjustment, psychology of specific groups.

2. Psychological assessment (six (6) semester hours): Individual and group psychometric techniques related to intelligence, aptitudes, abilities and interests. Personnel selection, vocational-occupational evaluation, educational assessment.

3. Psychological classification (three (3) semester hours): Individual differences, psychopathology, abnormal psychology.

4. Psychological intervention (six (6) semester hours): Counseling, psychotherapy, systems of counseling, specific counseling techniques, personnel, vocational, educational or rehabilitation counseling.

5. Quantitative, measurement and research techniques (nine (9) semester hours): Statistics, data analysis, measurement, research or experimental design, empirical investigation of behavior.

6. Applied training:

a. Practicum in psychological assessment (three (3) semester hours).

b. Practicum in counseling (three (3) semester hours).

7. Internship: An internship at a program site acceptable to the board and which provides a minimum of two (2) weekly face-to-face supervisory sessions throughout the year and a total of 1,200 hours of supervised experience appropriate to counseling psychology.

(c) School psychology:

1. Content and theoretical foundations (six (6) semester hours): Developmental psychology, educational psychology, social psychology, group dynamics, community psychology, exceptional child, special education, pupil personnel, learning, teaching strategies, perception.

2. Psychological and educational assessment (six (6) semester hours): Individual and group psychometric techniques relating to children's intelligence, perception, social behavior. Assessment of student's aptitude, achievement, educational deficiencies and abilities.

3. Psychological and educational classification (three (3) semester hours): Psychopathology, abnormal psychology, individual differences, exceptionalities of children.

4. Psychological intervention (six (6) semester hours): Counseling or psychotherapy, educational consultation, psycho-educational strategies of modifying behavior of students or school personnel.

5. Quantitative and research techniques (nine (9) semester hours): Statistics, data processing and analysis, psychological or educational research, program evaluation, experimental design, tests and measurements, test construction and development, attitude scaling.

6. Applied training:

a. Practicum in psychological assessment (three (3) semester hours).

b. Practicum in psychological intervention (three (3) semester hours).

7. Internship: An internship at a program site acceptable to the board and which provides a minimum of two (2) weekly face-to-face supervisory sessions throughout the year and a total of 1,200 hours of supervised experience appropriate to school psychology.

(d) Industrial/organizational psychology:

1. Content and theoretical foundations (six (6) semester hours): Differential psychology, personality, social psychology, industrial psychology, sensation perception, physiological psychology, motivation, learning, experimental psychology.

2. Applied techniques (twenty-one (21) semester hours): Psychological assessment, intervention, classification and applied training. The applicant should have general familiarity with all the following five (5) areas and knowledge and experience in depth of at least one (1) of the five (5):

a. Industrial personnel psychology.

b. Human factors engineering psychology.

c. Organizational-social psychology.

d. Industrial-clinical psychology.

e. Marketing and consumer psychology.

3. Quantitative and research techniques (nine (9) semester hours): Statistics, research design, experimental methods, data processing or analysis, test construction and development, evaluation techniques, questionnaire development, attitude scaling.

4. Internship: An internship at a program site acceptable to the board or 1,200 hours of supervised experience acceptable to the board.

(e) Other specialties in psychology: Other specialties such as social, community, developmental, educational, experimental but not limited to these, will include course requirements according to the following categories:

1. Content and theoretical foundations (six (6) semester hours).

2. Applied techniques (twenty-one (21) semester hours): To include psychological assessment, intervention strategies, classification systems, applied training such as practica, and content courses of a special nature.

3. Quantitative and research techniques (nine (9) semester hours).

4. An internship or 1,200 hours of supervised experience acceptable to the board.

(3) References:

(a) Letters of reference from at least three (3) doctoral-level psychologists will be required, one (1) of which should be from the applicant's training program and one (1) of which should be from the internship site.

(b) Letters which document incompetent or unethical conduct will be sufficient to reject a person's application; however, in this event, an applicant will be notified of the reasons for rejection and be given a hearing upon request.

(4) Documents:

(a) The board will require official transcripts of all undergraduate and graduate work.

(b) The board may require other supporting documentation related to the applicant's training, experience or professional conduct.

Section 2. Examinations: (1) Candidates for a license must take an examination consisting of objective, essay and oral portions. In addition, the board may require work samples or may directly observe the candidate in practice.

(a) The objective portion will include but will not be limited to the national examination of the American Association of State Psychology Boards (AASPB). Other portions, including objective, essay and oral, will be prepared or approved by the board.

(b) Specialty areas include but are not limited to the following: Clinical, school, counseling, community, social, industrial/organizational, educational, developmental, experimental.

(2) Each candidate may retake the examination, or any portion thereof, once. If a candidate fails the first examination, he may apply to retake the examination. Such application must be accompanied by another application fee. Temporary license may be withdrawn by the board depending on the candidate's performance on the first examination, or the board may impose restrictions on the candidate's practice and supervision.

(3) A candidate who passes a portion of the examination will not be required to retake the passed portion.

(4) Schedule of examination:

(a) Examinations will be given at least semi-annually, in the fall and in the spring, and at other times as determined by the board.

(b) The location at which the examination will be held will be determined by the board. The time and place of examination will be announced two (2) weeks prior to examination date.

(5) The deadline for admission to examination will be two (2) weeks prior to the date of examination. A completed and acceptable application must be received by that time.

(6) Scoring procedure and criteria:

(a) The criteria for passing the objective portion will be a raw score not lower than three-fourths (0.75) of a standard

deviation below the mean of the score of those candidates across the nation who took the examination.

(b) The essay and oral portions will be scored on a five (5) point scale by at least two (2) board members or designated examiners as follows: 5.0 Excellent, 4.0 Good, 3.0 Passing, 2.0 Failing-Poor, 1.0 Failing-Very Poor.

(c) An average score of 3.0 by each reader is passing. If one (1) reader rates the performance below 3.0 and the other reader rates the performance at 3.0 or greater, a third reader will score the examination. In this event, at least two (2) readers must score 3.0 or greater.

(7) Reporting:

(a) Candidates will be notified in writing of the results of examination within six (6) weeks of the examination date.

(b) Any candidate will, upon request, receive feedback regarding his performance. A candidate may read his essay performance provided he comes to the office of the board. Examination materials will not be mailed to candidates. Specific scores will not be released beyond a pass or fail designation.

Section 3. Applications and Fees: (1) The board will take action only upon completed applications.

(2) Any application for licensure which is incomplete for a period of twelve (12) months from the date initially made shall be closed. An applicant whose file has been closed shall subsequently be considered only upon the filing of a new application and payment of a new application fee.

(3) The fee for application for a license is \$100 payable at the time of application.

(4) An application will not be considered nor will temporary permission to practice be granted without payment of the required fee.

(5) Fees are not refundable due to incomplete applications, inadequate qualifications or experience, unethical conduct, failure to pass examinations or withdrawn applications.

ROBERT B. SIVLEY, Chairman

ADOPTED: December 1, 1978

RECEIVED BY LRC: March 7, 1979 at 3:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Board of Psychologists, Division of Occupations and Professions, P. O. Box 456, Frankfort, Kentucky 40602.

DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Examiners of Psychologists

201 KAR 26:020. Certification; qualifications and examinations.

RELATES TO: KRS 319.055

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To fulfill requirement of defining qualifications, examinations and applications and fees for certificates.

Section 1. Qualifications. (1) Training. In order to be admitted to examination for certification, an applicant must have, in addition to the other requirements described in KRS 319.050, a master's degree in psychology from an

accredited institution of higher learning. The following criteria will be used by the board to identify and designate educational programs as psychology programs:

(a) The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

(b) The psychology program must stand as a recognizable, coherent organizational entity within the institution.

(c) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

(d) The program must be an integrated, organized sequence of study.

(e) There must be an identifiable psychology faculty and a psychologist responsible for the program.

(f) The program must have an identifiable body of students who are matriculated in that program for a degree.

(g) The curriculum shall encompass a minimum of two (2) academic years or equivalent of graduate study. In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics, and psychometrics, the core program shall require each student to demonstrate competence in each of the following substantive content areas. This typically will be met by including a minimum of three (3) or more graduate semester hours (five (5) or more graduate quarter hours) in each of the following four (4) substantive content areas:

1. Biological bases of behavior: Physiological psychology, comparative psychology, neuropsychology, sensation and perception.

2. Cognitive-affective bases of behavior: Learning, thinking, motivation, emotion.

3. Social bases of behavior: Social psychology, group processes, organizational and systems theory.

4. Individual differences: Personality theory, human development, abnormal psychology.

(h) In addition to these criteria, all professional educational programs in psychology will include course requirements in specialty areas as described in subsection (2).

(2) The following criteria will be used in specifying an applicant's eligibility to be examined in a specialty area of competence. Specialty course requirements are in addition to the core course. All courses must be at the graduate level.

(a) Clinical psychology: At least three (3) semester hours (five (5) quarter hours) in each of the following are required:

1. Psychopathology or abnormal psychology.
2. Psychotherapy, counseling techniques, theories, systems of psychotherapy or behavior change.

3. Practicum in psychotherapy or counseling.

4. Clinical assessment of intellectual and/or perceptual functions.

5. Clinical assessment of emotional and/or social behavior.

6. Practicum in clinical assessment.

(b) Counseling psychology: At least three (3) semester hours (five (5) quarter hours) in each of the following are required:

1. Individual differences, psychopathology or abnormal psychology.

2. Counseling techniques, theories or systems.

3. Practicum in counseling.

4. Techniques of assessment.

5. Practicum in assessment.

6. Occupational-vocational assessment and counseling techniques.

(c) School psychology: At least three (3) semester hours (five (5) quarter hours) in each of the following are required:

1. Psychopathology, abnormal psychology, individual differences, exceptionalities of childhood.

2. Psychological intervention.

3. Practicum in psychological intervention.

4. Psychological assessment techniques.

5. Educational or psychoeducational assessment techniques.

6. Practicum in assessment.

(d) Industrial/organizational psychology: The applicant should have general familiarity with all of the following six (6) areas and knowledge and experience in depth of at least one (1) of the six (6):

1. Differential, personality, social, experimental.

2. Industrial personnel psychology.

3. Human factors engineering psychology.

4. Organizational-social psychology.

5. Industrial-clinical psychology.

6. Marketing and consumer psychology.

(3) References:

(a) Letters of reference from at least three (3) doctoral-level psychologists will be required, one (1) of which should be from the applicant's training program and one (1) of which should be from internship site.

(b) Letters which document incompetent or unethical conduct will be sufficient to reject a person's application; however, in this event, an applicant will be notified of the reasons for rejection and be given a hearing upon request.

(4) Documents:

(a) The board will require official transcripts of all undergraduate and graduate work.

(b) The board may require other supporting documentation related to the applicant's training, experience or professional conduct.

Section 2. Examinations. (1) Candidates for a certificate must take an examination consisting of objective and essay portions. In addition, the board may require work samples, oral examination or may directly observe the candidate in practice.

(a) The objective portion will be the national examination of the American Association of State Psychology Boards (AASPB). The essay portion which covers a special area will be prepared by the board.

(b) Specialty areas include but are not limited to the following: clinical, school, counseling, industrial/organizational.

(2) Each candidate may retake the examination, or any portion thereof, once. If a candidate fails the first examination, he may apply to retake the examination. Such application must be accompanied by another application fee. Temporary certification may be withdrawn by the board depending on the candidate's performance on the first examination, or the board may impose restrictions on the candidate's practice and supervision.

(3) A candidate who passes a portion of the examination will not be required to retake the passed portion.

(4) Schedule of examination:

(a) Examinations will be given at least semi-annually, in the fall and in the spring, and at other times as determined by the board.

(b) The location at which the examination will be held will be determined by the board. The time and place of examination will be announced two (2) weeks prior to examination date.

(5) The deadline for admission to examination will be two (2) weeks prior to the date of examination. A completed and acceptable application must be received by that time.

(6) Scoring procedure and criteria:

(a) The criterion for passing the objective portion will be a raw score not lower than one (1.0) standard deviation below the mean of the score of those candidates across the nation who took the examination.

(b) The essay portion will be scored on a five (5) point scale by at least two (2) board members or designated examiners as follows: 5.0 Excellent, 4.0 Good, 3.0 Passing, 2.0 Failing-Poor, 1.0 Failing-Very Poor.

(c) An average score of 2.5 by each reader is passing. If one (1) reader rates the performance under 2.5 and the other reader rates the performance at 2.5 or greater, a third reader will score the examination. At least two (2) readers must score 2.5 or greater in order for the candidate to pass.

(7) Reporting:

(a) Candidates will be notified in writing of the results of examination within six (6) weeks of the examination date.

(b) Any candidate will, upon request, receive feedback regarding his performance. A candidate may read his essay performance provided he comes to the office of the board. Examination materials will not be mailed to candidates. Specific scores will not be released beyond a pass or fail designation.

Section 3. Applications and Fees. (1) The board will take action only upon completed applications.

(2) Any application for certification which is incomplete for a period of twelve (12) months from the date initially made shall be closed. An applicant whose file has been closed shall subsequently be considered only upon the filing of a new application and payment of a new application fee.

(3) The fee for application for a certificate in a single area is fifty dollars (\$50) payable at the time of application. The fee for application for a certificate in each additional area is fifty dollars (\$50) payable at the time of application.

(4) An application will not be considered nor will temporary permission to practice be granted without payment of the required fee.

(5) Fees are not refundable due to incomplete applications, inadequate qualifications or experience, unethical conduct, failure to pass examinations or withdrawn applications.

Section 4. Uncertified Assistants. The Board of Psychology recognizes that the practice of psychology may involve utilization of persons below the level of training appropriate for certification or licensure. However, the board reaffirms its long-standing policy that any such practice is fully the responsibility of the licensed psychologist. The following are guidelines to be used in determining what is considered to be appropriate in the utilization of uncertified assistants in psychological practice:

(1) In all cases in which an uncertified assistant is involved, the licensed psychologist must have direct contact with the patient. A face-to-face, diagnostic interview is the minimal requirement.

(2) The licensed psychologist will determine the in-

struments and/or techniques to be used for each client.

(3) The licensed psychologist will interpret the data and will be responsible for the preparation and communication of reports.

(4) The licensed psychologist is totally responsible for the performance of an uncertified assistant. In order to assure an acceptable level of performance, the psychologist will observe, evaluate and monitor the uncertified assistant on a continuing basis.

ROBERT B. SIVLEY, Chairman

ADOPTED: December 1, 1978

RECEIVED BY LRC: March 7, 1979 at 3:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Board of Psychologists, Division of Occupations and Professions, P. O. Box 456, Frankfort, Kentucky 40602.

**DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Examiners of Psychologists**

201 KAR 26:030. Reciprocity.

RELATES TO: KRS 319.061

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To fulfill requirement defining standards related to a license issued without examination.

Section 1. The board will consider the following criteria in determining if a license will be granted without examination or by "reciprocity:"

(1) Requirements for licenses in KRS 319.050 and related regulations.

(2) Standards for admission to examination including training, experience, and references.

(3) Examination procedures including criteria for passing of each portion.

(4) Experience.

(5) References.

Section 2. Portions of the examination may be required if the applicant did not take such a portion for licensure in another state. Portions of the examination may be waived if in the judgment of the board the applicant has met an equivalent standard or examination. However, the board must have at least one (1) face-to-face interview with such an applicant before granting a license.

Section 3. The board may require documented evidence or copies of examinations completed by the applicant.

Section 4. A fee of \$100 must accompany the application in order for it to be considered.

ROBERT B. SIVLEY, Chairman

ADOPTED: December 1, 1978

RECEIVED BY LRC: March 7, 1979 at 3:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Board of Psychologists, Division of Occupations and Professions, P. O. Box 456, Frankfort, Kentucky 40602.

DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Examiners of Psychologists

201 KAR 26:040. Temporary permits.

RELATES TO: KRS 319.065

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To fulfill requirement defining procedures concerning temporary permits.

Section 1. Unlicensed or Uncertified Applicants. (1) All persons who intend to function professionally in areas covered by KRS Chapter 319 unless specifically excluded must seek either licensure or certification prior to undertaking such activity.

(2) Upon review and approval of a completed application, the board will acknowledge in writing and issue a temporary permit to function until two (2) months after the examination date immediately following the date of application or upon determination of the outcome of the examination.

(3) The board may impose restrictions on a person holding a temporary permit as to type of activity, location or site of practice, and type of supervision.

(4) The board may withdraw a temporary permit for any of the following reasons:

(a) Failure to take the examination.

(b) Failure to pass the examination.

(c) Behavior or practice described in KRS 319.087 as grounds for suspending or revoking a license or certificate.

ROBERT B. SIVLEY, Chairman

ADOPTED: December 1, 1978

RECEIVED BY LRC: March 7, 1979 at 3:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
 TO: Board of Psychologists, Division of Occupations and Professions, P. O. Box 456, Frankfort, Kentucky 40602.

DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Examiners of Psychologists

201 KAR 26:050. Exclusions from licensure or certification.

RELATES TO: KRS 319.015

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To fulfill requirement of defining professions and professional activities excluded from KRS Chapter 319.

Section 1. The professional pursuits of clergy or chaplains are not included in the practice of psychology. Clergy or chaplains who offer or provide psychological services to the general public which are not within the usual and customary duties of the clergy or chaplains to their pastorates, congregations, or institutions must be certified or licensed.

Section 2. The usual and customary professional pursuits of marriage counselors who are certified by the

American Association of Marriage and Family Counselors (AAMFC) are not limited nor authorized by KRS Chapter 319.

Section 3. (1) Persons certified by the State Board of Education as "school psychologists" are excluded from the provision of KRS Chapter 319.

(2) Psychological service by such "certified school psychologists" shall not be offered to the general public without certification or licensure by the board nor shall a school system offer to the public or to other firms, corporations or school systems for remuneration any psychological service defined in KRS Chapter 319 without certification or licensure by the board.

ROBERT B. SIVLEY, Chairman

ADOPTED: December 1, 1978

RECEIVED BY LRC: March 7, 1979 at 3:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
 TO: Board of Psychologists, Division of Occupations and Professions, P. O. Box 456, Frankfort, Kentucky 40602.

DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Examiners of Psychologists

201 KAR 26:060. License and certificate renewals.

RELATES TO: KRS 319.071

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To fulfill requirement of defining the procedure for renewing a license or a certificate.

Section 1. Renewal Fees. (1) The fee for renewal of a license or certificate is seventy-five dollars (\$75). Licenses and certificates must be renewed every three (3) years on or before the anniversary date of issue or renewal.

(2) The fee for restoring a cancelled license or certificate is seventy-five dollars (\$75) provided that the fee is paid within one (1) year of cancellation.

(3) A license or certificate that has been cancelled for more than one (1) year may not be renewed; however, the applicant may apply for a license or certificate.

Section 2. Billing Procedures. (1) Renewal fees will be due June 30th of the year in which the license or certificate expires. A billing notice will be issued one (1) month prior to this date.

(2) A license or certificate will be cancelled for non-payment of fees if the renewal fee is not paid by September 30th of the year in which the license or certificate expires.

ROBERT B. SIVLEY, Chairman

ADOPTED: December 1, 1978

RECEIVED BY LRC: March 7, 1979 at 3:30 p.m.

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**DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Examiners of Psychologists**

201 KAR 26:070. Titles.

RELATES TO: KRS 319.005

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To fulfill requirement of authorizing usage of title and/or description of "psychologist."

Section 1. The titles "psychologist" or "licensed psychologist" are restricted to persons holding a license in psychology. Such persons may also use modifiers denoting specialty areas such as "clinical psychologist," "school psychologist," "counseling psychologist," "industrial psychologist," or "experimental psychologist" provided the person has been designated by the board as being properly qualified in such a specialty area.

Section 2. The title "certified psychologist" is restricted to persons holding a certificate in psychology. Such persons may add modifiers denoting specialty area such as "certified psychologist in clinical psychology," "certified psychologist in school psychology," or "certified psychologist in counseling psychology."

ROBERT B. SIVLEY, Chairman

APPROVED: December 1, 1978

RECEIVED BY LRC: March 7, 1979 at 3:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Board of Psychologists, Division of Occupations and Professions, P. O. Box 456, Frankfort, Kentucky 40602.

**DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Examiners of Psychologists**

201 KAR 26:080. Limited practice.

RELATES TO: KRS 319.050, 319.055

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To fulfill requirement of defining limits of practice and changes in the status of psychologists.

Section 1. A licensed or certified psychologist must not practice nor present himself outside the area of competency specified in the application and the area approved by the board based upon examination or review of qualifications, training and experience.

Section 2. Practice outside the approved area is deemed to be a violation of KRS Chapter 319 and the American Psychological Association's Code of Ethics adopted by the board.

Section 3. A change in a licensed or certified psychologist's area of competency must include: (1) A written petition to the board.

(2) A review of the applicant's credentials, qualifications and experience.

(3) Following such review, the board may approve the designation of additional areas of competency or may require examination in the requested area. If the examination is required, the licensed or certified psychologist must submit a complete application with the approved fee for licensure or certification.

(4) A licensed or certified psychologist who wishes to change or to expand the approved area of competency must meet the same requirements with respect to subject matter, education, training, professional skills and qualifications that apply to the area of competency in question as attested by an accredited institution of higher learning. Such training should be individualized with due academic credit being given for relevant coursework or requirements that have previously been satisfied. Merely taking an internship or acquiring experience in a work or practicum setting is not considered adequate training or education for changing or expanding the approved area of competency.

Section 4. Change from Certified Psychologist to Licensed Psychologist. (1) If a person has been certified and later wishes, on the basis of additional training and experience to be licensed as a psychologist, a new and complete application for licensure as a psychologist with area of competency requested must be submitted with an application fee.

(2) The board will accept the applicant's previous examination results for the objective (AASPB) examination if the original test score satisfies the licensure requirement as to criterion level.

(3) The essay and oral portions of the examination must be completed by the applicant.

Section 5. Change from Unsuccessful Candidate for License to Applicant for Certification. (1) If a person who has been admitted to examination for licensure but who failed to pass the examination wishes to apply for certification, a completed application for certification with the required fee must be completed with proposed area of competency and supervision indicated.

(2) The board will accept the applicant's previous examination results if the original test scores of each portion required satisfies the certification requirement as to criteria level and area of competency.

Section 6. Change from Unsuccessful Candidate for Licensure or Certificate to Excluded Categories. If a person who has been admitted to examination for licensure or certification and who failed the examination wishes to practice in an excluded category, the educational training and certification or licensure requirements of the exclusion in question must be met and communicated to the board in writing. Failure to do so is deemed a violation of KRS Chapter 319.

ROBERT B. SIVLEY, Chairman

ADOPTED: December 1, 1978

RECEIVED BY LRC: March 7, 1979 at 3:30 p.m.

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DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Examiners of Psychologists

201 KAR 26:090. Supervision of certificand.

RELATES TO: KRS 319.055

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To fulfill requirement of issuing certificates of qualification to perform certain functions within the practice of psychology under the periodic direct supervision of a psychologist licensed by the board.

Section 1. Definitions. As used herein, unless the content otherwise requires:

- (1) "Certificand" means a person who has been granted a certificate to practice in a specialty area(s).
- (2) "Licensed psychologist" means a person licensed to practice psychology in the Commonwealth of Kentucky.
- (3) "Board" means the Kentucky Board of Examiners of Psychologists.

Section 2. Responsibility for Supervision. It is the responsibility of each certificand to establish a supervisory relationship with a licensed psychologist qualified to supervise the specialty area(s) in which certification has been granted or applied for.

(1) **Approval of supervision.** The certificand is required to request board approval, in writing, of his proposed supervisor. This must be done at the time the application for examination is submitted. Any practice of psychology is prohibited before notice of approval of supervision by the board has been received by the certificand or candidate for certification.

(2) **Notice to certificand and supervisor.** The board shall review applications for supervisory relationships and shall notify both the certificand and supervisor within thirty (30) days of receipt of the request for approval. Until the board acts on the request, the certificand may function under the supervision of the proposed supervisor.

(3) **Regular supervision.** On receiving notice that the supervisor is approved, the certificand is obligated to submit work samples, attend supervisory sessions, and otherwise accept regular supervision.

(4) **Supervision may be on a private basis.** The supervisor of record may or may not be the administrative supervisor of a certificand; the supervisor may be employed by the same organization as that of the certificand or the supervision may be conducted on a private basis.

(5) **Termination of supervision.** In the event that the supervisory relationship is terminated for any reason, it will be the certificand's responsibility to secure another supervisor and to request board approval for the new supervisory relationship. In order for the certificand to continue practice without interruption, the new relationship must be established within thirty (30) days of the date of termination of the previous supervisory contract.

(6) **Supervisor:**

(a) It shall be the supervisor-candidates's responsibility to request approval of the board, in writing, as soon as an agreement to supervise has been reached.

(b) When the supervisor has been approved by the board, he/she shall become the certificand's supervisor of record and must assume responsibility for exercising reasonable care to assure the quality of service rendered by

the certificand in the specialty area(s) for which the certificand has been certified to practice.

(c) The supervisor shall establish regular appointments with the certificand and shall arrange to review a sample of the supervisee's work and to provide adequate face-to-face consultation and supervision.

(d) The supervisor should make regular reports to the board concerning the supervision process at intervals no less than those described in Section 5.

Section 3. Eligibility and Approval for Supervision. (1) The board may refuse approval. Board approval of all supervisory arrangements is required, and the board may refuse any proposed arrangements that, in its opinion, do not guarantee adequate and pertinent supervision.

(2) A certificand engaged in private practice must be supervised by a licensed psychologist with whom he/she is associated directly in practice either as an employee or partner and who must be that certificand's supervisor of record.

(3) **Eligibility for supervision:**

(a) Supervisors must be licensed to practice psychology in the Commonwealth of Kentucky.

(b) The supervisor of record must be qualified in the specialty area in which the certificand is being, or has been, certified to practice.

(c) The supervisor must have no more than six (6) supervisees.

Section 4. Supervisory Procedures. (1) **Adequate supervisory time.** The supervisor should be able to arrange for adequate time to review work samples, observe work activity, and to provide face-to-face supervisory sessions, and the intensity of supervision should be adjusted to the experience and level of competence of the supervisee.

(a) For persons with temporary certification and for new certificands up to six (6) months after certification, a minimum of one (1) weekly face-to-face session must be provided by the supervisor.

(b) A minimum of two (2) sessions per month may be considered acceptable supervision time if the certificand's progress and competence warrants such reduction of supervision time after six (6) months of supervision. The two (2) session per month arrangement should be the minimum for at least three (3) years after the date of supervisee's certification.

(c) After three (3) years of supervision, direct supervisory time may be less frequent but sufficient to allow the supervisor time to be familiar with the certificand's work and progress.

(2) **Information exchange.** The supervisory relationship must allow for free exchange of information about the certificand's activity including case review and observation of service activity.

(3) **Confidentiality.** All information concerning clients' exchange in supervisory sessions must be held as privileged in the same sense as if the supervisor had worked directly with them.

Section 5. Supervisory Reports. (1) **First report.** The first report shall be due after six (6) months of supervision of those granted temporary certification and for new certificands.

(2) **Subsequent reports:**

(a) Reports must be submitted at least annually on certificands with less than three (3) years of postcertification experience.

(b) When a certificand has been certified for three (3) years or more, the supervisor may elect to submit reports less frequently than once per year, but the intervals between reports must not be more than two (2) years.

(3) Delinquent reports:

(a) When reports are delinquent, the board will notify both the certificand and the supervisor. Failure to submit reports on time may be a basis for denying licensed psychologists the right to function as supervisors of record.

(b) When a certificand has been informed that the supervisory contract has been suspended because of delinquent reports, it shall be that certificand's responsibility to make other arrangements for supervision and to submit a request for approval of such arrangements to the board.

Section 6. Basis for Termination of Supervision. Supervisory relationships may be terminated:

(1) By the board, when:

(a) Supervisory reports are delinquent.

(b) Reports are inadequate to enable the board to ascertain that adequate supervision is being given.

(c) The board determines that supervision is not adequate.

(2) By the supervisor, at any time and for any reason, by notifying the board that the supervisory relationship has been terminated.

(3) By the certificand, at any time and for any reason, by notifying both the supervisor and the board that the relationship is being terminated. Requests for approval for a new supervisor must be submitted to the board no less than thirty (30) days after such termination unless the certificand terminates the practice of psychology in the State of Kentucky.

ROBERT B. SIVLEY, Chairman

ADOPTED: December 1, 1978

RECEIVED BY LRC: March 7, 1979 at 3:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
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DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Examiners of Psychologists

201 KAR 26:100. Accredited institutions defined; employees.

RELATES TO: KRS 319.010, 319.015

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To fulfill requirement of defining "accredited institutions of higher learning," "accredited educational institutions" and the official duties of an employee of such an institution regarding the practice of psychology.

Section 1. An "accredited institution of higher learning" is defined as an institution of higher learning that holds accreditation from a regional accrediting agency.

Section 2. An "accredited educational institution" is defined as an educational institution accredited by the Kentucky Department of Education.

Section 3. (1) Official duties of an employee of an accredited institution of high learning include the teaching of principles of psychology, the conduct of research in problems of human behavior, the supervision of students, interns or residents, and psychological services rendered to the institution's own employees or students.

(2) An employee of an "accredited institution of higher learning" or "accredited educational institution" who offers or provides psychological services to the public other than the institution's students or employees, or who supervises others who are doing so, must hold a license or certificate.

ROBERT B. SIVLEY, Chairman

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DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Examiners of Psychologists

201 KAR 26:110. Recognized accrediting agencies; ratings.

RELATES TO: KRS 319.040

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To fulfill requirement of defining "recognized accrediting agency."

Section 1. (1) "Recognized accrediting agency" is defined as any one of the Regional Accrediting Associations within the United States.

(2) For the purpose of determining the qualifications of applicants, the board recognizes and accepts the ratings of any one of the Regional Accrediting Associations within the United States. Credentials or training from educational institutions that are not accredited by one of the Regional Accrediting Associations are not acceptable and will not be considered by the board.

ROBERT B. SIVLEY, Chairman

ADOPTED: December 1, 1978

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SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Board of Psychologists, Division of Occupations and Professions, P. O. Box 456, Frankfort, Kentucky 40602.

CABINET FOR DEVELOPMENT
Department of Fish and Wildlife Resources

301 KAR 2:107. Deer season in specified counties and areas.

RELATES TO: KRS 150.025, 150.170, 150.176, 150.305, 150.330, 150.340, 150.360, 150.370, 150.390, 150.400

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the deer gun and archery seasons in specified counties and on wildlife management areas. This regulation is necessary to set deer hunting season dates, to specify the counties and management areas open to deer hunting, and to prescribe the methods by which deer may be legally taken. The function of this regulation is to provide for the prudent taking of deer within reasonable limits, and to insure a permanent and continuing supply of deer to furnish sport and recreation for present and future residents of the state.

Section 1. Statewide Deer Gun Season, Zones, Dates, and Legal Deer. Deer gun hunting is permitted in the following zones on the dates listed, except as specified in Sections 3 and 4:

(1) Zone No. 1: Open to either sex deer gun hunting during November 10 through November 12 and December 1 through December 3. Counties in this zone are that portion of Ballard north and west of U.S. Highway 60, that portion of Barren west of I-65, all of Edmonson, and that portion of Hart west of I-65 and south of Highway 88.

(2) Zone No. 2: Open to either sex deer gun hunting on December 1 only, and to antlered deer during November 10 through November 12 and December 2 and 3. Counties in this zone are Crittenden, Livingston and McCracken.

(3) Zone No. 3: Open to antlered deer gun hunting during November 10 through November 12 and December 1 through December 3. Counties in this zone are Allen, Anderson, that portion of Ballard south of U.S. Highway 60, that portion of Barren south of I-65, Bath, Boone, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Campbell, Carlisle, Carroll, Carter, Casey, Christian, Cumberland, Elliott, Fleming, Franklin, Fulton, Gallatin, Grant, Graves, Grayson, Green, Hancock, Harrison, that portion of Hart north of Highway 88 and west of I-65 and all portions east of I-65, Henderson, Henry, Hickman, Hopkins, Larue, Lawrence, Lewis, Logan, Marion, Mason, McCreary, McLean, Meade, Menifee, Monroe, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Pendleton, Pulaski, Robertson, Rowan, Russell, Scott, Shelby, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne and Webster.

(4) Zone No. 4: Open to antlered deer gun hunting during November 10 through November 12. Counties in this zone are Adair, Bell, Bourbon, Breathitt, Clark, Clay, Clinton, Daviess, Fayette, Garrard, Greenup, Hardin, Harlan, Jackson, Jefferson, Jessamine, Kenton, Knox, Laurel, Lee, Leslie, Letcher, Lyon, Madison, Marshall, Mercer, Metcalfe, Montgomery, Morgan, Owsley, Pike, Rockcastle, Simpson, Whitley and Woodford.

Section 2. Statewide Deer Archery Season, Areas, Dates and Legal Deer. (1) The entire state is open to either sex archery deer hunting with longbows, compound bows and crossbows during specified periods as follows, except as specified in Sections 3 and 4.

(2) The statewide deer hunting season for longbows and compound bows is during October 1 through November 9, November 13 through November 19 and December 4 through December 31. Crossbows are prohibited during these hunting periods.

(3) The statewide deer hunting season for crossbows is November 20 through November 30. Longbows and compound bows are prohibited during this hunting period.

Section 3. Exceptions to Statewide Deer Hunting Regulations on Wildlife Management Areas. There will be special deer hunts on the following wildlife management areas. All statewide deer gun and archery regulations apply unless otherwise stated herein.

(1) Ballard Wildlife Management Area located in Ballard County:

(a) Area open to regular statewide hunting: only the wooded area south of Terrell Landing Road designated by signs reading "Wildlife Management Area For Public Hunting" is open during the regular statewide deer gun and archery seasons.

(b) Archery season for antlerless deer only on October 20 and 21. Only longbows and compound bows permitted.

(c) Gun season for antlerless deer only on October 22, October 27 through 29, November 3 through November 5, and November 10 through November 12.

(d) Hunters are not required to attach their adhesive statewide deer tag to deer taken during these hunts. A special tag will be issued to successful hunters, and the statewide deer permit will be stamped to indicate whether the deer taken was the first or second deer. Those taking their first deer on this area are entitled to take only one (1) additional deer during 1979. Those having taken a first deer elsewhere in the state may take a second deer at Ballard Wildlife Management Area.

(e) Hunters must check in and out through a designated check station. Hunters may drive their vehicles onto the area but are confined to gravel roads only.

(f) No prescouting will be permitted after October 14. Hunters are restricted to their assigned hunting areas. All persons who are required to have a deer permit must show their permit when claiming their hunting reservations.

(g) Applications for area deer hunt: only one (1) day of hunting is allowed per hunter, with a maximum of 400 hunters per day permitted during both gun and archery hunts. Applications will be received by letter only during the period July 1 through July 15. Letters of application are limited to no more than three (3) hunters, and more than one (1) application from an individual will disqualify the applicant. Each application must contain the name of each applicant, address, age, telephone number, hunting license number, method of hunting (gun or bow) and the first and second choice of hunting dates. Each application must be accompanied by a stamped self-addressed envelope and a ten dollar (\$10) certified check, cashiers check or money order for each applicant. Persons drawn and assigned hunting dates will be mailed area deer hunting reservations, and persons not drawn will be notified and their fees returned. Mail requests to: Manager, Ballard Wildlife Management Area, R.R. #1, La Center, KY 42056.

(2) Dewey Lake Wildlife Management Area located in Floyd County. This area is open to either sex archery hunting during October 13 through November 9 for longbows and compound bows only.

(3) Higginson-Henry Wildlife Management Area located in Union County:

(a) Archery season (either sex) for longbows and com-

pound bows only, October 1 through October 24, November 13 through 19, and December 4 through December 31.

(b) Gun season: October 27 and 28. Limited to hunters possessing a Kentucky hunting license number ending with the digit 1, 2, 3, 4 or 5. November 3 and 4. Limited to hunters possessing a Kentucky hunting license number ending with the digit 0, 6, 7, 8, or 9. Kentucky residents sixty-five (65) or older, possessing a lifetime hunting license may hunt during either, but not both, of the two (2) weekends. Antlered deer only may be taken on October 28 and November 4; either sex deer on October 27 and November 3.

(c) Permitted guns: shotguns of ten (10) gauge maximum and twenty (20) gauge minimum with slug ammunition only and muzzle-loading rifles of .38 caliber or larger.

(d) Checking in and out: all gun hunters must check in and out daily at a designated check station. Archery hunters need not check in, but must check out during the October hunting period.

(4) Kleber Wildlife Management Area located in Owen County:

(a) Archery season: either sex deer may be taken with longbows and compound bows only, October 1 through October 31, November 13 through November 19, and December 4 through December 31.

(b) Gun season: November 3 and 4 for antlered deer only. Hunters are limited to one (1) day of hunting. Hunters with a Kentucky hunting license number ending with the digit 0, 6, 7, 8, or 9 may hunt only on November 3. Hunters possessing a Kentucky hunting license number ending with the digit 1, 2, 3, 4 or 5 may hunt only on November 4. Kentucky residents sixty-five (65) or older, possessing a lifetime hunting license may hunt during either, but not both, of the two (2) days.

(c) Checking in and out: all gun hunters must check in and out daily at a designated check station.

(5) Knob State Forest Wildlife Management Area located in Nelson County. The only firearms permitted are shotguns of ten (10) gauge maximum and twenty (20) gauge minimum with slug ammunition only.

(6) Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties:

(a) Archery season (either sex): October 1 through November 7, November 17 through November 30, and December 8 through December 31.

(b) Gun season (antlered deer only): November 10 through November 13 and December 1 through December 4.

(c) Permitted archery weapons: longbows, compound bows and crossbows that comply with statewide regulations (see Section 9).

(d) Permitted guns: only muzzle-loading rifles of .38 caliber or larger, muzzle-loading handguns of .44 caliber or larger, and muzzle-loading shotguns using number two (2) buckshot or larger are permitted.

(7) West Kentucky Wildlife Management Area located in McCracken County:

(a) Archery season (either sex): October 15 through October 31 on Tracts 1, 2, 3, 4, 5 and 6. December 10 through December 31 on Tracts 4, 5 and 6.

(b) Gun season (either sex): November 3 and 4 on Tracts 1, 2, 3, 4, 5 and 6. Limited to hunters possessing a Kentucky hunting license number ending with the digit 0, 2, 4, 6, or 8. December 8 and 9 on Tracts 1, 2, 3, 4, 5 and 6. Limited to hunters possessing a Kentucky hunting license ending with the digit 1, 3, 5, 7 or 9. Kentucky residents sixty-five (65) or older, possessing a lifetime hunting

license may hunt during either, but not both, of the two (2) weekends.

(c) Permitted guns: shotguns only of ten (10) gauge maximum and twenty (20) gauge minimum with slug ammunition only.

(d) Permitted archery weapons: longbows and compound bows only.

(e) Checking in and out: all hunters must check in and out daily at the designated check station.

(f) Closed areas: all tracts designated by a number followed by the letter "A" are closed to hunting.

(8) Yellowbank Wildlife Management Area located in Breckinridge County:

(a) Archery season (either sex): October 1 through October 24, November 13 through November 19, and December 4 through December 31.

(b) Gun season (antlered deer only): October 27 and 28. Limited to hunters possessing a Kentucky hunting license number ending in the digit 0, 2, 4, 6 or 8. November 3 and 4. Limited to hunters possessing a Kentucky hunting license number ending in the digit 1, 3, 5, 7 or 9. Kentucky residents sixty-five (65) or older, possessing a lifetime hunting license may hunt during either, but not both, of the two (2) weekends.

(c) Permitted archery weapons: longbows and compound bows only.

(d) Checking in and out: gun hunters must check in and out daily at a designated check station. Archery hunters are not required to check in or to check out unless a deer is taken.

Section 4. Counties, Wildlife Management Areas and Parks Closed to All Deer Hunting. (1) The following counties are closed to both gun and archery (including crossbows) deer hunting: Estill, Floyd (see exception in Section 3), Johnson, Knott, Lincoln, Magoffin, Martin, Perry, Powell and Wolfe.

(2) The following wildlife management areas are closed to both gun and archery (including crossbows) deer hunting: Beaver Creek Wildlife Management Area, including all private inholdings, in Pulaski and McCreary Counties; Cane Creek Wildlife Management Area, including all private inholdings, in Laurel County; Central Kentucky Wildlife Management Area in Madison County; Clay Wildlife Management Area in Nicholas County; Grayson Lake Wildlife Management Area in Carter and Elliott Counties; Mill Creek Wildlife Management Area, including all private inholdings, in Jackson County; Robinson Forest Wildlife Management Area in Breathitt, Perry and Knott Counties; and Redbird Wildlife Management Area, including all private inholdings, in Leslie and Clay Counties.

(3) Deer hunting is prohibited within the boundaries of all national parks.

Section 5. Legal Deer, Hunting Hours and Bag Limits. (1) An antlered deer is defined as having one (1) antler at least four (4) inches in length, measured from the skin to the tip of the antler.

(2) Hunting hours: one-half (½) hour before sunrise to one-half (½) hour after sunset prevailing local time.

(3) Bag and possession limit: limit is one (1) deer per hunter per year. Those hunting on Fort Campbell, Land Between the Lakes or Ballard Wildlife Management Area may, within the provisions of Section 3 of this regulation or other regulations pertaining to deer hunting, take a second deer, but under no circumstances may an individual hunter take more than two (2) deer.

Section 6. Hunting License, Deer Permit, Deer Tag and Check Station Requirements For Gun and Archery Hunters. (1) Hunting license and deer permit: all persons taking or attempting to take deer must have in possession a valid Kentucky hunting license and a valid deer hunting permit, unless exempted by KRS 150.170(3), (5) or (6) (the resident owner of farmlands, his wife or dependent children; resident tenants or their dependent children residing upon said farmlands; residents sixty-five (65) years or older; and resident servicemen on furlough of more than three (3) days in their county of legal residence). All non-residents are required to possess an annual non-resident hunting license and a deer permit.

(2) Free deer tag: any person eligible to hunt without a hunting license or deer permit may contact the nearest conservation officer before hunting deer and obtain a free deer tag. This tag should be attached to the deer before it is removed from the land where it was harvested.

(3) Tagging deer carcass and head:

(a) Deer carcass: any hunter harvesting a deer must immediately attach to the deer the tag provided with the deer permit. The tag should be attached through a slit cut in the hock of a hind leg in such a manner that it cannot be removed without mutilating the deer carcass or damaging or destroying the tag. The tag must remain attached to the deer until the carcass is processed and packaged by locker plant, butcher or hunter. The card portion of the deer permit must be separated from the tag when tagging the deer and retained in possession of hunter.

(b) Taxidermist tag: deer heads or other parts separated from the carcass for mounting by a taxidermist must have the taxidermy tag properly filled out and attached to the separated part.

(4) Any person harvesting or possessing a deer must leave the head attached to the body until the carcass is removed from the field and processed.

(5) Mandatory deer check stations: any person harvesting a deer during any deer hunting season, must have it checked at the deer check station nearest to where the deer was harvested, or by the nearest available conservation officer, no later than 9 a.m. prevailing local time on the day following the day of harvest. Any person possessing a deer and an unsigned or unstamped deer permit after that time is in violation of this regulation. The hunter must fill out the stub attached to the deer permit, and this stub will be detached and retained by the check station operator or conservation officer. A list of statewide check stations is attached to each deer permit.

(6) Hunters harvesting a deer on state-owned wildlife management areas listed in this regulation must conform to check station requirements on those areas.

Section 7. Prohibited Methods and Conditions For Gun and Archery Deer Hunting. (1) Residents of any state which does not grant Kentucky residents the right to hunt deer may not hunt deer in Kentucky.

(2) Persons under eighteen (18) years of age may not hunt deer with a gun unless accompanied by an adult.

(3) Deer may not be taken with the aid of dogs or any domestic animal, or by the use of a boat or any type of a land vehicle.

(4) Deer may not be taken at any time while the deer is in the act of swimming.

(5) Anyone hunting deer with a gun must wear a visible vest, or coat, or coveralls, or cap or hat of hunter orange color. The entire vest, coat, coveralls, cap or hat must be of the hunter orange color. Any one of these items may be worn to comply with this regulation.

(6) Tree stands: on state-owned wildlife management areas and the Daniel Boone National Forest, the use of any nails, spikes, screw-in devices, wire or tree climbers are prohibited for attaching tree stands or for climbing trees. Only portable tree stands and climbing devices that do not injure trees may be used. Portable stands may be placed in trees no more than two (2) weeks before opening day of each hunting period, and must be removed within one (1) week following the last day of each hunting period. All portable tree stands must be marked with the owner's name and address. Existing permanent tree stands may be used through the 1979 deer hunting season, but cannot be repaired or maintained.

(7) Rattling of antlers or sticks as a method of attracting deer is permitted.

(8) Use of lights: no person or persons shall cast the rays of a spotlight, jacklight or other artificial lighting device on any highway or in any field, woodland or forest, while having in his or her possession, or under his or her control, a firearm or other implement by which a deer could be killed, even though such deer is not shot at, injured or killed. This shall not apply when the headlights of a motor vehicle in normal operation on a highway are cast upon a field, woodland or forest in the normal course of travel, nor shall it apply to landowners or tenants engaged in normal or necessary activity upon their lands.

Section 8. Firearms Restrictions for Statewide Gun Deer Hunting. (1) the following firearms that are fired from the shoulder are permitted during statewide gun deer hunting seasons: center-fire rifles of .240 caliber or larger (with the exceptions of the .30 caliber carbine and .256 caliber rifle); muzzle-loading rifles of the .38 caliber or larger; and shotguns of ten (10) gauge maximum and twenty (20) gauge minimum.

(2) Handguns: handguns with barrel lengths of 3.90 inches or greater are permitted. Only the following cartridges may be used: .30 Herret; .357 magnum; .357 Herret; .357 automag; .41 magnum; .41 automag; .44 magnum; .44 automag; .45 automag; and any other cartridge using a bullet of at least 110 grains weight and developing at least 500 foot-pounds of muzzle energy. No full metal-jacketed bullets of any caliber may be used.

(3) The following firearms are prohibited in deer hunting: any caliber that does not meet the requirements given in subsections (1) and (2) of this section; any fully automatic weapon or weapon capable of firing more than one (1) round with one (1) trigger pull; any military issue M-1 .30 caliber carbine or its equivalent caliber sold commercially; any .256 caliber rifle; and any muzzle-loading shotgun, except on Pioneer Weapons Area.

(4) Fully jacketed military type ammunition and tracer bullet ammunition are prohibited in deer hunting. Shotgun ammunition must contain a single slug per shell case, and buckshot or any type of shot shells are prohibited, except on the Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties.

Section 9. Equipment Restrictions for Statewide Archery and Crossbow Deer Hunting. (1) Longbows and compound bows may not be fitted with any device capable of holding an arrow at full draw without aid from the hunter.

(2) Arrows must be barbless without chemical treatment or chemical attachments, with broadhead points at least seven-eighths (7/8) inch wide.

(3) Crossbows must have a minimum pull weight of 100 pounds and a working safety device. Minimum bolt weight

is 380 grains with a barbless broadhead point at least seven-eighths (7/8) inch wide with no chemical treatments or chemical attachments.

(4) Archery hunters are prohibited from carrying any type of firearms while hunting deer.

Section 10. 301 KAR 2:105 is hereby repealed.

CARL E. KAYS, Commissioner

ADOPTED: March 5, 1979

APPROVED: WILLIAM SHORT, Secretary

RECEIVED BY LRC: March 15, 1979 at 2:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: The Commissioner, Department of Fish and Wildlife
Resources, 592 East Main Street, Frankfort, Kentucky
40601.

DEPARTMENT OF JUSTICE Bureau of Corrections

501 KAR 2:010. Vocational training.

RELATES TO: KRS 197.140, 439.590, 439.640(1)

PURSUANT TO: KRS 15A.160, 196.035, 439.640(2)

NECESSITY AND FUNCTION: KRS 439.640(1)
authorizes the Commissioner of Corrections to permit inmates confined in a state correctional facility to participate in vocational training programs in the community during the inmate's last ninety (90) days of confinement. This regulation establishes the vocational training program for the bureau.

Section 1. (1) Inmates are eligible to participate in the vocational training program if they meet the following criteria:

(a) Are within ninety (90) days of their minimum expiration date or conditional release date;

(b) Are within ninety (90) days of their parole eligibility date and have resided at Blackburn Correctional Complex for sixty (60) days. Exceptions may be made if the inmate is serving a one (1) or two (2) year sentence. In this case the inmate must be transferred to Blackburn Correctional Complex for an early parole board hearing; or

(c) Are being paroled to a county in which a gradual release center is located or to a county adjacent to the county in which a gradual release center is located.

(2) Priority for approval of program placement shall be given to inmates as follows:

(a) The inmate will be securing employment directly related to institutional training, career objectives and occupational skills level;

(b) The inmate will have an acceptable means of transportation to and from employment;

(c) The inmate does not have employment or home placement verified at the time parole is recommended.

(3) Inmates not eligible for the program are those who fall into the following categories:

(a) Inmates having unrestored loss of statutory good time;

(b) Inmates under a detainer for a felony;

(c) Inmates having escaped or attempted escape within the past five (5) years;

(d) Inmates serving a sentence for conviction of the following offenses or their statutory equivalent:

1. Rape;

2. Attempted rape;

3. Sodomy;

4. Robbery where any person was injured;

5. Armed assault with intent to rob where any person was injured;

6. Are serving a life sentence for a crime of violence; or

7. Inmates having a medical or psychiatric condition which cannot be treated in a gradual release center.

Section 2. (1) Application can be made for the vocational training program by the following inmates:

(a) Inmates within 180 days of minimum expiration date, parole eligibility date or conditional release date;

(b) Inmates having been recommended for parole by the parole board.

(2) Those inmates who have not been recommended for parole at the Kentucky State Reformatory, Kentucky State Penitentiary, and Kentucky Correctional Institute for Women must have an approval for transfer to a minimum security institution to be eligible to apply for vocational training.

(3) All inmates will initiate their application through their respective caseworker.

(4) All disapproved applications shall be documented in writing in the inmate's institution file with a copy forwarded to the parole board.

(5) If an inmate receives a parole recommendation from the parole board at the regularly scheduled parole eligibility date and does not have an acceptable home placement and meets all program eligibility requirements, vocational training placement may be initiated. Applicants receiving a regular parole recommendation may be released directly to a gradual release center from any state correctional institution.

Section 3. (1) Only approved vocational training program applicants are eligible for an early parole hearing.

(2) Early parole hearings will be conducted at the regular hearing dates for minimum security facilities.

(3) Inmates with sentences greater than two (2) years must reside in a minimum security institution at least sixty (60) days before they are eligible for an early parole hearing.

Section 4. Inmates approved for vocational training participation will be transferred to an appropriate gradual release center.

Section 5. (1) Inmates participating in vocational training may be released to depart from the gradual release center for the purpose of seeking a home or vocational training placement and for other purposes authorized by the gradual release coordinator. Any departure from the center will be restricted to a specified time and geographical location. An unauthorized departure from a gradual release center will be considered an escape.

(2) When seeking home and vocational training/employment opportunities while a resident in a gradual release center, the following applies:

(a) The inmate must be accompanied by a bureau of corrections staff member; and

(b) All home and training/employment prospects must first be approved by the gradual release coordinator.

(3) When suitable vocational training/employment is found and approved by the gradual release coordinator

and the parole officer, the inmate may begin training/employment.

Section 6. There will be approved means of transportation to and from training/employment for vocational training residents. The gradual release coordinator will approve transportation from the following group:

- (1) The resident trainer/employer;
- (2) Gradual release center staff;
- (3) Commercial carriers; or
- (4) A responsible and reliable individual.

Section 7. (1) While a participant as a vocational trainee, the inmate will be under the direct supervision of the gradual release center and the gradual release coordinator. The inmate will be subject to the policies established by this regulation and internal management directives of the Bureau of Corrections.

(2) Whenever a violation of the terms of his agreement occurs, or if a new crime is committed when on release, the gradual release coordinator, gradual release center staff or the responsible probation and parole officer will take necessary and appropriate action to return the participant to the bureau.

(3) All reports regarding violations will be forwarded to the respective sending institution's classification committee. If the vocational trainee was released with a parole recommendation, all reports regarding the reason for return to the institution shall be supplied to the parole board.

(4) If necessary, warrants for the arrest of a participant in violation of this regulation or Kentucky Revised Statutes may be requested. The sending institution will be responsible for obtaining a warrant.

(5) When released for employment/training purposes, vocational trainees will be subject to the following policies:

(a) The participant does not need to be accompanied by staff;

(b) The participant must return to the gradual release center immediately after training is completed;

(c) The participant is committed to the daily departure and return schedule for training/employment purposes as agreed to by the gradual release coordinator. In any instance where the participant cannot return to the gradual release center at the respective return time, the participant must contact the center's staff and provide sufficient explanation.

Section 8. Vocational training participants will be expected to deposit and withdraw salaries from their institutional accounts according to gradual release center procedures.

Section 9. Any tools, equipment or special work clothing must be obtained through the vocational trainee's private funds, his employer or vocational rehabilitation. The bureau is not responsible for purchasing or furnishing these items.

RAYMOND A. KOTTAK, Secretary

ADOPTED: February 21, 1979

RECEIVED BY LRC: February 21, 1979 at 4 p.m.

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

EDUCATION AND ARTS CABINET

Department of Education

Bureau of Vocational Education

705 KAR 4:105. Experimental senior plan.

RELATES TO: KRS 157.520

PURSUANT TO: KRS 13.082, 156.070, 156.112, 156.160

NECESSITY AND FUNCTION: To establish an experimental program for a senior plan for vocational schools.

Section 1. One (1) vocational school may be permitted to provide an optional senior plan for students from secondary schools being served by that vocational school. A senior plan provides that a student may choose to attend a vocational school for six (6) hours a day while enrolled in a high school for the senior year. The local public school district shall receive ADA credit for students participating in this plan.

Section 2. A three (3) year experimental program for the senior plan may be approved by the State Superintendent of Public Instruction in accordance with the guidelines adopted by the State Board for Elementary and Secondary Education and the State Board for Occupational Education.

Section 3. Guidelines for establishing and operating an experimental senior plan for vocational schools is hereby adopted by the State Board for Elementary and Secondary Education and the State Board for Occupational Education filed herewith and incorporated herein by reference.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: March 6, 1979

RECEIVED BY LRC: March 15, 1979 at 2:10 p.m.

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

PUBLIC PROTECTION AND REGULATION CABINET

Public Service Commission

807 KAR 1:012. Gas well determinations.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.010(3)(b), 278.040, 278.110

NECESSITY AND FUNCTION: KRS 278.010(3)(b) and 278.040 subject the production of natural or manufactured gas, or a mixture of same, to or for the public for compensation, for light, heat or other uses, to the jurisdiction and regulation of the Public Service Commission. The federal Natural Gas Policy Act of 1978 became effective on December 1, 1978. This Act sets forth and defines certain classifications of natural gas to which are assigned maximum lawful prices that may be obtained by gas producers. The Act further provides that it shall be the duty of each state agency possessed of appropriate regulatory jurisdiction

tion to make determinations as to the applicability of the statutorily defined classifications to particular gas wells within that state. Such determinations are to be forwarded to the Federal Energy Regulatory Commission for final determination.

KRS 278.110 empowers the Public Service Commission to contract for services of persons in a professional or scientific capacity to perform the duties and exercise the powers conferred by law on the commission. The commission has contracted with the Department of Mines and Minerals for the purpose of securing the assistance of that department's Division of Oil and Gas Conservation in collecting and analyzing data necessary for the making of the determinations described hereinabove.

It is the purpose of this regulation to set forth the manner whereby the Public Service Commission will discharge the duties conferred upon it by the Natural Gas Policy Act of 1978.

Section 1. Applications for Determinations. (1) Any owner or operator of a well productive of natural gas within this state may obtain a determination as to whether such well qualifies for one or more of the classifications set forth in sections 102, 103, 107 and 108 of the Natural Gas Policy Act of 1978 by making application to the Department of Mines and Minerals, Division of Oil and Gas Conservation, Post Office Box 680, Lexington, Kentucky 40586.

(2) Each application shall include the following items:

(a) A completed Federal Energy Regulatory Commission (FERC) Form Number 121;

(b) All information, records, documents, notices and affirmations required by 18 Code of Federal Regulations (CFR) Part 274, subpart B;

(c) Any other information, record, document, or affirmation necessary to substantiate and support the determination sought;

(d) A certified check or United State Postal Money Order in the amount of fifty (\$50) dollars made payable to the Department of Mines and Minerals.

(3) Each application shall be submitted on forms available upon request to the Department of Mines and Minerals, Division of Oil and Gas Conservation, Post Office Box 680, Lexington, Kentucky 40586.

Section 2. General Requirements. (1) An applicant shall not be limited to one (1) determination per well, but may obtain all determinations to which a given well is entitled pursuant to the Natural Gas Policy Act of 1978.

(2) A separate application must be completed for each determination sought.

(3) If the person filing an application is an individual, the filing shall be signed by such individual, or in the case of a minor or other legally disabled person, his qualified legal representative. If the person making the filing is a corporation, partnership or trust, the filing shall be signed by a responsible official of the corporation, a general partner of the partnership or the trustee of the trust. In the case of any other legal entity, the operator of the well may sign the application.

(4) An operator under a joint operating agreement may sign an application for a well covered by the operating agreement if notice of the application is given by the operator to all other parties to the joint operation agreement and that fact is certified in the application.

(5) Where an application for a determination is sought for natural gas for which the applicant has an identified purchaser, the application shall include a statement that the applicant has delivered or mailed a copy of the com-

pleted FERC Form No. 121 to the purchaser.

(6) The confidentiality of any information, record or document submitted by an applicant shall be governed by KRS 61.870 to 61.884.

Section 3. Processing of Applications. (1) Upon receipt of each application submitted in accordance with this regulation, the Department of Mines and Minerals will date-stamp the application and analyze the data submitted to determine whether the applicant is entitled to the determination sought pursuant to the Natural Gas Policy Act of 1978 and 18 CFR Parts 271 and 274, subpart B.

(2) Based upon its review of the application, the Department of Mines and Minerals will make a recommended determination and forward the application and recommended determination to the Public Service Commission.

(3) Upon receipt of an application and recommended determination, the Public Service Commission shall cause to be made public notice of the recommended order of the Department of Mines and Minerals by publication in the legal notice section of a newspaper of statewide circulation.

(4) Any interested person may request a hearing on any application by written notification to the Public Service Commission specifically stating the grounds for such request.

(5) If the request for a hearing is received by the commission within ten (10) days of the publication of the recommended determination and the hearing request states grounds which, if proven, would support a reversal or remand of the recommended determination, then the commission will schedule and conduct a hearing in accordance with the procedures set forth in regulation 807 KAR 1:010(1)(2)(3)(4) and (5).

(6) On the basis of the substantial evidence adduced at the hearing, the Public Service Commission shall issue a final order affirming or reversing the recommended determination of the Department of Mines and Minerals.

(7) If no hearing is requested within ten (10) days of the public notice of the recommended order, the commission shall issue a final order affirming the recommended determination unless upon review of the application it finds that:

(a) The recommended determination is not supported by substantial evidence in the record upon which it was made; or

(b) The recommended determination is not consistent with information contained in any public record which is not a part of the record upon which it was made.

(8) The provisions of subsections (6) and (7) notwithstanding, the commission may remand any application to the Department of Mines and Minerals for further consideration if as a result of evidence received at a hearing or upon its own review, it finds the existence of material information not made a part of the application record which would be outcome determinative.

(9) Within fifteen (15) days after issuing a final order pursuant to this regulation, the Public Service Commission shall forward the order and the entire record upon which it was made to the Federal Energy Regulatory Commission in the manner prescribed by 18 CFR 274.104.

RICHARD S. TAYLOR, Chairman

ADOPTED: March 14, 1979

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: March 15, 1979 at 11:15 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Richard D. Heman, Secretary, Public Service Commission, Post Office Box 615, Frankfort, Kentucky 40602.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of March 7, 1979 Meeting

(Subject to subcommittee approval at its next meeting on April 4, 1979.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, March 7, 1979, at 10 a.m., in Room 327 of the Capitol. The minutes of the February 7, 1979 meeting were approved. Present were:

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

Guests: Edward LaFontaine, Robert A. Becht and Robert Yaden, Department of Transportation; Joe Bruna, Peter Pfeffer and Don McCormick, Department of Fish and Wildlife Resources; Judith Walden and James R. Smith, Department of Housing, Buildings and Construction; Keene Daingerfield and Clarkson Beard, State Racing Commission; Arthur Hatterick, Jr. and H. Gene Taylor, Department of Personnel; Irving Bell, Joyce Bell, Ronnie C. Cohorn, Roy Butler, James B. Gooding, Karen C. Doyle, Donald R. Hughes and Ked Fitzpatrick, Department for Human Resources; William Schmidt, Board of Medical Licensure; Sidney Simandle, Ed Fossett, Lee Tyler and Armand Biscontinini, Department of Education; Carroll Roberts, Board of Hairdressers and Cosmetologists; Roy V. Thurman, Division of Occupations and Professions; Dr. John A. Sills, Larry J. Naiser and C. David Clauss, Board of Hearing Aid Dealers; Representative Linda Boatwright; Sara D. Weisenberger, Department of Labor; Dr. Harold Byers, Kentucky Chiropractic Society; David S. Beck, Kentucky Farm Bureau; Jill Hornsby, University of Kentucky; Eva Smith, Department of Public Information.

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

The following regulations were deferred until the April 4, 1979 meeting:

DEPARTMENT OF FINANCE**Division of Occupations and Professions****Board of Medical Licensure**

201 KAR 9:020. Licensing qualifications; approved schools.

201 KAR 9:060. Limited licenses.

DEPARTMENT OF EDUCATION**Bureau of Pupil Personnel Services****School Terms, Attendance and Operations**

703 KAR 2:015. Age of entrance.

DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION**Electrical Inspectors**

815 KAR 35:010. Electrical inspectors' certification. (This regulation was deferred on motion of Senator Johnson. He asked Ms. Walton who was representing the Department to respond in writing to the questions raised on the staff review form.)

The following regulations were approved and ordered filed:

DEPARTMENT OF PERSONNEL**Personnel Rules**

101 KAR 1:080. Certification and selection of eligibles.

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.

DEPARTMENT OF FINANCE**Division of Occupations and Professions****Board for Licensing Hearing Aid Dealers**

201 KAR 7:070. License renewal. (Deferred from February meeting.)

201 KAR 7:075. Continuing education requirements. (Deferred from February meeting.)

Board of Hairdressers and Cosmetologists

201 KAR 12:020. Examination.

201 KAR 12:125. Schools' student regulations.

Board of Nursing Education and Nurse Registration

201 KAR 20:030. Registered nurse schools.

DEPARTMENT OF FISH AND WILDLIFE RESOURCES**Fish**

301 KAR 1:015. Boats and outboard motors; size limits.

Hunting and Fishing

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

DEPARTMENT OF TRANSPORTATION**Division of Aeronautics and Airport Zoning****Airport Zoning**

602 KAR 50:010. Definitions.

602 KAR 50:030. Jurisdiction of commission.

602 KAR 50:070. Navigable airspace outside conical surface construction permit.

602 KAR 50:100. Marking and lighting obstruction standards.

DEPARTMENT OF EDUCATION**Bureau of Instruction****Teacher Education**

704 KAR 15:010. Accreditation of institutions.

704 KAR 15:020. Curricula; evaluation and approval.

Teacher Certification

704 KAR 20:005. Kentucky plan for preparation program approval.

704 KAR 20:051. Reissuance of certification.

704 KAR 20:060. Renewals.

704 KAR 20:065. Standard high school certificate.

704 KAR 20:070. Provisional high school certificate.

704 KAR 20:075. Secondary school level on elementary certification.

- 704 KAR 20:085. Standard elementary certificate.
- 704 KAR 20:090. Provisional elementary certificate.
- 704 KAR 20:095. Elementary level on high school certification.
- 704 KAR 20:100. Administrators and supervisors.
- 704 KAR 20:110. Business administrators.
- 704 KAR 20:115. Driver education.
- 704 KAR 20:130. Guidance counselors.
- 704 KAR 20:135. Kindergarten teachers.
- 704 KAR 20:140. Librarians.
- 704 KAR 20:145. Media librarians.
- 704 KAR 20:150. Media specialists.
- 704 KAR 20:155. Media supervisors.
- 704 KAR 20:159. Music, provisional certificate.
- 704 KAR 20:161. Music, general, at elementary level.
- 704 KAR 20:165. Newly created positions.
- 704 KAR 20:175. Physical education at elementary level on high school certification.
- 704 KAR 20:180. Reading specialists.
- 704 KAR 20:185. Psychometrists.
- 704 KAR 20:190. Rehabilitation counselors.
- 704 KAR 20:195. Social workers provisional certification.
- 704 KAR 20:198. Special education directors.
- 704 KAR 20:200. Special education supervisors.
- 704 KAR 20:203. Special education teacher-consultant.
- 704 KAR 20:215. Vocational education administrators.
- 704 KAR 20:222. Industrial education teachers.
- 704 KAR 20:230. Hearing impaired; teacher's provisional certificate.
- 704 KAR 20:235. Learning and behavior disorders; teacher's provisional certificate.
- 704 KAR 20:240. Speech and communication disorders; teacher's provisional certificate.
- 704 KAR 20:245. Trainable mentally handicapped; teacher's provisional certificate.
- 704 KAR 20:250. Severely/profoundly handicapped; teaching endorsement.
- 704 KAR 20:267. Repeal of 704 KAR 20:266.
- 704 KAR 20:270. Certification for teachers of exceptional children.

DEPARTMENT OF LABOR
Occupational Safety and Health
 803 KAR 2:180. Recordkeeping; statistics.

STATE RACING COMMISSION
Thoroughbred Racing Rules
 810 KAR 1:002. Racing commission.
 810 KAR 1:011. Pari-mutuel wagering.
 810 KAR 1:015. Claiming races.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Radiation Operators Certification
 902 KAR 105:040. Medical, osteopathic or chiropractic supervision. (Representative Robinson stated that he felt KRS 211.870 prohibited chiropractors from using x-ray in treating people but it does not prohibit the use of x-ray for diagnostic purposes, and moved for adoption of the regulation. Senator Johnson stated that the regulation goes too far without proper authority and voted "no." Chairman Brinkley voted "yes" and the regulation was ordered filed.)

Bureau for Social Insurance
Medical Assistance.
 904 KAR 1:041. Payments for intermediate care facility services.

The meeting was adjourned at 11:35 a.m., to meet again on April 4, 1979, at 10 a.m. in Room 327 of the Capitol.

