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

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

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Title	Chapter	Regulation
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Cabinet Department, Board or Agency	Bureau, Division or Major Function	Specific Area of Regulation

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Public Hearings Scheduled

BOARD OF ACCOUNTANCY

A public hearing will be held at 10 a.m. EDT September 4, 1979, at the Executive-West, Louisville, Kentucky on the following regulation:

201 KAR 1:061. Standards for certification. [6 Ky.R. 95]

DEPARTMENT OF INSURANCE

A public hearing will be held at 10 a.m. EDT August 31, 1979, in the hearing room of the Department of Insurance, 151 Elkhorn Court, Frankfort, Kentucky on the following regulation:

806 KAR 24:021. Acquisition of controlling stock. [6 Ky.R. 102]

Amended Regulations Now In Effect

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor
Occupational Safety and Health
As Amended

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

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

EFFECTIVE: August 1, 1979

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry.

Section 1. The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1910, the Occupational Safety and Health Standards, published in the Federal Register, June 27, 1974 Edition, Volume 39, Number 125, Government Printing Office, Washington, D.C. 20402. These standards are hereby adopted by reference with the following additions, exceptions, and deletions.

(1) 29 CFR Part 1910.1 shall read as follows:

"The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1910 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021."

(2) 29 CFR Part 1910.2 shall read as follows: As used in this part, unless the context clearly requires otherwise:

(a) "Act" means KRS Chapter 338.

(b) "Assistant Secretary of Labor" means the Commissioner of Labor, Commonwealth of Kentucky.

(c) "Employer" means any entity for whom a person is employed except those employers excluded in KRS 338.021.

(d) "Employee" means any person employed except those employees excluded in KRS 338.021.

(e) "Standard" means a standard which requires conditions or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe and healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule."

(f) "National Consensus Standard" means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization.

(g) "Established Federal Standard" means any operative occupational safety and health standard established by any agency of the United States Government.

(h) An employer, required under these standards to report information to the U.S. Department of Labor, or any subsidiary thereof, shall instead report such information to the Kentucky Department of Labor, U.S. 127 South, Frankfort, Kentucky 40601.

(3) 29 CFR 1910.13 through 1910.16 relating to ship repairing, shipbuilding, shipbreaking, and longshoring; and 1910.267a relating to pesticides, as well as paragraph (a)(6) in Section 1910.267 which refers to Section 1910.267a, are excluded and deleted in their entirety.

(4) 29 CFR 1910.141(c)(2)(i) shall read as follows:

"(i) Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy."

(5) The changes which have been adopted by the U.S.

Department of Labor relating to 29 CFR 1910.211, and 1910.217, mechanical power presses, and published in the Federal Register Volume 39, Number 233, December 3, 1974, a copy of which is attached hereto, are hereby adopted by reference.

(6) The changes and additions which have been adopted by the U.S. Department of Labor relating to Telecommunications which are contained in 29 CFR 1910.67, 1910.70, 1910.183, 1910.189, 1910.190, 1910.268, 1910.274, and 1910.275, published in the Federal Register, Volume 40, Number 59, March 26, 1975, a copy of which is attached hereto, are adopted by reference.

(7) 29 CFR 1910.93q, the Occupational Safety and Health Standard covering Vinyl Chloride which was published in the federal Register, Volume 39, Number 194, October 4, 1974, a copy of which is attached hereto, is hereby adopted by reference.

(8) 29 CFR 1910.106(d)(2)(iii) of the Federal Register, Volume 39, Number 125, June 27, 1974, shall be amended by adding Table H-12 of the Federal Register, Volume 40, Number 18, page 3982, January 27, 1975, a copy of which is attached hereto, is adopted by reference.

(9) 29 CFR 1910.151 relating to medical services and first aid shall be changed to read as follows:

"(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health."

"(b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and first-aid supplies approved by a consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their duties, are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees."

"(c) All other employers shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first aid. First-aid supplies approved by the consulting physician shall be readily available."

"(d) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use."

(10) Recodification of 29 CFR 1910.93 through 1910.93q as 1910.1000 through 1910.1017 respectively, as published in the Federal Register, Volume 40, Number 103, May 29, 1975, a copy of which is attached hereto, is hereby adopted by reference.

(11) 29 CFR 1910.141(d)(2)(i) of the Federal Register, Volume 40, Number 82, April 28, 1975, amended by deleting the last half of Table J-2, a copy of which is attached hereto, is hereby adopted by reference.

(12) The new standard, adopted by the U.S. Department of Labor relating to Industrial Slings contained in 29 CFR 1910.184, published in the Federal Register, Volume 40, Number 125, June 27, 1975, a copy of which is attached hereto, is hereby adopted by reference.

(13) 29 CFR 1910.94 which was amended by revoking paragraphs (b)(2)(i) and (b)(2)(ii) and by revising paragraph (b)(2), as published in the Federal Register, Volume 40, Number 111, June 9, 1975, a copy of which is attached hereto is adopted by reference.

(14) 29 CFR 1910.217(b)(7)(xii) relating to machines using part revolution clutches shall be amended by adding the following:

"This provision will not prevent the employer from utilizing a reversing means of the drive motor with the clutch-brake control in the 'inch' position."

(15) 29 CFR 1910.94(d)(4)(i) Table G-14, Page 23594, published in the Federal Register, Volume 39, Number 125, Thursday, June 27, 1974, as adopted, contains a typographical error and is hereby revoked. The corrected version published in the Federal Register, Volume 37, No. 202, Wednesday, October 18, 1972, Table G-14, Page 22155, a copy of which is attached hereto, is hereby adopted by reference.

(16) 29 CFR 1910.1001(i)(l) which was revised by the U.S. Department of Labor, for retention of records of Asbestos Exposure Monitoring from three (3) years to twenty (20) years, as published in the Federal Register, Volume 41, No. 55, Friday, March 19, 1976, a copy of which is attached hereto, is hereby adopted by reference.

(17) 29 CFR 1910.184(f)(6) which was amended by the U.S. Department of Labor, to delete the paragraph which prohibits the use of knots or wire rope clips to form eyes in wire rope slings, as published in the Federal Register, Volume 41, No. 62, Tuesday, March 30, 1976, a copy of which is attached hereto is hereby adopted by reference.

(18) Paragraph 1910.1005(c)(7) of the 29 CFR 1910 General Industry Standards shall read as follows:

"Premixed Solutions: Where 4, 4' Methylene bis (2-Chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius, the establishment of a regulated area is not required; however, (i) only authorized employees shall be permitted to handle such materials."

(19) 29 CFR 1910.101(b) shall be amended by revocation of referenced pamphlet P-1-1965 and the adoption of P-1-1974, herein filed by reference.

(20) 29 CFR 1910.1029 Exposure to Coke Oven Emissions as printed in the Federal Register, Volume 41, Number 206, Friday, October 22, 1976, a copy of which is attached hereto, is adopted by reference.

(21) Corrections and omissions which have been adopted by the U.S. Department of Labor, relating to Coke Oven Emissions Standards, 29 CFR 1910.1029, published in the Federal Register, Volume 42, Number 12, Tuesday, January 18, 1977, a copy of which is attached hereto, is hereby adopted by reference.

(22) 29 CFR 1910.309 is hereby amended by revising Paragraph (c) to require either the use of Ground-fault Circuit Interrupters or the implementation of an assured equipment grounding conductor program on construction sites. This amendment, as published in the Federal Register, Volume 41, No. 246, Tuesday, December 21, 1976, a copy of which is attached hereto, is hereby adopted by reference with the following modification:

"Effective Date: Page 55704, 2nd paragraph is changed to read, 'These amendments of Part 29 CFR 1910 become effective August 22, 1977.'"

(23) The following corrections and omissions which have been adopted by the U.S. Department of Labor, copies of which are attached hereto, are hereby adopted by reference.

(a) Federal Register, Volume 39, No. 233, December 3, 1974, Standard for Exposure to Vinyl Chloride-corrections;

(b) Federal Register, Volume 40, No. 18, January 27, 1975;

1. Mechanical power presses-corrections;

2. Correct error of omission-Table H-12;

(c) Federal Register, Volume 40, No. 58, March 25, 1975, Standard for Exposure to Vinyl Chloride-effective date;

(d) Federal Register, Volume 40, No. 82, April 28, 1975, National Fire Protection Association mailing address change;

(e) Federal Register, Volume 40, No. 125, June 27, 1975, Overhead and Gantry Cranes, Paragraph 1910.179(j)(2)(iv)-corrections and (v) revoked; Paragraph 1910.190 Standards Organization-amended;

(f) Federal Register, Volume 40, No. 145, July 28, 1975, Industrial Slings-correction.

(24) 29 CFR 1910.410 through 1910.441, Subpart T, the Occupational Safety and Health Commercial Diving Standard, published in the Federal Register, Volume 42, No. 141, Friday, July 22, 1977, a copy of which is attached hereto, is hereby adopted by reference.

(25) 29 CFR 1910.1028 the permanent standard "Occupational Exposure to Benzene," printed in the Federal Register, Volume 43, No. 29, February 10, 1978, a copy of which is hereto, is hereby adopted by reference.

(a) Amend 29 CFR 1910.1028 by exempting:

1. Employee exposure from liquid mixtures containing 0.5 percent (0.1 percent after June 27, 1981) or less Benzene by volume, or the vapors released from such liquids.

2. The caution label requirements for liquid mixtures containing 5.0 percent or less Benzene packaged before June 27, 1978.

(b) The following corrections and omissions to the standard 29 CFR 1910.1028 "Occupational Exposure to Benzene," which appeared in the Federal Register, Volume 43, No. 63, March 31, 1978, are hereby adopted by reference.

(26) 29 CFR 1910.1044 "Occupational Exposure to 1, 2 Dibromo-3-Chloropropane (DBCP)," printed in the Federal Register, Volume 43, No. 53, March 17, 1978, a copy of which is attached hereto, is hereby adopted by reference.

(27) (a) 29 CFR 1910.1018 "Occupational Exposure to Inorganic Arsenic," printed in the Federal Register, Volume 43, No. 88, May 5, 1978, a copy of which is attached hereto, is hereby adopted by reference.

(b) The corrections and omissions, adopted by the U.S. Department of Labor, which appeared in Federal Register 28472, June 30, 1978, a copy attached hereto, are hereby adopted by reference.

(28) Amend 29 CFR 1910.19 by properly placing air contaminants by paragraph under section heading. This amendment, as adopted by the U.S. Department of Labor, appeared in the Federal Register, page 28473, June 30, 1978, a copy of which is attached hereto, is adopted by reference.

(29) 29 CFR 1910.1043 and 29 CFR 1910.1046 "Occupational Exposure to Cotton Dust," printed in the Federal Register, Volume 43, No. 122, June 23, 1978, and the corrections and omissions to this standard which appeared in the Federal Register 28473 through 28474, June 30, 1978 and 35032 through 35036, August 8, 1978, copies of which are attached hereto, are hereby adopted by reference.

(30) Amend 29 CFR 1910 by adding a new Subpart C, "General Safety and Health Provisions" containing a new 1910.20 preservation of records. This amendment, as adopted by the U. S. Department of Labor, appeared in the Federal Register, Volume 43, No. 139, July 19, 1978, a copy of which is attached hereto, is adopted by reference with the following addition and revision:

(Page 31020) 1910.20 (b) "Qualified Professional" means any person trained in the field of industrial hygiene, toxicology, epidemiology, nursing, medicine or health physics.

(Page 31021) 1910.20 (d) Availability of records. See line 6 and line 10: delete the word designee and insert "A designated qualified professional."

(31) 29 CFR 1910.1045 "Occupational Exposure to Acrylonitrile (Vinyl Cyanide)," printed in the Federal Register, Volume 43, No. 192, October 3, 1978, a copy of which is attached hereto, is hereby adopted by reference.

(32) 29 CFR 1910.125 "Occupational Exposure to Lead," printed in the Federal Register, Volume 43, No. 220, November 14, 1978, a copy of which is attached hereto, is hereby adopted by reference. *The corrections and additions to 29 CFR 1910.1025 adopted by the U. S. Department of Labor, which appeared in Federal Register, Volume 44, No. 19, January 26, 1979, a copy of which is attached hereto, is hereby adopted by reference.*

(33) The 29 CFR 1910 General Industry Safety and Health Standards, selected by the U.S. Department of Labor for revocation, printed in the Federal Register, Volume 43, No. 206, and the corrections which appeared in the Federal Register, Volume 43, No. 216, November 7, 1978, copies of which are attached hereto, are hereby revoked by reference.

(34) The corrections to Table Z1, Z2 and Z3, Exposure Limits for Air Contaminants in 29 CFR 1910.1000, printed in Federal Register, Volume 43, No. 237, December 8, 1978, a copy of which is attached hereto, are hereby adopted by reference.

(35) 29 CFR 1910.106(a)(3) shall read as follows:

"The term automotive service station, or service station, shall mean that portion of property where flammable or combustible liquids used as motor fuel are stored and dispensed from fixed equipment and into the fuel tanks of motor vehicles and shall include any facilities available for the sale and servicing of tires, batteries, accessories and for minor automotive maintenance work and shall also include private stations not accessible or open to the public such as those used by commercial, industrial or governmental establishments. This section shall not apply to agriculture."

PUBLIC PROTECTION AND REGULATION CABINET Energy Regulatory Commission As Amended

807 KAR 50:015. General rules.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.280(2)

EFFECTIVE: August 1, 1979

NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This regulation establishes general rules which apply to electric, gas and combined energy-non-energy utilities.

Section 1. General Provisions. (1) The adoption of regulations by the commission shall not preclude the commission from altering or amending the same in whole or in part, or from requiring any other or additional service, equipment, facility, or standards, either upon request, or upon its own motion, or upon the application of the utility.

No regulation of the commission shall in any way relieve a utility from any of its duties under the laws of this state.

(2) Whenever standards or codes are referred to in the commission's regulations it is understood that utilities employing competent corps of engineers are not to be prohibited thereby from continuing or initiating experimental work and installations which tend to improve, decrease the cost of, or increase the safety of their service.

Section 2. Definitions. In addition to the definitions as set out in KRS 278.010, the following definitions shall be used in interpreting the commission's regulations:

(1) "Commission" means the Energy Regulatory Commission.

(2) "Utility" means an energy utility as defined in KRS 278.010(4) or combined energy-non-energy utility as provided in KRS 278.040(2).

(3) "Combined energy-non-energy utility" means a utility which is an energy utility that also renders service as a non-energy utility as provided in KRS 278.040(2).

(4) "Customer" means any person, firm, corporation or body politic supplied service by any electric, gas or combined energy-non-energy utility.

Section 3. Reports. (1) Financial and statistical reports. Every utility shall file annually a financial and statistical report upon forms to be furnished by the commission. Said report shall be based upon the accounts set up in conformity with the commission's order adopting uniform classification of accounts for utilities. This report shall be filed on or before March 31, each year. For good cause shown, the commission may, upon application in writing, allow a reasonable extension of time for such filing.

(2) Report of meters, customers and refunds. Every utility shall make periodical reports on such forms as may be prescribed, of meter tests, number of customers and amount of refunds.

(3) Other reports. Every utility shall make such other reports as the commission may at its discretion from time to time require.

(4) All records and reports shall be retained in accordance with the uniform system of accounts unless otherwise specified herein.

Section 4. Service Information. (1) The utility shall, on request, give its customers or prospective customers such information as is reasonably possible in order that they may secure safe, efficient and continuous service. The utility shall inform its customers of any change made or proposed in the character of its service which might affect the efficiency, safety, or continuity of operation.

(2) Prior to making any substantial change in the character of the service furnished, which would affect the efficiency, adjustment, speed or operation of the equipment or appliances of any customer, the utility shall obtain the approval of the commission. The application shall show the nature of the change to be made, the number of customers affected, and the manner in which they will be affected.

(3) The utility shall inform each applicant for service of the type, class and character of service that is available to him at his location.

Section 5. Special Rules or Requirements. (1) No utility shall establish any special rule or requirement without first obtaining the approval of the commission on proper application.

(2) A customer who has complied with the regulations of the commission shall not be denied service for failure to comply with the rules of the utility which have not been made effective in the manner prescribed by the commission.

Section 6. Meter Readings and Information. (1) Information on bills. Each bill rendered periodically by gas, electric and combined energy-non-energy utilities shall show the class of service, the present and last preceding meter readings, the date of the present reading, the number of units consumed, the meter constant, if any, the net amount for service rendered, all taxes, the adjustments, if any, and the gross amount of the bill. The date after which a penalty may apply to the gross amount must be indicated. Estimated or calculated bills shall be distinctly marked as such. The rate schedule under which the bill is computed shall be furnished under one (1) of the following methods:

(a) By printing rate schedule on the bill.

(b) By publishing in a newspaper of general circulation once each year or when rate is changed.

(c) By mailing to each customer once each year or when rate is changed.

(d) By providing a place on each bill where a customer may indicate his desire for a copy of the applicable rates and furnishing same by return first class mail.

(2) Meter readings. The registration of each meter shall read in the same units as used for billing unless a conversion factor be shown on the billing forms and if the meter does not read direct, the constant shall be plainly marked on the face of the meter dial.

(3) Flat rates. Flat rates for unmetered service shall approximate as close as possible the utility's rates for metered service and the rate schedule shall clearly set out the basis upon which consumption is estimated.

(4) Utilities now using or desiring to adopt mechanical billing or other billing systems of such a nature as to render compliance with all of the terms of subsection (1) of this section impracticable may make application to the commission for relief from part of these terms. For good cause shown, the commission may allow the omission of part of these requirements. Each utility shall submit the form of bill to be used by it to the commission for its approval.

Section 7. Deposits. (1) A utility may require from any customer or applicant for service a minimum cash deposit or other guaranty to secure payment of bills of an amount not to exceed two-twelfths (2/12) of the estimated annual bill of such customer or applicant, where bills are rendered monthly or an amount not to exceed three-twelfths (3/12) of the estimated annual bill of such customer or applicant, where bills are rendered bimonthly or an amount not to exceed four-twelfths (4/12) of the estimated bill of such customer or applicant where bills are rendered quarterly.

(2) The utility shall issue to every customer from whom a deposit is received a certificate of deposit, showing the name of the customer, location of initial premises occupied, date and amount of the deposit.

Section 8. Complaints. Upon complaint to the utility by a customer either at its office or in writing, the utility shall make a prompt and complete investigation and advise the complainant thereof. It shall keep a record of all such complaints concerning its utility service which shall show the name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition thereof.

Section 9. Bill Adjustment. (1) Whenever a meter in service is found upon periodic request or complaint test to be more than two percent (2%) fast, additional tests shall be made at once to determine the average error of the meter. Said tests shall be made in accordance with the commission's regulation applicable to the type of meter involved.

(2) If the result of tests on a customer's meter shows an average error greater than two percent (2%) fast, then the customer's bills, for the period during which the meter error is known to have existed, shall be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill shall be recomputed for one-half ($\frac{1}{2}$) of the elapsed time since the last previous test but in no case to exceed twelve (12) months. (See exception in subsection (5) of this section.)

(3) If the result of tests on a customer's meter shows an average error greater than two percent (2%) slow, then the customer's bill, for the period during which the meter error is known to have existed, may be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill may be recomputed for one-half ($\frac{1}{2}$) of the elapsed time since the last previous test but in no case to exceed twelve (12) months.

(4) It shall be understood that when a meter is found to have an error in excess of two percent (2%) fast or slow the figure for calculating the amount of refund or the amount to be collected by the utility shall be that percentage of error as determined by the test; i.e., it is the duty of the utility to maintain the accuracy of its measuring devices as nearly 100 percent as is commercially practicable. Therefore, percent error shall be that difference as between 100 percent and that amount of error as is indicated by the test.

(5) The burden of maintaining measuring equipment so that it will register accurately is upon the utility; therefore, if meters are found upon test to register fast and if time for periodic test has overrun to the extent that one-half ($\frac{1}{2}$) of the time elapsed since the last previous test exceeds twelve (12) months, the refund shall be for the twelve (12) months as specified in subsection (2) of this section and in addition thereto, a like refund for those months exceeding the periodic test period; provided, however, that the commission may relieve the utility from this requirement in any particular case in which it is shown that the failure to make the periodic test was due to causes beyond the utility's control.

(6) Each utility shall make a reasonable attempt to determine if the amount of consumption for the current billing period for each customer is unduly excessive. If a comparison of consumption indicates a necessity therefor, a test of the customer's meter shall be made, and if the meter is found to register incorrectly to the customer's prejudice more than two percent (2%), the utility shall recalculate the customer's bills in accordance with the foregoing provisions.

(7) When a meter is tested and it is found necessary to make a refund or back bill a customer, the customer shall be notified in substantially the following form:

On _____, 19____, the meter bearing
identification No. _____ installed in your building
located at _____
(Street and Number)

in _____ was tested
(City)
at _____ and found to
(On premises or elsewhere)
register _____
(Percent fast or slow)

The meter was tested on _____
(Periodic, Request, Complaint)
test.

Based upon this we herewith _____
(Charge or Credit)
you with the sum of \$ _____, which amount
has been noted on your regular bill.

Section 10. Customer's Discontinuance of Service. (1) Any customer desiring service discontinued or changed from one address to another shall give the utility three (3) days' notice in person or in writing, provided such notice does not violate contractual obligations.

(2) Upon request that service be reconnected at any premises subsequent to the initial installation or connection to its service lines, the utility may, subject to subsection (3) of this section, charge the applicant an amount not to exceed the actual average cost as approved by this commission of making such reconnection.

(3) Any utility desiring to establish a reconnection charge under the provisions of subsection (2) above, shall submit for commission approval a formal application setting out:

(a) The actual average cost of making such reconnections; and

(b) The effect of such charges on the utility's revenues.

Section 11. Discontinuance of Service. (1) The utility may refuse or discontinue to serve an applicant or customer under the following conditions:

(a) For noncompliance with its rules and regulations. However, no utility shall discontinue or refuse service to any customer or applicant for violation of its rules or regulations without first having made a reasonable effort to induce the customer or applicant to comply with its rules and regulations as filed with the commission. After such effort on the part of the utility, service may be discontinued or refused only after the customer shall have been given at least ten (10) days' written notice of such intention, mailed to his last known address.

(b) When a dangerous condition is found to exist on the customer's or applicant's premises, the service shall be cut off without notice or refused, provided that the utility notify the customer or applicant immediately of the reasons for the discontinuance or refusal and the corrective action to be taken by the applicant or customer before service can be restored.

(c) When a customer or applicant refuses or neglects to provide reasonable access to the premises for the purpose of installation, operation, meter reading, maintenance or removal of utility property the utility may discontinue or refuse service only after the customer or applicant shall have been given at least fifteen (15) days' written notice of such intention.

(d) A utility shall not be required to furnish service to any applicant when such applicant is indebted to the utility for service furnished until such applicant shall have paid such indebtedness.

(e) A utility may refuse or discontinue service to a

customer or applicant if the customer or applicant does not comply with state, municipal or other codes, rules and regulations applying to such service.

(2) The utility may discontinue service under the following conditions:

(a) For nonpayment of bills. However, no utility shall discontinue service to any customer for nonpayment of bills (including delayed charges) without first having made a reasonable effort to induce the customer to pay same. The customer shall be given at least ten (10) days' written notice, but the cut-off shall not be effected before *twenty-seven (27) [thirty (30)]* days after the mailing date of the original bill. Such termination notice shall be exclusive of and separate from the original bill. If, prior to discontinuance of service, there is delivered to the utility office payment of the amount in arrears, then discontinuance of service shall not be made, or as to residential service where a written certificate is filed signed by a physician, a registered nurse or a public health officer stating that, in the opinion of the person making the certification discontinuance of service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until thirty (30) days elapse from the time of the utility's notification to the customer in writing of the existence of local, state and federal programs providing for the payment of utility bills under certain conditions and of the offices to contact for such possible assistance. Residential service shall not be discontinued where the customer and the utility have reached agreement on a partial payment plan pursuant to paragraph (b) herein. The written notice for any discontinuance of residential service shall advise the customer of his rights under paragraphs (a) and (b) herein and of his right to dispute the reasons for such discontinuance.

(b) Every gas and electric utility subject to the jurisdiction of the Energy Regulatory Commission shall have an employee available during regular working hours to answer questions regarding a customer's bill and to resolve disputes over the amount of such bill. Such employee shall be authorized to negotiate partial payment plans of an outstanding bill and accept payments where the customer has shown good faith in attempting to meet his financial obligations to the utility. Said employee shall be authorized by the utility to consider and shall consider proposals by the customer for a partial payment plan and retention of service. Each jurisdictional gas and electric utility shall develop a budget payment plan whereby a customer may elect to pay a fixed amount each month on a yearly basis in lieu of monthly billings based on actual usage. The provisions of this section relating to partial payments and budget plans shall apply only to a utility's residential customers. It shall be the responsibility of the utility to disseminate information to its customers regarding the availability of such budget payment plans. If the commission finds, upon application, that a budget plan for residential customers would materially impair or damage the utility's credit or operations, then it may grant the utility an exemption from the requirements of the budget plan. No exemption may extend beyond one (1) year without another application by the utility and a finding by the commission that said exemption should be allowed.

(c) For fraudulent or illegal use of service. When the utility has discovered evidence that by fraudulent or illegal means a customer has obtained unauthorized service or has diverted the service for unauthorized use or has obtained service without same being properly measured, the service to the customer may be discontinued without notice. The

utility shall not be required to restore service until the customer has complied with all rules of the utility and regulations of the commission and the utility has been reimbursed for the estimated amount of the service rendered and the cost to the utility incurred by reason of the fraudulent use.

(3) It shall be the duty of the utility before making service connections to a new customer to ascertain the condition of the meter and service facilities for such customer in order that prior fraudulent use of the facilities, if any, will not be attributed to the new customer, and the new customer shall be afforded the opportunity to be present at such inspection. The utility shall not be required to render service to such customer until all defects in the customer-owned portion of the service, if any, shall have been corrected.

(4) Reconnection. For all cases of refusal or discontinuance of service as herein defined, where the cause for refusal or discontinuance has been corrected and all rules and regulations of the utility and the commission have been complied with, the utility shall promptly render service to the customer or applicant.

(5) When advance notice is required, such notice may be given by the utility by mailing by United States mail, postage prepaid, to the last known address of the applicant or customer.

Section 12. Special Charges. (1) A utility may make a reasonable charge for each of the following trips:

(a) To read a meter when the customer has failed to read the meter for three (3) consecutive billing periods. This pertains only to those utilities whose customers ordinarily read their own meters.

(b) To collect a delinquent bill. This trip may be made only after written notice has been sent to the customer stating that if the bill is not paid by a certain date, the service will be disconnected.

(c) To reconnect a service that has been disconnected for non-payment of bills or for violation of the utility's rules and regulations. This charge may include the cost of disconnecting the service.

(2) The charges, however, shall be applied uniformly throughout the entire area served by the utility, shall be incorporated in the utility's rules and regulations, shall be subject to the approval of the commission, and shall yield only enough revenue to pay the expenses incurred in rendering these services.

Section 13. Meter Testing. (1) All electric, gas and combined energy-non-energy utilities furnishing metered service shall provide meter standards and test facilities as more specifically set out under 807 KAR 50:035, 807 KAR 50:055, 807 KAR 50:065.

(2) A utility may have all or part of its testing of meters performed by another utility or agency approved by the commission for such purpose. Each utility having tests made by another agency or utility shall notify the commission of said arrangements in detail to include make, type and serial number of standards used to make said checks or tests.

(3) No utility shall place in service any basic measurement standard required by these rules unless it has been calibrated by the Energy Regulatory Commission Meter Standards Laboratory. All utilities or agencies making tests or checks for utility purposes shall notify the commission promptly of the adoption or deletion of any basic standards requiring calibration by the commission.

(4) Each electric, gas and combined energy-non-energy

utility or agency doing meter testing for a utility shall have in its employ metermen certified by this commission. These certified metermen shall perform such tests as may be necessary to determine the accuracy of the utility's meters and to adjust the utility's meters to the degree of accuracy required by the regulations of the commission.

(5) A utility or agency desiring to have its employees certified as metermen shall submit the names on the commission's form entitled "Application for Appointment of Metermen" and after compliance with the requirements as noted in this form, the applicant may be certified as a meterman and furnished with a card authorizing him to perform meter tests.

Section 14. Access to Property. The utility shall at all reasonable hours have access to meters, service connections and other property owned by it and located on customer's premises for purposes of installation, maintenance, meter reading, operation or removal of its property at the time service is to be terminated. Any employee of the utility whose duties require him to enter the customer's premises shall wear a distinguishing uniform or other insignia, identifying him as an employee of the utility, or carry on his person a badge or other identification which will identify him as an employee of the utility, the same to be shown by him upon request.

Section 15. Meter Test Records. (1)(a) Test cards. A complete record of all meter tests and adjustments and data sufficient to allow checking of test calculations shall be recorded by the meterman. Such record shall include: Information to identify the unit and its location; the date of tests; the reason for such tests; readings before and after the test; a statement of "as found" and "as left" accuracies sufficiently complete to permit checking of the calculations employed; indications showing that all required checks have been made; a statement of repairs made, if any; the identifying number of the meter; the type and capacity of the meter; and the constant of the meter.

(b) The complete record of tests of each meter shall be continuous at least two (2) periodic tests and in no case less than two (2) years.

(2) (a) History cards. Each utility shall keep numerically arranged and properly classified card records giving for each meter owned and used by the utility for any purpose the identification number, date of purchase, name of manufacturer, serial number, type, rating, and the name and address of each customer on whose premises the meter has been in service with date of installation and removal. These card records shall also give condensed information concerning all tests and adjustments including dates and general results of such adjustments. The card records shall be of such character that a system can be used that will record the date of the last test and indicate the proper date for the next periodic test required by the applicable regulation of the commission.

(b) When the records required above are kept in a readily available form posting to the history card is not necessary.

(3) Sealing of meters. Upon completion of adjustment and test of any meter under the provisions of the regulations of the commission, the utility shall affix thereto a suitable seal in such a manner that adjustments or registration of the meter cannot be tampered with without breaking the seal. The seal shall be of a type acceptable to the commission.

Section 16. Pole Identification. (1) Each utility owning poles or other structures supporting the company's wires,

shall mark every pole or structure located within a built-up community with the initials or other distinguishing mark by which the owner of every such structure may be readily determined. For the purpose of this rule the term "built-up community" shall mean urban areas and those areas immediately adjacent thereto.

(2) Identification marks may be of any type but must be of a permanent material and shall be of such size and so spaced and hereafter maintained so as to be easily read from the surface of the ground at a distance of six (6) feet from the structure.

(3) When utilities structures are located outside of a built-up community only every tenth structure need be so marked.

(4) All junction structures shall bear the identification mark and structure number of the owner.

(5) Poles need not be marked if they are clearly and unmistakably identifiable as the property of the utility.

(6) Each utility shall either number their structures and maintain a numbering system or use some other method of identification so that each structure in the system may be easily identified.

(7) The requirements herein shall apply to all existing structures and those hereafter erected and to all changes in ownership.

Section 17. System Maps and Records. (1) Each utility shall have on file at its principal office located within the state and shall file upon request with the commission a map or maps of suitable scale of the general territory it serves or holds itself ready to serve showing the following:

- (a) Operating districts.
- (b) Rate districts.
- (c) Communities served.
- (d) Location and size of transmission lines, distribution lines and service connections.
- (e) Location and layout of all principal items of plant.
- (f) The date of construction of all items of plant by year and month.

(2) In each division or district office there shall be available such information relative to the utility's system as will enable the local representative to furnish necessary information regarding the rendering of service to existing and prospective customers.

(3) In lieu of showing the above information on maps a card record or suitable means may be used. For all construction the records shall also show the date of construction by month and year.

Section 18. Location of Records. All records required by the regulations of the commission shall be kept in the principal office of the utility or other acceptable safe storage place, and shall be made available to representatives, agents or employees of the commission upon reasonable notice and at all reasonable hours.

Section 19. Request Tests. Each utility shall make a test of any meter upon written request of any customer provided such request is not made more frequently than once each twelve (12) months. The customer shall be given the opportunity of being present at such request tests. If such tests show that the meter was not more than two percent (2%) fast, the utility may make a reasonable charge for the test, the amount of such charge to be set out in the utility's rules and regulations filed with the commission, and subject to the approval of the commission.

Section 20. Complaint Tests. (1) Any customer of the utility may request a meter test by written application to the commission accompanied by payment of such fee for the test as prescribed below. Such request may not be made more frequently than once each twelve (12) months. Upon receipt of such request, the commission will notify the utility to leave the customer's meter in place until completion of such test.

(2) If a meter tested upon complaint of a customer is found to register not more than two percent (2%) fast, the cost of such test shall be borne by the customer. However, if the meter shall be found to register more than two percent (2%) fast, the cost of such test shall be borne by the utility and the amount of the deposit made by the customer shall be refunded.

(3) The charges fixed by the commission for making such tests are as follows:

(a) Electric. Direct current and single phase alternating current watt hour meters operating on circuits of not more than 250 volts:

Amperes Rated Capacity	Fee
30 and under	\$ 2
Over 30 to 100	4
Each additional 50 amperes or factor thereof	1

Polyphase a.c. watt hour meters and single phase or direct current watt hour meters operating on circuits of over 250 volts with or without instrument transformers:

Kilowatts Rated Capacity	Fee
5 KW and under	\$ 2
Over 5 to 25	4
Over 25 to 100	8
Over 100 to 500	16

Plus one-half (½) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(b) Gas. Displacement type meters operating on distribution system pressures:

Capacity in Cu. Ft. Per Hour	Fee
1,000 cu. ft. per hour and under	\$ 4
Over 1,000 to 10,000	8
Over 10,000 to 100,000	12

Plus one-half (½) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(c) Water:

Size	Fee
Outlet 1 inch or less	\$ 4
Outlet over 1 inch to 2 inches	6
Outlet over 2 inch to 3 inches	8
Outlet over 3 inch to 4 inches	10

Plus one-half (½) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(d) For meters of a size or capacity not shown herein, the commission will fix a suitable fee upon application.

Section 21. Safety Program. Each utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program shall:

(1) Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.

(2) Instruct employees in safe methods of performing their work.

(3) Instruct employees who, in the course of their work are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.

Section 22. Inspection of Systems. (1) Each utility shall adopt procedures for inspection to assure safe and adequate operation of its facilities and compliance with Energy Regulatory Commission rules. These procedures shall be filed with the commission.

(2) Each electric utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

(a) At intervals not to exceed six (6) months:

1. Productions facilities regularly operated and manned; continuous surveillance, monitoring and inspection as a part of operating procedure.

2. Unmanned production facilities including peaking units not on standby status; units shall be operated and inspected and all monitoring devices shall be checked to determine that there is no evidence of abnormality.

3. Substations where the primary voltage is sixty-nine (69) KV or greater; examination for the purpose of discovering damage to or deterioration of components including structures and fences; checking of all gauges and monitoring devices.

4. Underground network transformers and network protectors in vaults located in buildings or under sidewalks, examination for leaks, condition of case, connections, temperature and overloading.

5. Electric lines operating at sixty-nine (69) KV or greater (including insulators, conductors, and supporting facilities).

(b) At intervals not to exceed one (1) year:

1. Production facilities maintained on a standby status; also inspection and examination prior to any start up, except remotely controlled facilities.

2. Substations where the primary voltage is less than sixty-nine (69) KV but is fifteen (15) KV or greater.

(c) At intervals not to exceed two (2) years: Electric lines operating at voltages of less than sixty-nine (69) KV (including insulators, conductors and supporting facilities).

(d) Other facilities:

1. Utility buildings inspected for compliance with safety codes at intervals not greater than one (1) year.

2. Construction equipment inspected for defects, wear and operational hazards at intervals not greater than quarterly.

(e) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(3) Each gas utility shall make systematic inspections of its system for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is prescribed or recommended by the Department of Transportation, Part 192 Transportation of

Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, for the various classes of facilities as defined in said standards, in accordance with the inspection procedures described therein.

(4) The following maximum time intervals are prescribed for: certain inspections provided for in Department of Transportation, Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, with respect to which intervals are not specified; and certain additional inspections not provided for in such code.

(a) At intervals not to exceed one (1) year or at intervals specified by the U.S. Department of Transportation, Office of Pipeline Safety Operations:

1. Production wells, storage wells and well equipment; visual inspection and examination of all exterior components.

2. Pressure limiting stations, relief devices and pressure regulating stations, including vaults.

3. The curb box on service shall be inspected for accessibility.

4. Valves, the use of which may be necessary for the safe operation of a gas distribution system, shall be checked and serviced, including lubrication where necessary, at sufficiently frequent intervals (at least once each year) to assure their satisfactory operation. Inspection shall include checking of alignment to permit use of a key or wrench and cleaning from the valve box or vault any debris which would interfere with or delay the operation of the valve. A similar inspection shall be made of distribution curb valve boxes one (1) year after installation where the alignment may be subject to movement and at meter change intervals thereafter.

(b) Other facilities:

1. Utility buildings inspected for compliance with safety codes at least annually.

2. Construction equipment inspected for defects, wear and operational hazards at least quarterly.

(c) At intervals not to exceed the periodic meter test intervals: individual residential customer service regulators, vents and relief valve vents shall be checked for satisfactory operation.

(d) One (1) year after installation and thereafter at meter change intervals: All necessary curb valves on the service line shall be inspected for operable condition.

(e) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(5) (a) Each water utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

1. Source of supply:

a. Dams, physical and structural, annually.

b. Intake structures, physical and structural, annually.

c. Traveling screens, physical and structural and safety of operation, annually.

2. Purification:

a. Sedimentation basins filters and clear wells, physical and structural and safety of operation, annually.

b. Chemical feed equipment, for proper and safe operation, annually.

c. Pumping equipment including electric power wiring and controls, for proper and safe operation, annually.

d. Hydrants, for proper and safe operation, annually.

e. Utility buildings, inspection for compliance with safety codes, annually.

f. Construction equipment, inspection for defects, wear and operational hazards, quarterly.

g. Mains and valves, leaks, annually.

(b) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

Section 23. Report of Accidents. Each utility shall notify the commission of any accident which results in death or serious injury to any person or substantial property damage. Prompt notice of fatal accidents shall be given to the commission by telephone or telegraph.

Section 24. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance As Amended

904 KAR 2:008. Program for emergency assistance.

RELATES TO: KRS 205.215

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: August 1, 1979

NECESSITY AND FUNCTION: The Department for Human Resources is authorized by KRS 205.215 to provide short term assistance to families with children in crisis situations as provided for in Title IV-A of the Social Security Act. This regulation sets forth the criteria for eligibility and type and amounts of assistance granted under the Emergency Assistance Program, hereinafter referred to as EAP, as administered in accordance with 45 C.F.R. § 233.120.

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

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

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

(c) *The situation is related solely to lack of employment due to normal vacation or layoff periods if there is a job to which to return, and return can be anticipated at the end of the normal vacation or layoff period; or the destitute situa-*

tion is related solely to lack of work due to weather conditions, if return can be anticipated within thirty (30) days. [The family created the situation through money mismanagement; or]

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

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

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

(1) Destitution shall be considered to exist when a child is deprived of adequate shelter including utilities, necessary clothing, [or] sufficient food [;] , *child care, or in the case of a migrant or transient family, transportation*, and the liquid assets, plus continuing monthly income of the family, are less than limitations prescribed by the department. *Effective September 1, 1979, destitution shall be considered to exist when a child is deprived of adequate shelter including utilities, necessary clothing, sufficient food, child care, or in the case of a migrant or transient family, transportation, and neither the continuing income nor the liquid resources of the family exceeds the limitations prescribed by the department.*

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

(3) Good cause must always be established in regard to an applicant for emergency assistance if lack of employment has caused the destitution and the responsible relative or child (if age eighteen (18) or over) refused to accept employment or training for employment or terminated employment within the prior six (6) months. *An applicant for EAP who has terminated or refused employment without good cause shall be ineligible for thirty (30) days from the date of refusal. If the employment is no longer available following the thirty (30) day period, the application shall be approved if all other eligibility criteria are met; however, if the employment is still available at the end of the thirty (30) day period, the applicant shall remain ineligible as long as the employment remains available except that ineligibility shall not continue for a period longer than six (6) months from the date of termination or initial refusal of the employment.* Good cause shall not exist if destitution is due solely to direct participation in a labor dispute. ("Direct participation" exists if the individual is: on strike, whether or not such strike is legal; or not working as a result of honoring or refusing to cross picket lines set up by those who are on strike; or not working due to lack of work resulting from a strike situation if employed in a managerial or supervisory position by the firm/organization whose workers are on strike.) Good cause for refusal to accept or continue in an employment situation or training for employment exists only when:

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

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

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

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

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

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

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

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

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

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

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

(3) *The limitation shown in paragraph (a) of this subsection shall be applicable until replaced by the limitation in paragraph (b) of this subsection.*

(a) [(3)] All liquid assets and gross monthly income will be totaled and compared to the financial eligibility scale

for the family size. If the amount exceeds that specified, the family is ineligible. If the amount is less than that specified, financial eligibility exists.

Financial Eligibility Scale

Family Size	Income Limitation
1	\$150
2	183
3	250
4	317
5	367
6	417
7 or more	467

(b) Effective September 1, 1979 the following limitation shall substitute for that shown in paragraph (a), above. All gross monthly income and total liquid resources will be compared to the following scales on gross monthly income and liquid resources. If either amount exceeds that specified, the family is ineligible. If each amount is equal to or less than that specified, financial eligibility exists.

Gross Income Scale	
Family Size	Income Limitation
1	\$150
2	183
3	250
4	317
5	367
6	417
7 or more	467

Liquid Resources Scale	
Family Size	Resources Limitation
1	\$500
2 or more	750

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

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

Section 6. Method and Amount of Payment. Emergency assistance payments are made indirectly to vendors by

means of locally authorized voucher or by check drawn in favor of the recipient or recipient and vendor, not to exceed the amounts payable in accordance with Section 7.

Section 7. Payment limitations in the Emergency Assistance Program: (1) The payment limitation shown in paragraph (a) of this subsection shall be applicable until replaced by the limitation in paragraph (b): [All liquid assets and net monthly income will be totaled and compared to the protected amount on the payment limitation scale for the family size. Any amount in excess of the protected amount will be applied as a deductible to the total amount of the family's needs to alleviate or avoid destitution. (The protected amount is never applied to the amount of need.) A home insurance settlement is to be applied to the need which it is intended to cover. The total amount paid the eligible family group is not to exceed the amount specified in the payment maximum for the family size, except for the separate maximum amounts set forth in subsections (2), (3), (4)(d) and (6) below, for those items.]

[Payment Limitation Scale

Protected Amount	Family Size	Payment Maximum
\$ 75	1	\$ 75
135	2	135
185	3	185
235	4	235
275	5	275
310	6	310
345	7 or more	345]

(a) To determine whether there is an unmet need, all liquid assets and net monthly income are first totaled and compared to needs covered by the Emergency Assistance Program (as shown in Section 5). If there is an unmet need, a payment may be authorized. The totaled liquid assets and net monthly income will then be compared to the protected amount on the payment limitation scale for the family size. Any amount in excess of the protected amount will be applied as a deductible to the total amount of the family's needs to alleviate or avoid destitution. A home insurance settlement is to be applied to the need which it is intended to cover. The total amount paid the eligible family group is not to exceed the amount specified in the payment maximum for the family size, except for the separate maximum amounts set forth in subsections (2), (3), (4)(d) and (6) below, for those items.

Payment Limitation Scale

Protected Amount	Family Size	Payment Maximum
\$ 75	1	\$ 75
135	2	135
185	3	185
235	4	235
275	5	275
310	6	310
345	7 or more	345

(b) Effective September 1, 1979, the following limitation shall replace that shown in paragraph (a). To determine whether there is an unmet need, the net monthly income is compared to total current needs covered by the emergency

assistance program (as shown in Section 5). If there is an unmet need, a payment may be authorized. The net monthly income will then be compared to the protected amount on the payment limitation scale for the family size. Any amount in excess of the protected amount will be applied as a deductible to the total amount of the family's needs to alleviate or avoid destitution. A home insurance settlement is to be applied as a deductible to the need which it is intended to cover. The total amount paid the eligible family group is not to exceed the amount specified in the payment maximum for the family size, except for the amounts set forth in subsections (2), (3), (4)(d) and (6) below, for these items.

Payment Limitation Scale

Protected Amount	Family Size	Payment Maximum
\$ 75	1	\$ 75
135	2	135
185	3	185
235	4	235
275	5	275
310	6	310
345	7 or more	345

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

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

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

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

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

(6) Clothing may be provided to eligible family members to ensure a minimum supply of basic apparel in quantities determined necessary by the department, and such need for clothing must be the result of a natural disaster. The total maximum payment amounts for clothing needs may not exceed the payment maximums shown in subsection (1) above, and these amounts shall be in addition to any other needs (such as food and shelter) met pursuant to that payment limitation scale.

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

(8) Payment for utilities and heating fuels may be authorized as necessary to obtain or retain service. Payment for installation and the base service cost of a telephone may be reimbursed when medically necessary as verified by a physician or a nurse practitioner.

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

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

ADOPTED: June 29, 1979

RECEIVED BY LRC: July 13, 1979 at 3:15 p.m.

Proposed Amendments

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

201 KAR 12:105. School districts.

RELATES TO: KRS 317A.060

PURSUANT TO: KRS 317A.050

NECESSITY AND FUNCTION: The seven (7) Congressional Districts provide an equal division for the location of beauty schools. The number of *twenty (20)* [eight (8)] per Congressional District would allow all districts to have an equal number of schools *and would not prohibit competition*.

Section 1. To protect the public and implement the provisions of KRS Chapter 317A, the state is hereby divided into seven (7) districts the same as the United States Congressional Districts and shall change when the congressional districts are properly changed. At all times these districts shall remain in conformity with these congressional districts:

(1) District 1. Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Marshall, Calloway, Livingston, Crittenden, Lyon, Trigg, Caldwell, Union, Webster, Hopkins, Christian, Henderson, McLean, Muhlenberg, Todd, Logan, Butler and that portion of Ohio not in District 2.

(2) District 2. Daviess, Warren, Simpson, Allen, Barren, Edmonson, Hart, Grayson, Hancock, Breckinridge, Meade, Hardin, Larue, Marion, Washington, Nelson, Bullitt, Spencer, Anderson, and that portion of Ohio not in District 1.

(3) District 3. Louisville and Jefferson County precincts presently constituting United States Third Congressional District of Kentucky.

(4) District 4. Jefferson County exclusive of District 3, Oldham, Trimble, Carroll, Gallatin, Boone, Kenton, exclusive of that portion in District 6.

(5) District 5. Taylor, Greene, Metcalfe, Monroe, Adair, Cumberland, Casey, Russell, Clinton, Lincoln, Pulaski, Wayne, Rockcastle, McCreary, Estill, Lee, Jackson, Laurel, Whitley, Owsley, Clay, Knox, Bell, Leslie, Harlan, Garrard, Madison, and that portion of Jessamine not in District 6.

(6) District 6. Henry, Shelby, Owen, Franklin, Scott, Woodford, Mercer, Boyle, Harrison, Bourbon, Fayette, Jessamine, Clark, Grant, Pendleton, Kenton, and Campbell.

(7) District 7. Fleming, Bath, Menifee, Wolfe, Lewis, Rowan, Morgan, Breathitt, Perry, Greenup, Carter, Elliott, Magoffin, Knott, Letcher, Boyd, Lawrence, Johnson, Floyd, Martin, Pike, Bracken, Mason, Robertson, Nicholas, Montgomery, and Powell.

Section 2. For the protection of the public good and welfare, for the public's protection against misrepresentation, deceit or fraud in the teaching of beauty culture, no new license for a school of cosmetology shall be issued which would cause any district, as defined in Section 1, to have more than *twenty (20)* [eight (8)] such schools of cosmetology.

Section 3. (1) No school of cosmetology presently existing and licensed or hereafter licensed, shall be permitted

to move or transfer from one district to another district, as defined in Section 1, without application being made to, and approval received from the board.

(2) No school of cosmetology presently existing and licensed, or hereafter licensed, shall be permitted to move or transfer from one district to another district, as defined in Section 1, if such move or transfer would cause such district to have more than *twenty (20)* [eight (8)] such schools of cosmetology as provided in Section 2.

Section 4. Nothing in the above sections shall be construed to prevent the issuance or the re-issuance of license to an existing beauty school.

Section 5. This regulation controls the location of private schools only.

CARROLL ROBERTS, Administrator

ADOPTED: May 7, 1979

RECEIVED BY LRC: August 15, 1979 at 11 a.m.

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

DEPARTMENT OF FINANCE Division of Occupations and Professions Board of Nursing (Proposed Amendment)

201 KAR 20:011. School approval.

RELATES TO: KRS 314.011(10) [(5)], 314.111

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: It is necessary to establish standards for continued approval of schools of nursing to assure that students will have an [appropriate] educational program *which* [to] prepares them for licensure.

Section 1. *Definitions. As used in this regulation, the following terms are defined:*

(1) "Year" shall mean a period from July 1 through June 30 of any year;

(2) "Pass rate" shall mean the percentage of the first time writers taking the state board test pool examination in Kentucky who score at least 350.

Section 2. [1.] If a school of nursing has a *pass rate less than eighty percent (80%)* [twenty percent (20%) or more failure rate] on the state board test pool examination:

(1) A letter of concern will be issued;

(2) The nurse administrator will be requested to submit an analysis of the cause(s) of high failure and plans to correct in the future;

(3) [(2)] A representative of the board will *contact* [visit] the nursing program.

Section 3. [2.] If for two (2) consecutive [fiscal] years a school of nursing has a *pass rate less than eighty percent (80%)* [twenty percent (20%) or more failure rate] on the state board test pool examination:

- (1) A letter of warning will be issued;
- (2) The nurse administrator will appear before the board and give a report of the implementation of the plans submitted to the Kentucky Board of Nursing the previous year and any further analysis and/or plans to correct the deficiencies as defined.

(3) A representative of the board will visit the nursing program. [at regular intervals, at least quarterly.]

Section 4. [3.] If for three (3) consecutive years a school of nursing has a *pass rate less than eighty percent (80%)* [twenty percent (20%) or more failure rate] on the state board test pool examination, [:] *the nurse administrator and other representatives will appear before the Kentucky Board of Nursing to show cause why the programs should be allowed to continue.*

- [(1) The nursing program will be put on probation;]
- [(2) Students shall not be recruited;]
- [(3) A new class shall not be admitted.]

[Section 4. If for four (4) consecutive years a school of nursing has a twenty percent (20%) or more failure rate on the state board test pool examination:]

- [(1) Approval shall be withdrawn;]
- [(2) Provision will be made for students enrolled in the program to complete the requirements for graduation and to take the state board test pool examination.]

Section 5. *If the decision is made to withdraw approval of the program, provision shall be made by the school for students enrolled in such program to complete the requirements for graduation in order to be eligible to take the state board test pool examination.*

[Section 5. If fifty percent (50%) or more of the state board test pool examinations administered over a five (5) year period yields a twenty percent (20%) or more failure rate the board will investigate and determine if the program should be on probation.]

[Section 6. If a nursing program had five (5) or more first-time writers for an administration of a state board test pool examination the group will be considered to constitute a class.]

[Section 7. Failure rate means the percentage of first-time writers taking the state board test pool examination in Kentucky with a score of less than 350.]

[Section 8. A nursing program that has fifty percent (50%) or more failures in the sub-exam for one (1) clinical area will be required to review the curriculum with the board or a representative of the board.]

[Section 9. A nursing program that has been on probation two (2) times during an eight (8) year period will be

served notice of a hearing to show why approval should not be withdrawn.]

GAYNOR E. HATFIELD, R.N., President

ADOPTED: June 21, 1979

RECEIVED BY LRC: July 31, 1979 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Gaynor E. Hatfield, R.N., President, Kentucky
Board of Nursing, 6100 Dutchmans Lane, Louisville, Kentucky 40205.

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

301 KAR 2:060. Sale of bobwhite quail for food purposes.

RELATES TO: KRS 150.280, 150.290

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the sale of bobwhite quail raised by licensed propagation farms for food purposes to individuals directly or for resale to restaurants and stores. This regulation is necessary to insure and protect wild bobwhite quail from sale for food purposes.

Section 1. Bobwhite quail raised by licensed propagation farms may be sold for food purposes to individuals and directly or for resale to restaurants and stores at any time in compliance with conditions below.

Section 2. Marking of Birds for Sale. Bobwhite quail that are sold for food purposes in containers must have the container marked with a label containing the species and name and address of producer. Bobwhite quail sold unpackaged must be wing-tagged with tags obtained at cost from the Department of Fish and Wildlife Resources.

Section 3. Food Purposes Permit. In order to sell bobwhite quail as described in Section 2, the seller must have a "food purposes permit" obtainable upon application from the Department of Fish and Wildlife Resources at an annual cost of \$125 [\$100]. This "food purposes permit" is valid for one (1) year from date of issue. This permit shall be in addition to all other permits required under other regulations of the department for the operation of propagation farms.

Section 4. Receipts and Reporting. Upon the sale of game as authorized in Section 1, the seller holding a "food purposes permit" shall present to the buyer, in three (3) copies, an invoice reflecting the number of birds and the date of such sale. The seller shall have such invoice signed by the purchaser and one (1) copy thereof shall be retained by the seller, one (1) copy thereof shall be mailed by the seller to the Department of Fish and Wildlife Resources, and one (1) copy thereof kept by the purchaser. Said invoice shall be kept by the seller and the purchaser, available for inspection, for a period of not less than one (1) year.

Section 5. Sale for Food Certificate. No sale shall be made hereunder to any restaurant or store at any time unless the purchaser for said restaurant or store shall present a certificate allowing sale of bobwhite quail for food, obtained from the Department of Fish and Wildlife Resources. Said certificate shall be issued in duplicate annually, and one (1) copy shall be posted in said restaurant or store. Purchaser shall pay the department for said certificate an annual fee of *two dollars* (\$2) [one dollar (\$1)].

Section 6. Any holder of any "food purposes permit" or "sale for food certificate" issued under these regulations must allow inspection of his or its premises by a conservation officer of the department at any and all times. If any such conservation officer finds that any of the foregoing regulations are not being strictly complied with, said officer shall immediately notify the holder of the "food purposes permit" or "sale for food certificate" and likewise notify the commissioner of the department. After five (5) days the conservation officer shall make a second inspection and if said violations have not been corrected, said "permit" or "certificate" shall be revoked and all birds shall be confiscated. If it becomes apparent that any application of any "permit" or "certificate" was not made in good faith, or if the holder thereof is convicted of any game law violation concerning matters for which he holds a "permit" or "certificate" said "permit" or "certificate" shall be revoked. Fees will not be refunded for "permits" or "certificates" which are revoked. Nothing contained in this section shall limit or restrict the power of any conservation officer of the department from immediately confiscating any birds found by him to be unbanded when in the possession, after slaughtering, of any "permit" holder, individual or "certificate" holder.

Section 7. Shotgun pellets found in bobwhite quail or any other evidence that bobwhite quail has been shot shall be prima facie evidence against any holder of "food purposes permit" or "sale for food certificate."

Section 8. The regulations and provisions hereinabove provided shall be applicable to bobwhite quail sold by licensed propagation farms to persons in Interstate Commerce or residing outside the State of Kentucky.

CARL E. KAYS, Commissioner

ADOPTED: June 1, 1979

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: August 9, 1979 at 2:15 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 TRANSPORTATION
Bureau of Highways
(Proposed Amendment)

603 KAR 1:020. Driveway approaches, entrances; construction and maintenance.

RELATES TO: KRS 176.050, 177.106

PURSUANT TO: KRS 13.082, 174.050, 176.050(1)(g)

NECESSITY AND FUNCTION: KRS 176.050(1)(g) authorizes the Bureau of Highways to prescribe rules and

regulations for the care and maintenance of roads after they have been constructed. This regulation is adopted to prescribe standards for the construction and maintenance of driveway approaches and entrances on the rights-of-way of the Bureau of Highways.

Section 1. [New or Additional Driveway Entrance Approaches:] (1)(a) The owner or occupant of property, who desires to construct new or additional private *farm or single family dwelling* driveway approaches, shall make formal application in writing, to the District Engineer of the Bureau of Highways. If the District Engineer approves the application, paragraph (b) of this subsection shall apply.

(b) The applicant shall furnish at his own expense, all drainage pipe, tile, or other drainage structure required. *The bureau will participate in the construction of the entrance in an amount not to exceed \$300 by providing equipment, labor and/or materials for the installation of the drainage structure, the grading and surfacing with traffic bound material within the right-of-way limits.* [The installation of the drainage structure, the grading and surfacing the traffic bound materials of the driveway entrance approach, from the edge of the pavement to the right-of-way line, will be done with the Bureau of Highway forces and entirely at the expense of the bureau.]

(2) (a) The owner or occupant of property, used for commercial or any purpose other than farming or single family dwelling, [purposes] who desires to construct new or additional driveway entrance approaches, to relocate, or make other changes in existing driveway entrance approaches thereto, shall make application for a permit to the District Engineer of the Bureau of Highways upon standard forms furnished by the Department of Transportation.

(b) All work involved is to be done wholly at the expense of the *permittee* [Bureau of Highway Engineers] and in accordance with the approved permit and plans [and the Bureau of Highway's policy for such work]. *A copy of the approved permit and plans authorizing the work must be in the possession of the person(s) or contractor doing the work at the work site. Failure of the person doing the work to produce the permit upon request by a representative of the bureau or a law enforcement officer will result in cancellation of the permit and/or appropriate legal action.*

(3) Driveway entrance approaches to properties used for, or intended to be used for commercial or any purpose other than farming or single family dwelling [establishments] shall be constructed in accordance with the following regulations:

(a) All driveways and approaches shall be so constructed that they shall not interfere with the drainage of the highway. All drainage structures used shall meet the approval of the Bureau of Highways as to type, quality, size and length.

(b) [Service stations and other commercial establishments, together with] Any corner island, safety island, property line island[,] or pump island [and signs,] shall be so located as to *insure the conduction of activities or business associated with the establishment, on private property and not on roadway right-of-way.* [not damage the highway or to cause damage to the highway user.] To insure the safety of the highway user[,] and to protect highway facilities against damage, the [service station or other commercial] entrance approach shall be [so] constructed or installed as shown [an] on the permit, documents and plans approved by the Bureau of Highways. [approved application prepared and submitted

according to "Standards for Commercial Entrance Approaches" furnished by the Bureau of Highways.]

Section 2. (1) The District Engineer shall have authority to approve or to disapprove [all] applications for [private] driveway entrance approaches *in accordance with such authority delegated to the District Engineer by the Secretary of the Department of Transportation.*

[Section 3. Applications for commercial driveway entrance approaches will be forwarded to the Central Office in Frankfort for consideration and the approval or disapproval of that office.]

Section 3. [4.] (1) No indemnity bond or other type security will be required with *permit* applications for the construction of a *farm or single family dwelling* [any private] driveway entrance approach *except when the estimated cost of the construction within the right-of-way limits exceeds \$300.*

(2) Indemnity bonds or other types of security will be required with [all] applications for the construction of any [commercial] driveway entrance approach *that is not intended to serve farm or single family dwelling property.* The amount of *such security* [the indemnity bond] shall be determined by the District Engineer and shall be sufficient to guarantee [the] proper restoration of the right-of-way, [and/or the] roadway and [or] surfacing.

Section 4. [5. Maintenance. (1) All private driveway entrance approaches shall be maintained and/or repaired within the right-of-way limits at the expense of the Bureau of Highways.]

[(2)] (1) *Normally all* driveway entrance approaches [to all commercial establishments] are to be maintained by the owner and at the expense of the owner but the Bureau of Highways shall do sufficient work *from the edge of the roadway pavement to the normal width of the roadway shoulder only*, [at those entrances adjacent to the edge of pavement] to provide safe passage for the traveling public [such work to extend beyond the edge of the pavement any distance that is reasonably necessary, but not to exceed ten (10) feet from the edge of the paved driving lane of the highway].

(2) *In situations where a determination is made by the District Engineer, that a farm or single family dwelling driveway entrance approach is causing damage to the roadway or is dangerous to the public, the District Engineer may authorize the bureau to perform maintenance work and supply materials within the right-of-way beyond the normal shoulder width.*

CALVIN G. GRAYSON, Commissioner

ADOPTED: July 17, 1979

RECEIVED BY LRC: August 2, 1979 at 8:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Ed W. Hancock, Deputy Secretary for Legal Affairs,
Department of Transportation, Frankfort, Kentucky
40622.

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

704 KAR 20:235. Learning and behavior disorders; teacher's provisional certificate.

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 13.082, 156.030, 156.070, 156.160

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board for Elementary and Secondary Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the Council and approved by the State Board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The provisional certificate for teachers of exceptional children; learning and behavior disorders shall be issued in accordance with the pertinent Kentucky statutes and State Board for Elementary and Secondary Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The provisional certificate for teachers of exceptional children; learning and behavior disorders shall be issued initially for a duration period which expires ten (10) years from the calendar year of completion of the curriculum requirements. This certificate shall be renewed for a ten (10) year period only upon completion of the planned fifth year program. The certificate may be extended for life upon completion of three (3) years of successful teaching experience on a regular certificate and upon completion of a planned fifth year program.

(3) The provisional certificate for teachers of exceptional children; learning and behavior disorders shall be valid at any grade level for the instruction of exceptional children with learning and behavior disorders and as a provisional elementary certificate valid for classroom teaching in grades one (1) through eight (8).

(4) The provisional certificate for teachers of exceptional children; learning and behavior disorders shall be issued for a one (1) year period to an applicant who holds the provisional elementary certificate or any other certificate of similar validity for elementary classroom teaching and who has completed at least six (6) semester hours credit from the special education component of the approved curriculum. The certificate may be renewed for no more than three (3) subsequent one (1) year periods upon completion of a minimum of six (6) semester hours additional credit each year after which time the teacher must qualify by having completed the entire curriculum.

(5) (a) *The provisional certificate for teachers of exceptional children; learning and behavior disorders, limited in validity to grades seven (7) through twelve (12), may be issued to an applicant who holds the provisional high school certificate or any other certificate of similar validity for secondary classroom teaching and who has completed the approved special education component of twenty-seven (27) semester hours for learning and behavior disorders and in addition thereto, two (2) sequential courses in the teaching of reading and two (2) courses in mathematics for elementary school teachers.*

(b) *The provisional certificate for teachers of exceptional children; learning and behavior disorders, valid for grades seven (7) through twelve (12), may be issued for a one (1) year period to an applicant who holds the provisional high school certificate or any other certificate of similar validity for secondary classroom teaching and who has completed at least six (6) semester hours credit from the special education component of the curriculum described above and a three (3) semester hour course in reading. The certificate may be renewed for subsequent one (1) year periods upon completion of at least six (6) semester hours credit each year from the approved curriculum.*

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: August 1, 1979

RECEIVED BY LRC: August 10, 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.

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

706 KAR 1:010. *Interim three-year [State] plan for vocational rehabilitation services.*

RELATES TO: KRS 163.110, 163.120, 163.130, 163.140, 163.160, 163.170, 163.180

PURSUANT TO: KRS 13.082, [156.070,] 156.112, [156.160,] 156.116, 156.118

NECESSITY AND FUNCTION: Section 101, Title I P.L. 93-112, as amended, requires the submission of an *Interim Three-Year [annual] State Plan for Vocational Rehabilitation Services*, to the Secretary, Department of Health, Education, and Welfare. The plan must be approved in order for a state to be eligible for grants from the allotments of funds under Title I, P.L. 93-112, as amended by P.L. 93-516 and P.L. 95-602.

Section 1. Pursuant to the authority vested in the Kentucky State Board for Occupational Education by KRS 156.116 [SB 289] the Kentucky State Plan for Vocational Rehabilitation Services incorporated in P.L. 93-112, as amended, for the period October 1, 1979 [1978] through September 30, 1982 [1979] is presented herewith for filing

with Legislative Research Commission, and incorporated by reference.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: July 31, 1979

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

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

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
Occupational Safety and Health
(Proposed Amendment)

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

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry.

Section 1. The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1910, the Occupational Safety and Health Standards for General Industry, published by [in] the *Commerce Clearing House, Inc., Chicago, Illinois 60646, in the March 1979 Edition, Copyright Date 1979, [Federal Register, June 27, 1974 Edition, Volume 39, Number 125, Government Printing Office, Washington, D.C. 20402].* These standards are hereby adopted by reference with the following additions, exceptions, and deletions.

(1) 29 CFR Part 1910.1 shall read as follows:

"The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1910 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021."

(2) 29 CFR Part 1910.2 shall read as follows: As used in this part, unless the context clearly requires otherwise:

(a) "Act" means KRS Chapter 338.

(b) "Assistant Secretary of Labor" means the Commissioner of Labor, Commonwealth of Kentucky.

(c) "Employer" means any entity for whom a person is employed except those employers excluded in KRS 338.021.

(d) "Employee" means any person employed except those employees excluded in KRS 338.021.

(e) "Standard" means a standard which requires conditions or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe and healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule."

(f) "National consensus standard" means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization.

(g) "Established federal standard" means any operative occupational safety and health standard established by any agency of the United States Government.

(h) An employer, required under these standards to report information to the U.S. Department of Labor, or any subsidiary thereof, shall instead report such information to the Kentucky Department of Labor, U.S. 127 South, Frankfort, Kentucky 40601.

[(3) 29 CFR 1910.13 through 1910.16 relating to ship repairing, shipbuilding, shipbreaking, and longshoring; and 1910.267a relating to pesticides, as well as paragraph (a)(6) in Section 1910.267 which refers to Section 1910.267a, are excluded and deleted in their entirety.]

(3) [(4)] 29 CFR 1910.141(c)(2)(i) shall read as follows:

"(i) Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy."

[(5) The changes which have been adopted by the U.S. Department of Labor relating to 29 CFR 1910.211, and 1910.217, mechanical power presses, and published in the Federal Register Volume 39, Number 233, December 3, 1974, a copy of which is attached hereto, are hereby adopted by reference.]

[(6) The changes and additions which have been adopted by the U.S. Department of Labor relating to Telecommunications which are contained in 29 CFR 1910.67, 1910.70, 1910.183, 1910.189, 1910.190, 1910.268, 1910.274, and 1910.275, published in the Federal Register, Volume 40, Number 59, March 26, 1975, a copy of which is attached hereto, are adopted by reference.]

[(7) 29 CFR 1910.93q, the Occupational Safety and Health Standard covering Vinyl Chloride which was published in the federal Register, Volume 39, Number 194, October 4, 1974, a copy of which is attached hereto, is hereby adopted by reference.]

[(8) 29 CFR 1910.106(d)(2)(iii) of the Federal Register, Volume 39, Number 125, June 27, 1974, shall be amended by adding Table H-12 of the Federal Register, Volume 40, Number 18, page 3982, January 27, 1975, a copy of which is attached hereto, is adopted by reference.]

(4) [(9)] 29 CFR 1910.151 relating to medical services and first aid shall be changed to read as follows:

"(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health."

"(b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and first-aid supplies approved by a consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their duties, are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees."

"(c) All other employers shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first aid. First-aid supplies approved by the consulting physician shall be readily available."

"(d) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use."

[(10) Recodification of 29 CFR 1910.93 through 1910.93q as 1910.1000 through 1910.1017 respectively, as published in the Federal Register, Volume 40, Number 103, May 29, 1975, a copy of which is attached hereto, is hereby adopted by reference.]

[(11) 29 CFR 1910.141(d)(2)(i) of the Federal Register, Volume 40, Number 82, April 28, 1975, amended by deleting the last half of Table J-2, a copy of which is attached hereto, is hereby adopted by reference.]

[(12) The new standard, adopted by the U.S. Department of Labor relating to Industrial Slings contained in 29 CFR 1910.184, published in the Federal Register, Volume 40, Number 125, June 27, 1975, a copy of which is attached hereto, is hereby adopted by reference.]

[(13) 29 CFR 1910.94 which was amended by revoking paragraphs (b)(2)(i) and (b)(2)(ii) and by revising paragraph (b)(2), as published in the Federal Register, Volume 40, Number 111, June 9, 1975, a copy of which is attached hereto is adopted by reference.]

(5) [(14)] 29 CFR 1910.217(b)(7)(xii) relating to machines using part revolution clutches shall be amended by adding the following:

"This provision will not prevent the employer from utilizing a reversing means of the drive motor with the clutch-brake control in the 'inch' position."

[(15) 29 CFR 1910.94(d)(4)(i) Table G-14, Page 23594, published in the Federal Register, Volume 39, Number 125, Thursday, June 27, 1974, as adopted, contains a typographical error and is hereby revoked. The corrected version published in the Federal Register, Volume 37, No. 202, Wednesday, October 18, 1972, Table G-14, Page 22155, a copy of which is attached hereto, is hereby adopted by reference.]

[(16) 29 CFR 1910.1001(i)(1) which was revised by the U.S. Department of Labor, for retention of records of Asbestos Exposure Monitoring from three (3) years to twenty (20) years, as published in the Federal Register, Volume 41, No. 55, Friday, March 19, 1976, a copy of which is attached hereto, is hereby adopted by reference.]

[(17) 29 CFR 1910.184(f)(6) which was amended by the U.S. Department of Labor, to delete the paragraph which prohibits the use of knots or wire rope clips to form eyes in wire rope slings, as published in the Federal Register, Volume 41, No. 62, Tuesday, March 30, 1976, a copy of which is attached hereto is hereby adopted by reference.]

(6) 29 CFR 1910.1005 4,4'-methylene bis (2-chloroaniline) and 29 CFR 1910.1003 through .1016 paragraphs (c)(6), Laboratory Activities, printed in the Federal Register, Volume 39, Number 125, June 27, 1974, are in effect.

(7) [(18)] Paragraph 1910.1005(c)(7) of the 29 CFR 1910 General Industry Standards shall read as follows:

"Premixed Solutions: Where 4,4'-methylene bis (2-chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius, the establishment of a regulated area is not required; however, (i) only authorized employees shall be permitted to handle such materials."

(8) [(19)] 29 CFR 1910.101(b) shall be amended by revocation of referenced pamphlet P-1-1965 and the adoption of P-1-1974, herein filed by reference.

[(20) 29 CFR 1910.1029 Exposure to Coke Oven Emissions as printed in the Federal Register, Volume 41, Number 206, Friday, October 22, 1976, a copy of which is attached hereto, is adopted by reference.]

[(21) Corrections and omissions which have been adopted by the U.S. Department of Labor, relating to Coke Oven Emissions Standards, 29 CFR 1910.1029, published in the Federal Register, Volume 42, Number 12,

Tuesday, January 18, 1977, a copy of which is attached hereto, is hereby adopted by reference.]

[(22) 29 CFR 1910.309 is hereby amended by revising Paragraph (c) to require either the use of Ground-fault Circuit Interrupters or the implementation of an assured equipment grounding conductor program on construction sites. This amendment, as published in the Federal Register, Volume 41, No. 246, Tuesday, December 21, 1976, a copy of which is attached hereto, is hereby adopted by reference with the following modification:]

["Effective Date: Page 55704, 2nd paragraph is changed to read, 'These amendments of Part 29 CFR 1910 become effective August 22, 1977.'"]

[(23) The following corrections and omissions which have been adopted by the U.S. Department of Labor, copies of which are attached hereto, are hereby adopted by reference.]

[(a) Federal Register, Volume 39, No. 233, December 3, 1974, Standard for Exposure to Vinyl Chloride—corrections;]

[(b) Federal Register, Volume 40, No. 18, January 27, 1975;]

[1. Mechanical power presses—corrections;]

[2. Correct error of omission—Table H-12;]

[(c) Federal Register, Volume 40, No. 58, March 25, 1975, Standard for Exposure to Vinyl Chloride—effective date;]

[(d) Federal Register, Volume 40, No. 82, April 28, 1975, National Fire Protection Association mailing address change;]

[(e) Federal Register, Volume 40, No. 125, June 27, 1975, Overhead and Gantry Cranes, Paragraph 1910.179(j)(2)(iv)—corrections and (v) revoked; Paragraph 1910.190 Standards Organization—amended;]

[(f) Federal Register, Volume 40, No. 145, July 28, 1975, Industrial Slings—correction.]

[(24) 29 CFR 1910.410 through 1910.441, Subpart T, the Occupational Safety and Health Commercial Diving Standard, published in the Federal Register, Volume 42, No. 141, Friday, July 22, 1977, a copy of which is attached hereto, is hereby adopted by reference.]

[(25) 29 CFR 1910.1028 the permanent standard "Occupational Exposure to Benzene," printed in the Federal Register, Volume 43, No. 29, February 10, 1978, a copy of which is hereto, is hereby adopted by reference.]

[(a) Amend 29 CFR 1910.1028 by exempting:]

[1. Employee exposure from liquid mixtures containing 0.5 percent (0.1 percent after June 27, 1981) or less Benzene by volume, or the vapors released from such liquids.]

[2. The caution label requirements for liquid mixtures containing 5.0 percent or less Benzene packaged before June 27, 1978.]

[(b) The following corrections and omissions to the standard 29 CFR 1910.1028 "Occupational Exposure to Benzene," which appeared in the Federal Register, Volume 43, No. 63, March 31, 1978, are hereby adopted by reference.]

(9) 29 CFR 1910.1028 "Occupational Exposure to Benzene," Paragraph (a)(2)(iii) and Paragraph (k)(2)(iii) were inadvertently transposed in the printing and shall read as follows: 1910.1028(a)(2)(iii) work operations where the only exposure to Benzene is from liquid mixtures containing 0.5 percent (0.1 percent after June 27, 1981) or less Benzene by volume, or the vapors released from such liquids. 1910.1028(k)(2)(iii) liquid mixtures containing 5.0 percent or less Benzene by volume which were packaged before June 27, 1978.

[(26) 29 CFR 1910.1044 "Occupational Exposure to 1, 2 Dibromo-3-Chloropropane (DBCP)," printed in the Federal Register, Volume 43, No. 53, March 17, 1978, a copy of which is attached hereto, is hereby adopted by reference.]

[(27) (a) 29 CFR 1910.1018 "Occupational Exposure to Inorganic Arsenic," printed in the Federal Register, Volume 43, No. 88, May 5, 1978, a copy of which is attached hereto, is hereby adopted by reference.]

[(b) The corrections and omissions, adopted by the U.S. Department of Labor, which appeared in Federal Register 28472, June 30, 1978, a copy attached hereto, are hereby adopted by reference.]

[(28) Amend 29 CFR 1910.19 by properly placing air contaminants by paragraph under section heading. This amendment, as adopted by the U.S. Department of Labor, appeared in the Federal Register, page 28473, June 30, 1978, a copy of which is attached hereto, is adopted by reference.]

[(29) 29 CFR 1910.1043 and 29 CFR 1910.1046 "Occupational Exposure to Cotton Dust," printed in the Federal Register, Volume 43, No. 122, June 23, 1978, and the corrections and omissions to this standard which appeared in the Federal Register 28473 through 28474, June 30, 1978 and 35032 through 35036, August 8, 1978, copies of which are attached hereto, are hereby adopted by reference.]

(10) [(30)] Amend 29 CFR 1910 by adding [a new Subpart C, "General Safety and Health Provisions" containing a new 1910.20 preservation of records. This amendment, as adopted by the U. S. Department of Labor, appeared in the Federal Register, Volume 43, No. 139, July 19, 1978, a copy of which is attached hereto, is adopted by reference with] the following addition and revision:

[(Page 31020)] 1910.20 (b) "Qualified Professional" means any person trained in the field of industrial hygiene, toxicology, epidemiology, nursing, medicine or health physics.

[(Page 31021)] 1910.20 (d) Availability of records. [See line 6 and line 10:] Delete the word designee and insert "A designated qualified professional."

[(31) 29 CFR 1910.1045 "Occupational Exposure to Acrylonitrile (Vinyl Cyanide)," printed in the Federal Register, Volume 43, No. 192, October 3, 1978, a copy of which is attached hereto, is hereby adopted by reference.]

[(32) 29 CFR 1910.125 "Occupational Exposure to Lead," printed in the Federal Register, Volume 43, No. 220, November 14, 1978, a copy of which is attached hereto, is hereby adopted by reference. The corrections and additions to 29 CFR 1910.1025 adopted by the U. S. Department of Labor, which appeared in Federal Register, Volume 44, No. 19, January 26, 1979, a copy of which is attached hereto, is hereby adopted by reference.]

[(33) The 29 CFR 1910 General Industry Safety and Health Standards, selected by the U.S. Department of Labor for revocation, printed in the Federal Register, Volume 43, No. 206, and the corrections which appeared in the Federal Register, Volume 43, No. 216, November 7, 1978, copies of which are attached hereto, are hereby revoked by reference.]

[(34) The corrections to Table Z1, Z2 and Z3, Exposure Limits for Air Contaminants in 29 CFR 1910.1000, printed in Federal Register, Volume 43, No. 237, December 8, 1978, a copy of which is attached hereto, are hereby adopted by reference.]

(11) [(35)] 29 CFR 1910.106(a)(3) shall read as follows:

"The term automotive service station, or service station, shall mean that portion of property where flammable or

combustible liquids used as motor fuel are stored and dispensed from fixed equipment and into the fuel tanks of motor vehicles and shall include any facilities available for the sale and servicing of tires, batteries, accessories and for minor automotive maintenance work and shall also include private stations not accessible or open to the public such as those used by commercial, industrial or governmental establishments. This section shall not apply to agriculture."

JAMES R. YOCOM, Commissioner

ADOPTED: June 26, 1979

APPROVED:

DONALD N. RHODY, Secretary

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

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Department of Labor, Occupational Safety and Health Program, U.S. 127 South, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor
Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:030. Adoption of 29 CFR Part 1926.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of construction.

Section 1. The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1926, the Occupational Safety and Health Standards for the Construction Industry, published by [in] the *Commerce Clearing House, Inc., Chicago, Illinois 60646, in the March 1979 Edition, Copyright Date 1979*, [Federal Register, June 24, 1974 edition, Volume 39, Number 122, Government Printing Office, Washington, D. C. 20402]. These standards are hereby adopted by reference with the following additions, exceptions, and deletions:

(1) 29 CFR Part 1926.1 shall read as follows:

The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1926 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021."

(2) 29 CFR 1926.100 shall read as follows:

(a) Hard hats conforming to specifications of the American National Standards Institute, safety requirements for industrial head protection Z89.1 (1971) shall be worn by all employees at all times while engaged in the type of work covered by the scope of this safety standard.

(b) Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Institute Z89.2 (1971).

(3) 29 CFR 1926.552(b)(8) of the paragraph on "Material hoists" shall read as follows: All material hoists shall conform to the requirements of ANSI A10.5-1969, Safety Requirements for Material Hoists, with the exception that material hoists manufactured prior to January 1, 1970 may be used with a drum pitch diameter at least eighteen (18) times the nominal rope diameter provided the hoisting wire rope is at least equal in flexibility to 6 x 37 classification wire rope.

(4) 29 CFR 1926.451(a)(4) shall read as follows: Guardrails and toeboards shall be installed on all open sides and ends of platforms more than ten (10) feet above the ground or floor, except needle beam scaffolds and floats (see paragraphs (p) and (w) of this section). Toeboards shall not be required on the loading side of platforms which are loaded by means of a high lift tractor or fork truck provided that employees are prohibited from entering the area beneath the scaffolding where they could be exposed to objects which might fall from the scaffolding. Scaffolds four (4) to ten (10) feet in height, having a minimum horizontal dimension in either direction of less than forty-five (45) inches, shall have standard guardrails installed on all open sides and ends of the platform.

(5) The changes which have been adopted by the U.S. Department of Labor relating to 29 CFR 1926.750(b)(2), flooring for skeletal structures, and published in the Federal Register, Volume 39, Number 128, July 2, 1974, are hereby adopted by reference.]

(5) [(6)] 29 CFR 1926.400(h)(3)(i), (vii) shall read: "shall be readily available for inspection." [is hereby amended by revising paragraph (h) to require either the use of ground-fault circuit interrupters or the implementation of an assured equipment grounding conductor program on construction sites. This amendment as published in the Federal Register, Volume 41, No. 246, Tuesday, December 21, 1976, a copy of which is attached hereto, is hereby adopted by reference, with the following modifications.]

[(a) 1926.400(h)(3)(i), page 55703, Column 3, 3rd and 4th line is changed to read "shall be readily available for inspection."]

[(b) 1926.400(h)(3)(vii), page 55704, 12th and 13th line is changed to read "shall be made readily available for inspection."]

[(c) Effective Date: Page 55704, 2nd paragraph is changed to read: "These amendments of Part 29 CFR 1926 become effective August 22, 1977."]

(6) [(7)] The following paragraphs of 29 CFR 1926, Subpart U, Blasting and the Use of Explosives, which were previously adopted by reference, are hereby revised and shall read as follows:

(a) 1926.900(k)(3)(i) The prominent display of adequate signs warning against the use of mobile radio transmitters, on all roads within 1,000 feet of blasting operations. Whenever adherence to this 1,000 foot distance would create an operational handicap this distance may be modified so long as the modification is adequately designed in compliance with .900(k)(5) to prevent any premature firing of electric blasting caps.

(b) 1926.900(k)(4) Mobile radio transmitters which are less than 100 feet away from electric blasting caps, in other than original containers, may be left "on" for receiving purposes but may only be used to transmit if in compliance with .900(k)(5).

(c) 1926.900(p) The use of black powder shall be prohibited except when a desired result cannot be obtained with another type of explosive, such as in quarrying certain types of dimension stone.

(d) 1926.900(r) All electric blasts shall be fired with an electric blasting machine or properly designed electric

power source, and in accordance with the provisions of subsection .906(a) and (r).

(e) 1926.902(d) Explosives, blasting agents, and blasting supplies shall not be transported with other materials or cargoes. Explosives or blasting agents shall be transported in separate vehicles from detonators unless separated by four (4) inches of hardwood or a type 2 outdoor or type 3 magazine. (Ref. 26 CFR 181, Commerce in Explosives.)

(f) 1926.903(o) Deleted.

(g) 1926.905(h) Machines and all tools not used for drilling, loading, and covering the blast shall be removed from the immediate location of holes before explosives are delivered.

(h) 1926.905(i) No activity of any nature other than that which is required for blasting shall be permitted in a blast area.

(i) 1926.905(k) Holes shall be checked prior to loading to determine depth and conditions. Holes shall not be drilled where there is a danger of intersecting a charged or misfired hole.

(j) 1926.905(n) In underground blasting, explosives in Fume Class I, as set forth by the Institute of the Makers of Explosives, shall be used; however, Fume Class I explosives are not required when adequate ventilation is provided and the workings are abandoned for a period of time sufficient to allow dissipation of all fumes.

(k) 1926.906(p) The blaster shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine except under the direction of the blaster.

(l) 1926.906(q) Blasters, when testing circuits to charged holes, shall use only blasting galvanometers equipped with a silver chloride cell especially designed for this purpose or blasters multimeters approved by M.E.S.A. under 30 CFR 18.68.

(m) 1926.906(s) Leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(n) 1926.907(a) The use of a fuse that has been hammered or injured in any way shall be forbidden.

(o) 1926.910(b) Sufficient time shall be allowed, not less than fifteen (15) minutes in tunnels, for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the blaster to determine if all charges have been exploded before employees are allowed to return to the operation.

(7) [(8)] Paragraph (e) of 29 CFR 1926.605 is amended to read as follows: "Commercial Diving Operations shall be subject to Subpart T of 29 CFR 1910.401 through 1910.441 as adopted by 803 KAR 2:020."

(8) [(9)] Revoke paragraph "514—Warning Device" of ANSI B56.1—1969—Safety Standards for Powered Industrial Trucks and adopt paragraph "512—Warning Device" of ANSI B56.1—1975—Low Lift and High Lift Trucks for standard reference as specified in 29 CFR 1926.602(c)(1)(vi): effective July 1, 1979.

JAMES R. YOCOM, Commissioner

ADOPTED: June 26, 1979

APPROVED: DONALD N. RHODY, Secretary

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

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Department of Labor, Occupational Safety and Health Program, U.S. 127 South, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET State Racing Commission (Proposed Amendment)

810 KAR 1:004. Stewards.

RELATES TO: KRS 230.210 to 230.360

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To regulate conditions under which thoroughbred racing shall be conducted in Kentucky. The function of this regulation is to outline the qualifications, duties, powers, and responsibilities of the stewards.

Section 1. Qualifications for a steward. No person shall qualify for commission appointment or approval as a steward unless:

(1) He has served as a steward, or racing secretary, or assistant racing secretary, or starter, or placing judge, or patrol judge, or paddock judge, or clerk of scales, [and as an observer in the stewards' stand] at one (1) or more recognized race meetings for a period of not less than sixty (60) racing days per year during at least three (3) of the five (5) preceding calendar years; provided, however, if no person is available to serve who possesses the aforesaid experience as a racing official, then, the commission may consider for *appointment and/or* approval persons who have engaged in racing as an owner, or trainer, or jockey, or veterinarian, or breeder, and as an observer in the stewards stand *for a period satisfactory to the commission*; [at least three (3) of the five (5) preceding calendar years;]

(2) He has satisfactorily passed an optical examination within one (1) year prior to approval as a steward evidencing corrected twenty-twenty (20-20) vision and ability to distinguish colors correctly;

(3) The commission is satisfied that income, other than salary as a steward, which may accrue to a person under consideration for appointment as a steward is independent of and unrelated to patronage of or employment by any licensee under the supervision of such steward, so as to avoid the appearance of any conflict of interest or suggestion of preferential treatment of a licensee.

Section 2. Appointment of stewards. (1) There shall be three (3) stewards for each race meeting, one (1) of whom shall be appointed by the commission and two (2) of whom shall be nominated by the association for approval by the commission. Names of association nominees for steward shall be submitted at the time of application for association license if possible, but no later than thirty (30) days before commencement of a race meeting and be accompanied by biographical data setting out the experience and qualifications of the nominees. The association shall submit successive nominees until two (2) persons are approved by the commission as qualified to serve as stewards. No steward shall serve until approved by the commission.

(2) Stewards shall serve from one (1) minute after midnight on the day before the first racing day until one (1) minute before midnight on the day after the last racing day of the race meeting for which they are appointed; provided, in the event a dispute or controversy arises during a race meeting which is not settled at the conclusion of the race meeting, then the power of the stewards shall be extended over the period necessary to resolve the matter, or until the matter is referred or appealed to the commission.

(3) Stewards shall be responsible only to the commission and may be replaced by the commission at any time for

failure to perform their duties to the satisfaction of the commission.

(4) In the event a steward becomes ill, resigns, or is unable to serve for any reason, then the remaining stewards shall nominate a successor or temporary steward to the commission for approval. In emergencies, a single commissioner by telephone may approve appointment of a successor steward.

Section 3. General powers of stewards. The stewards shall exercise immediate supervision, control, and regulation of racing at each licensed race meeting on behalf of and responsible only to the commission. By way of illustration and without limiting thereby, the powers of the stewards shall include:

(1) Authority over all horses and all persons, licensed or unlicensed, on association grounds during a race meeting as to all matters relating to racing;

(2) To determine all questions, disputes, protests, complaints, or objections concerning racing which arise during a race meeting and to enforce such determinations;

(3) To suspend the license of a participant in racing, or eject or exclude from association grounds or any part thereof licensed or unlicensed persons upon reasonable belief that a violation of these rules has or is about to occur;

(4) To interpret and enforce these rules and determine all questions pertaining to a racing matter not specifically covered by these rules in conformity with justice and the customs of the turf, the same being subject to the powers and duties of the commission;

(5) To issue decisions or rulings pertaining to racing which shall supersede orders of the officers, directors, and officials of the association and which shall, if the stewards deem proper, vary any arrangement for the conduct of a race meeting, to include without limiting thereby, postponing a race, or cancelling a race, ruling a race run as "no contest."

(6) To request and receive assistance from commission employees, racing officials, members of the Thoroughbred Racing Protective Bureau, track security police, state or local police, in the investigation of possible rule infractions;

(7) To conduct hearings on all questions, disputes, protests, complaints, or objections concerning racing matters.

(8) In the event a regularly named rider or trainer or racing official other than a steward is unable for any reason to perform, the stewards may select a substitute therefor; upon suspicion of fraud or misconduct, the stewards may excuse a horse or replace any rider or trainer, or racing official other than a steward;

(9) All other powers enumerated in these rules.

Section 4. Duties and responsibilities of stewards. In addition to the duties and responsibilities necessary and pertinent to general supervision, control, and regulation of race meetings, and without limiting the authority of the stewards to perform same and other duties enumerated in these rules, the stewards shall have the following specific duties and responsibilities:

(1) To take cognizance of all misconduct or rule infractions irrespective of whether complained of, and to cause investigations to be made of all instances of possible rule infractions; to take such action as the stewards may deem necessary to prevent a rule infraction;

(2) At least one (1) steward shall be on association grounds from scratch time (or if not a racing day, when entries are first taken) until entries are closed. At least one (1) steward shall be present for the regular showing of racing

films or video tapes. All three (3) stewards shall be on association grounds for a continuous period beginning three (3) hours before post time for the first race until conclusion of the last race. All three (3) stewards shall be present in the stewards' stand during the running of each race;

(3) At least one (1) steward, or a designated representative of the stewards, shall be present in the paddock at least twenty (20) minutes before each race and remain there until the horses leave for the starting gate, to observe the conduct of all persons in and around the paddock and inspect, with the paddock judge and association veterinarian, all horses for fitness;

(4) To inspect all applications for licenses to participate in racing, and administer, or cause to be administered by technically qualified persons, standard examinations to all first-time applicants for a trainer, jockey, apprentice jockey, veterinarian, dental technician, or farrier license, and make recommendations to the commission as to the qualifications of all applicants for licenses to participate in racing;

(5) To review all licenses, registration certificates, and all contracts, papers, and other documents pertaining to the sale or ownership of a horse, payment of purse money, jockey and apprentice jockey contracts, appointments of agents, adoptions of racing colors or stable name, and determine the eligibility and appropriateness thereof for participation in racing under supervision of the stewards;

(6) To call for proof of eligibility of a horse or person to participate in a race if such is in question and in absence of sufficient proof to establish eligibility, the stewards may rule such horse or person ineligible;

(7) To review stall applications and advise the association of undesirable persons, if any, among owners and trainers applying for stalls and provide the association with information pertaining to such undesirable persons;

(8) To supervise the taking of entries and receive all declarations and scratches and determine all questions arising and pertaining to same; the stewards may in their discretion refuse the entry of any horse by any person, or refuse to permit a declaration or scratch, or may limit entries in any way;

(9) To look all pari-mutuel betting machines not later than the moment the starting gate is opened for the commencement of a race; to cause the "inquiry" sign to be posted on the infield odds board immediately after the horses have crossed the finish line in a race if any doubt is held by any steward or patrol judge as to the fairness of the running of such race; to cause the objection sign to be posted on the infield odds board upon the lodging of same; to cause the "official" sign to be posted on the infield odds board after determining the official order of finish for purposes of pari-mutuel payoff;

(10) To review the patrol films or video tapes of each day's races before commencement of the successive day's races and to draw up a list of riders (including all apprentice jockeys) whom the stewards feel should review such films for instructional purposes and cause same to be posted in the jockey's room. The patrol judges shall assist in making up the film list and attend all film showings whenever their other duties permit.

(11) To maintain a daily log, reporting all actions taken by the stewards on all controversies which arise during the day, such report to show name of track, date, weather, track condition, claims, results of saliva and urine tests, rulings issued, and any other circumstance or condition regarded as unusual, such reports to be signed by all three (3) stewards and filed within twenty-four (24) hours at the commission general office;

(12) To make periodic inspections of the barn area and check track security; to make occasional, informal visits to the jockeys' room and observe weighing out and check security; such inspections and observations made shall be noted in the stewards' report;

(13) To maintain a minute book which shall contain a detailed written record of all questions, disputes, protests, complaints, or objections brought to the attention of the stewards, summary of interviews taken thereon, reports of investigations thereon, together with rulings issued thereon; if a ruling is not unanimous, the dissenting steward shall record reasons for such dissent; such stewards' minute book shall be available to the commission for inspection at all times, but shall not be considered part of commission papers open to public inspection;

(14) Within seven (7) days after the conclusion of a race meeting, the stewards shall submit to the commission a written report setting out the condition of the meeting and association grounds, together with any recommendation for the improvement thereof which they may deem appropriate.

DUNCAN S. STEWART, SR., Secretary

ADOPTED: July 19, 1979

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: August 14, 1979 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: The Secretary, Kentucky State Racing Commission,
P.O. Box 1080, 1500 West Main Street, Lexington, Kentucky 40501.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
Division of Plumbing
(Proposed Amendment)

815 KAR 20:060. Quality and weight of materials.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.130

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to quality and weights of materials that will be used in the installation of plumbing systems.

Section 1. Materials, Quality of. All materials used in any drainage or plumbing system or part thereof, shall be free of defects.

Section 2. Label, Cast or Stamped. Each length of pipe, fitting, trap, fixture and device used in a plumbing or drainage system shall be stamped or indelibly marked with the weight or quality thereof, and, with the maker's mark or name.

Section 3. Vitrified Clay Pipe, Cement Asbestos Pipe, Concrete Pipe, Bituminous Fiber Pipe, Truss Pipe, Extra Heavy SDR 35 Sewer Piping, Polyethylene Sewer Piping, Polyethylene and Corrugated Polyethylene Subsoil Drainage Tubing.

(1) Vitrified clay pipe shall conform to ASTM Standard Specifications C-200.

(2) Cement asbestos pipe shall conform to ASTM Standard Specifications C-428.

(3) Concrete pipe shall conform to ASTM Standard Specifications C-14.

(4) Bituminous fiber pipe shall conform to ASTM Standard Specifications D-1861.

(5) Truss pipe shall conform to ASTM Standard Specifications D-2680-74. (Solid wall shall conform to ASTM Standard Specifications D-2751-74.)

(6) Extra heavy SDR 35 sewer piping shall conform to ASTM Standard Specifications D-3033-74 and D-3034-74.

(7) Polyethylene sewer piping shall conform to ASTM D-3350 and is limited for use between a septic tank and a distribution box or boxes.

(8) Polyethylene and corrugated polyethylene subsoil drainage tubing shall conform to ASTM Standard Specifications F-405-74 and shall bear the NSF seal of approval. No pipe or fittings shall be used unless the manufacturer of such material submits to the department a sample of the pipe and fittings that will be used along with an analysis of the material from a private testing laboratory approved by the department. Such a report must be submitted to the department on an annual basis as of July 1, of each year. Polyvinyl Chloride subsoil drainage tubing shall conform to ASTM D-2729. They shall have two (2) rows of three-fourths (¾) inch holes within an arch of 120 degrees of circumference of the piping and shall be on four (4) inch centers. Such tubing shall be visibly marked with the name of the manufacturer and the commercial standard number at ten (10) feet intervals.

Section 4. Cast-iron Pipe. (Hub and Spigot and No-Hub). (1) Extra heavy. Extra heavy cast-iron pipe and fittings shall conform to CS 188-59 and A74-69.

(2) Service-weight. Service-weight cast-iron pipe and fittings shall conform to A74-69, or 301-72.

(3) Coating. Cast-iron pipe and fittings for underground use shall be coated with asphaltum, coal tar pitch or using a coating conforming to ASTM A-174

Section 5. Wrought-Iron Pipe. All wrought-iron pipe shall conform to the latest ASTM "standard specifications for welded wrought iron pipe."

Section 6. Mild-Steel Pipe. All steel pipe shall conform to the latest ASTM "standard specifications for welded and seamless steel pipe."

Section 7. Brass pipe; Copper Pipe; and Brass Tubing. Brass pipe, copper pipe and brass tubing shall conform respectively to the latest standard specifications of ASTM for "brass pipe, copper pipe, and brass tubing, standard sizes."

Section 8. Borosilicate Pipe. (1) Borosilicate pipe shall conform to the latest ASTM standards.

(2) Plastic pipe. All plastic piping used in a drainage, waste and vent system shall be schedule 40 or 80, Type 1, Grade 1, polyvinyl chloride compounds as defined and described in tentative specifications for rigid polyvinyl chloride (PVC) (ASTM Designation: D 1784-75), or Schedule 40 or 80 acrylonitrile-butadiene-styrene compound as defined and described in standard specification for acrylonitrile-butadiene-styrene (ABS) (ASTM Designation: D 1788-73). Pipe and fittings shall be produced and

labeled in accordance with the provisions of Commerical Standard ASTM-D-2665-76, as amended, for PVC and ASTM-D-2661-76 for ABS, and both shall bear the NSF seal of approval. All pipe and fittings shall bear the ASTM designation together with the NSF seal, the manufacturer's identification and the size. The use of plastic pipe and fittings (PVC or ABS) as outlined herein shall be restricted to buildings where the *height does not exceed three (3) stories. Basements shall not be included if they are in a livable area.* [soil and/or waste and vent stack do not exceed thirty (30) feet in height, the vertical distance from the base of the stack to its terminus through the roof of the building.]

(3) Stainless steel tubing. Stainless steel tubing for hot and cold water piping must be Grade H conforming to CS A268-68. Stainless steel tubing for the soil, waste and vent system must be either Grade G or H conforming to CS A-268-68.

(4) Polyethylene pipe. Polyethylene pipe used in acid waste systems shall conform to D-1204-62T.

(5) Polypropylene pipe. Polypropylene pipe used in acid waste systems shall conform to ASTM D-2146-65T.

Section 9. Lead Pipe, Diameter, Weights. (1) Lead soil, waste and vent pipes shall be in accordance with the standards of the Lead Industries Association and Federal Specifications WW-P-325, which are identical in substance, and shall not be lighter than the following weights:

Size Inside Diameter In.	Commercial Designation "D" "XL"	Wall Thickness Inches	Weight Pounds	Per Foot Ounces
1½	D XL	0.138	3	8
2	D XL	0.142	4	12
3	D XL	0.125	6	0
4	D XL	0.125	8	0

(2) All lead bends and lead traps shall be of the weight known as extra heavy (XH) and shall have at least one-eighth (1/8) inch wall thickness. Weights for lead water service or supply pipes shall be according to the maximum working pressure in pounds per square inch as given in federal specifications WW-P-325.

Section 10. Sheet Lead. Sheet lead for shower pans shall weigh not less than four (4) lbs. per sq. ft. and shall weigh not less than three (3) lbs. per sq. ft. for vent pipe flashings.

Section 11. Sheet Copper or Brass. Sheet copper or brass shall not be lighter than No. 18 B. & S. gauge, except that for local and interior ventilating pipe it shall not be lighter than No. 26 B. & S. gauge.

Section 12. Threaded Fittings. (1) Plain screwed fittings shall be either cast-iron, malleable iron, or brass of standard weight and dimensions.

(2) Drainage fittings shall be either cast-iron, malleable iron, or brass, with smooth interior waterway, with threads tapped out of solid metal.

(3) All cast-iron fittings used in a water supply distribution shall be galvanized.

(4) All malleable iron fittings shall be galvanized.

Section 13. Caulking Ferrules. Caulking ferrules shall be of red brass and shall be in accordance with the following table:

Pipe Sizes Inches	Inside Diameter Inches	Length Inches	Minimum Weight Each
2	2¼	2½	1 lb. 0 oz.
3	3¼	4½	1 lb. 12 oz.
4	4¼	4½	2 lb. 8 oz.

Section 14. Soldering Nipples. Soldering nipples shall be recessed red cast brass, iron pipe size. When cast, they shall be full bore and of minimum weight.

Section 15. Floor Flanges for Water Closets and Service Sinks or Similar Fixtures. Floor flanges shall either be hard lead, brass, cast iron, galvanized malleable iron, ABS or PVC. Hard lead and brass flanges shall be not less than one-eighth (1/8) inch thick. Cast iron and galvanized malleable iron shall be not less than one-fourth (¼) inch thick and shall have a two (2) inch caulking depth.

Section 16. New Materials. Any material other than that specified in this code is prohibited unless such material is specifically approved by the State Plumbing Code Committee and the Department of Housing, Buildings and Construction as being equal to or better than the material specified herein. It shall be the responsibility of any person or company seeking the approval of a material not included in this code to prove to the satisfaction of such agencies that the material is equal to or better than the material for which it is intended to replace.

CARL SMOAK, Acting Commissioner

ADOPTED: August 15, 1979

APPROVED: DONALD N. RHODY, Deputy Secretary

RECEIVED BY LRC: August 15, 1979 at 3:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Eugene F. Perkins, Division of Plumbing, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
 Department of Housing, Buildings and Construction
 Division of Plumbing
 (Proposed Amendment)

815 KAR 20:090. Soil, waste and vent systems.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.130

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to material and the design of the soil, waste and vent systems that will be used in all types of plumbing systems that are constructed throughout the Commonwealth.

Section 1. Grades and Supports of Horizontal Piping. All horizontal pipings shall be run in practical alignment and at a uniform grade of not less than one-eighth (1/8) inch per foot, and shall be supported or anchored in ac-

cordance with the manufacturer's recommendations but in no instance to exceed ten (10) feet in length. All stacks shall be supported at their bases and all pipes shall be rigidly secured. No-hub pipe and fittings shall be supported at each joint of pipe and fittings. Polyvinyl chloride and acrylonitrile-butadiene-styrene schedule forty (40) horizontal piping shall be supported at intervals not to exceed five (5) feet and at the base of all vertical stacks and at all trap branches as close to the trap as possible. Polyethylene pipe and fittings must be continuously supported with a V channel. Stacks must be rigidly supported at their bases and at each floor level.

Section 2. Change in Direction. All changes in direction shall be made by the appropriate use of forty-five (45) degree wyes, half-wyes, quarter, sixth, eighth or sixteenth bends, except that a single sanitary tee may be used in a vertical stack, or a sanitary tee may be turned on its back or side at an angle of not more than forty-five (45) degrees.

Section 3. Prohibited Fittings. No double hub bend or double hub tee or inverted hubs shall be used on sewers, soil or waste line. The drilling and tapping of house sewers or house drains, soil, waste or vent pipes, and the use of saddle hubs and bands is prohibited. Double sanitary tees may be used on vertical soil, waste and vent lines. All pipes shall be installed without hubs or restrictions that would reduce the area or capacity of the pipe.

Section 4. Dead Ends. In the installation of any drainage system dead ends shall be avoided.

Section 5. Protection of Material. All pipes passing under or through walls shall be protected from breakage. All pipes passing through, or under cinder, concrete, or other corrosive material shall be protected against external corrosion.

Section 6. Materials. All main or branch soil, waste and vent pipes and fittings within or underneath a building shall be hub and spigot extra heavy or service weight cast iron, no-hub service weight cast iron, galvanized steel, galvanized wrought iron, lead, brass, Types K, L, M, DWV copper, standard high frequency welded tubing conforming to ASTM B-586-73, Types R-K, R-L, R-DWV brass tubing, DWV brass tubing conforming to ASTM B-587-73, seamless stainless steel tubing, Grade G or H conforming to CS-268-68, polyvinyl chloride schedule 40 or 80 conforming to ASTM D-2665-76 and D-1784-75, acrylonitrile-butadiene-styrene schedule 40 or 80 conforming to ASTM D-2661-76 and D-1788-73, silicon iron or borosilicate. All mains or branch soil waste and vent pipe and fittings underground shall either be hub and spigot extra heavy or service weight cast iron, Type K or L copper pipe, Type R-K, R-L brass tubing, lead, silicon iron or borosilicate *pipe and fittings or plastics DWV listed above.*

Section 7. Size of Waste Pipe Per Fixture Unit on Any One Stack. The following table, based on the rate of discharge from a lavatory as a unit, shall be employed to determine fixture equivalents.

Pipe Size (In Inches)	Maximum Developed Length	Fixture Units
1 ¼	25 ft.	1
1 ½	30 ft.	2
2	50 ft.	6
2 ½	100 ft.	12
3	225 ft.	30
4		96
5		180
6		420
8		1200
10		2400
12		4200

Section 8. Size of Combined Soil and Waste Pipe Per Fixture Unit on Any One (1) Stack. The following table, based on the rate of discharge from a lavatory as the unit, shall be employed to determine fixture equivalents.

Pipe Size (In Inches)	(Maximum Developed Length of Combined Soil and Waste and Vent)	Fixture Units
*3	100 ft.	24
4		96
5		180
6		420
8		1200
10		2400
12		4200

* Not more than two (2) water closets or two (2) bathroom groups.

Section 9. Soil and Waste Branch Interval. The total number of fixture units installed on any soil or waste branch interval shall not exceed one-half (½) of the fixture units set forth in the table in Section 8, above.

Section 10. Soil, and Vent Stacks. Every building in which plumbing fixtures are installed shall have a soil, waste and/or vent stack, or stacks extending full size through the roof, except as otherwise provided for in Sections 7 or 8 of this regulation. Soil, waste and/or vent stacks shall be as direct as possible and free from sharp bends or turns. The required size of the soil, waste and/or vent stack shall be determined from the total of all fixture units connected to the stack in accordance with Section 7 or 8 except that no more than two (2) water closets shall discharge into a three (3) inch stack.

Section 11. Future Openings. All openings left or installed in a plumbing system for future openings shall be complete with its soil and/or waste and vent piping and shall comply with all other sections of this code.

Section 12. House Drain. When a three (3) inch house drain enters a building it shall be provided with a three (3) inch stack. One (1) floor drain may be added to the house drain with a three (3) inch trap provided that it conforms with the requirements of Sections 26 and 29 of this regulation, without counting toward the fixture units of the system. Eight and one-half (8½) fixture units may be added to the three (3) inch house drain if an additional two (2) inch stack is provided, the fixtures are vented in accordance with Section 23 of this code, the center of the last fixture opening does not exceed ten (10) feet (horizontal measures) from the center line of the house drain and these

fixtures are installed on a lower level than the other fixtures in the system.

Section 13. Soil and Waste Stacks, Fixture Connections. All soil and waste stacks and branches shall be provided with correctly faced inlets for fixture connections. Each fixture shall be independently connected to the soil and/or waste system. Fixture connections to water closets, floor-outlet pedestal sinks, pedestal urinals, or other similar plumbing fixtures shall be made by either cast iron, lead, brass, copper, or plastic closet bends. All three (3) inch closet bends shall have a four (4) inch by three (3) inch flange.

Section 14. Changing Soil and Vent Pipes. In an existing building where the soil, waste and vent piping is not extended undiminished through the roof or where there is a sheet metal soil or waste piping such piping shall be replaced with appropriate sizes and materials as prescribed for new work when a fixture or fixtures are changed or replaced.

Section 15. Prohibited Connections. No fixture connection shall be made to a lead bend or a branch of a water closet or a similar fixture. Vent pipes above the highest installed fixture on a branch or main shall not be used as a soil or waste pipe.

Section 16. Soil, Waste and Vent Pipe Protected. No soil, waste, or vent pipe shall be installed or permitted outside a building unless adequate provision is made to protect it from frost. The piping must be wrapped with one (1) layer of heavy hair felt and at least two (2) layers of two (2) ply tar paper, all properly bound with copper wire or in lieu thereof, the vent shall be increased to full size, the size of the increaser required as if it were passing through the roof.

Section 17. Roof Extensions. All roof extensions of soil and waste stacks shall be run full size at least one (1) foot above the roof, and when the roof is used for other purposes than weather protection, such extensions shall not be less than five (5) feet above the roof. All stacks less than three (3) inches in diameter shall be increased to a minimum of three (3) inches in diameter before passing through a roof. When a change in diameter is made the fitting must be placed at least one (1) foot below the roof.

Section 18. Terminals. If a roof terminus of any stack or vent is within ten (10) feet of the top, bottom, face or side edge of any door, window, scuttle, or air shaft, and not screened from such an opening by a projecting roof or building wall, it shall be extended at least two (2) feet above the top edge of the window or opening.

Section 19. Terminals Adjoining High Buildings. No soil, waste or vent pipe extension of any new or existing building shall be run or placed on the outside of a wall, but shall be carried up in the inside of the building unless the piping is protected from freezing. In the event, the new building is built higher than the existing building, the owner of the new building shall not locate windows within ten (10) feet of any existing vent stack on the lower building.

Section 20. Traps, Protected; Vents. Every fixture trap shall be protected against siphonage and backpressure. Air circulation shall be assured by means of an individual vent. Crown vents are not permitted.

Section 21. Distance of Trap from Vent. (1) The distance between the vent and the fixture trap shall be measured along the center line of the waste or soil pipe from the vertical inlet of the trap to the vent opening. The fixture trap vent, except for water closets and similar fixtures, shall not be below the dip of the trap, and all ninety (90) degree turns in the water line of the main waste, soil, or vent pipes shall be washed. Each fixture trap shall have a vent located with a developed length not greater than that set forth in the table below:

Size of Fixture Drain (In Inches)	Distance-Trap to Vent
1 ¼	2 ft. 6 in.
1 ½	3 ft. 6 in.
2	5 ft.
3	6 ft.
4	10 ft.

(2) A fixture branch on a water closet shall not be more than three (3) feet.

Section 22. Main Vents to Connect at Base. When a main vent or vent stack is used, it shall connect full size at the base of the main soil or waste pipe at or below the lowest fixture branch and shall extend undiminished in size through the roof or shall be reconnected with the main soil or vent stack at least six (6) inches above the rim of the highest fixture. This section shall not apply to one (1) and two (2) story installations. When it becomes necessary to increase a vertical vent stack it then becomes a main vent and must comply with other sections of this code.

Section 23. Vents; Required Sizes. (1) The required size of a vent or vent stacks shall be determined by the total number of fixture units it serves and the developed length of the vent, in accordance with the following table, interpolating, when necessary, between permissible length of vent given in the following table.

MAXIMUM PERMISSIBLE LENGTHS OF VENTS		
Pipe Size (In Inches)	Maximum Length (In Feet)	Fixture Units
1 ¼	30	2
1 ½	150	8
2	200	18
2 ½	250	36
3	300	72
4	400	240
5	600	420
6	800	720

(2) If a fixture opening is installed more than twenty-five (25) feet of developed length from the point where it is connected to the main soil or waste systems, or, if more than ten (10) feet of vertical piping is used, the vent shall be continued full size through the roof or returned full size to the main vent.

Section 24. Branch and Individual Vents. In no instance shall a branch or individual vent be less than one and one-fourth (1¼) inches in diameter and shall not exceed the maximum length permitted for a main vent.

Section 25. Vent Pipes Grades and Connections. All vent and branch vent pipes shall be free from drops or sags and be so graded and connected as to drip back to the soil or waste pipe by gravity. Where vent pipes connect to a

horizontal soil or waste pipe, the vent branch shall be taken off above the center line of the pipe, and the vent pipe must rise vertically at an angle of forty-five (45) degrees to the vertical, to a point six (6) inches above the fixture it is venting before offsetting horizontally or connecting to the branch, main, waste, soil or vent.

Section 26. Vents Not Required. Vents will not be required on a back-water trap, or a subsoil catch basin trap, or a basement floor drain provided that the basement floor drain is the first opening on the house drain and that the basement floor drain branches into the house drain so that measuring along the flow line from the center of the stack, the floor drain shall not be closer than five (5) feet to the stack, nor farther than twenty (20) feet. The floor drain line shall be four (4) inches above the house drain. All floor drains on a house drain in between stacks shall be vented. All floor drains shall be the caulk-on-type.

Section 27. When Common Vent Permissible. Where two (2) water closets, two (2) lavatories or two (2) of any fixtures of identical purpose are located on opposite sides of a wall or partition, or directly adjacent to each other within the prescribed distance as set forth in Section 21 of this regulation measured along the center line of the flow of water, the fixtures may have a common soil or waste pipe and a common vent. It shall be vented in accordance with the other sections of this code.

Section 28. Floor Drain Individual Vent Not Required. Manufacturers' floor drains do not require individual vents when they are placed on a waste line for floor drains only within the prescribed distance of ten (10) feet from the main waste line, or stack, provided the base of the stack is washed and the stack or stacks are undiminished through the roof, or connected to a main vent stack.

Section 29. A Basement Floor Drain Does Not Require an Individual Vent. A basement floor drain does not require an individual vent if it conforms to Section 26 of this regulation, or if it is the first floor drain on the main and is ahead of all sanitary openings and is not farther than five (5) feet from the main.

Section 30. House Drain Material. House drains shall be either extra heavy cast iron, service weight cast iron, brass Type (K) or (L) copper, lead, ABS or PVC plastic, or duriron.

Section 31. Indirect Waste Connections. Waste pipe from a refrigerator drain or any other receptacle where food is stored or waste water from a water cooled compressor, shall connect indirectly with the house drain, soil or waste pipe. The drain shall be vented to the outside air. Such waste pipes shall discharge into an open sink or another approved open receptacle that is properly supplied with water in accordance with other sections of this code. Such connections shall not be located in an inaccessible or unventilated area.

Section 32. Bar and Soda Fountain Wastes. Bar and soda fountain wastes, sinks and receptacles shall have a one and one-half (1½) inch P trap and branches. The main shall not be less than two (2) inches. The fresh air pipe shall not be less than one and one-half (1½) inches. The main waste line shall discharge into a properly vented and trapped open receptacle inside or outside a building. Food storage compartment drains shall be indirectly connected

through a trapped receptacle whose upper edge is raised at least one (1) inch above the finished floor line.

Section 33. Open Receptacles. Soil or waste piping receiving the discharge from an open receptacle shall be at least six (6) inches above the surface of the ground when it discharges into a septic system.

Section 34. Refrigerator Wastes. Refrigerator waste pipes shall not be less than one and one-half (1½) inches for one (1) to three (3) openings, and at least two (2) inches for four (4) to eight (8) openings. Each opening shall be trapped. Such waste piping shall be provided with sufficient cleanouts to allow for thorough cleaning.

Section 35. Overflow Pipes. Waste from a water supply tank or exhaust from a water lift shall not directly connect to a house drain, soil, or waste pipe. Such waste pipe shall discharge upon a roof or into a trapped open receptacle.

Section 36. Acid and Chemical Wastes. Except as provided herein, no corrosive liquids shall be permitted to discharge into the soil, waste or sewer system. Such waste shall be thoroughly diluted or neutralized by passing through a properly constructed and acceptable dilution or neutralizing pit before entering the house sewer.

Section 37. Laboratory Waste Piping. Laboratory waste piping shall be sized in accordance with the other sections of this code. Each fixture shall be individually trapped. A continuous waste and vent pipe system may be used, provided the waste discharges into a vented dilution pit outside the building with a vent equal to the size of the drain. The vent may be eliminated when a pit has a ventilated cover. If under certain conditions a dilution pit is not required and is not used, each fixture shall be individually vented. If construction conditions permit, the base of the stack of the continuous waste and vent system shall be washed by the last fixture opening, and continue full size independently through the roof. All fixture branches exceeding more than the distance specified in the table in Section 21 of this regulation from the main shall be revented. The distance shall be measured from the center of the main to the center of the vertical riser. Fixture connections shall rise vertically to a height so that the trap will not be lower than twelve (12) inches from the bottom of the sink. Two (2) or more sinks may be connected into a common waste before entering the riser of the continuous waste and vent system, provided the fixtures are not more than five (5) feet from the center of one (1) fixture to the center of the other.

Section 38. Acid Waste Piping. Underground piping for acid wastes shall be extra heavy salt glazed vitrified pipe, silicon iron, lead, polyethylene pipe and fittings conforming to PS 10-69, PS 11-69, and PS 12-69, polypropylene pipe conforming to ASTM D-2146-65T, or other materials approved by the department. Piping for acid wastes and vents above ground shall be of silicon iron, lead, borosilicate, or polyethylene pipe conforming to PS 10-69, PS 11-69, and PS 12-69, or reinforced thermosetting resin pipe conforming to ASTM D-2996 (green or poly thread).

Section 39. Special Vents. Flat or wet vents serving a plumbing fixture may be constructed only with special per-

mission when a plumbing system is being remodeled or when additions are added to an original system.

CARL SMOAK, Acting Commissioner

ADOPTED: August 15, 1979

APPROVED: DONALD N. RHODY, Deputy Secretary
RECEIVED BY LRC: August 15, 1979 at 3:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Eugene F. Perkins, Division of Plumbing, Department of Housing, Buildings and Construction, The 127 Building, US 127 South, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
Division of Plumbing
(Proposed Amendment)

815 KAR 20:110. Traps and clean-outs.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.010, 318.130

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the quality, location and the placing of traps and clean-outs to prevent harmful gases and odors from entering buildings and homes that are served by plumbing systems.

Section 1. Traps, Kind and Minimum Size. Every trap shall be self-cleaning. Traps for bathtubs, lavatories, sinks and other similar fixtures shall either be tubular brass, tubular ABS or PVC conforming to ASTM F-409, cast brass, cast iron, lead or schedule 40 PVC (polyvinyl chloride) or ABS (acrylonitrile-butadiene-styrene) traps. Tubular or schedule 40 PVC or ABS p-traps may be either the union-joint or solvent welded type. Tubular brass traps shall be seventeen (17) gauge. No tubular brass, tubular PVC or ABS [or schedule 40 ABS] traps shall be installed below the finished floor serving a fixture. Traps shall have a full-bore, smooth interior waterway. The threads in cast brass and cast iron traps shall be tapped out of solid metal. Lead traps shall be extra heavy.

Section 2. Traps, Prohibited. A trap which depends upon the action of movable parts or concealed interior partitions for its seal shall not be used.

Section 3. Traps, Where Required. Each fixture shall be separately trapped by a water-seal trap placed as near to the fixture as possible not to exceed ten (10) inches from the bottom of the fixture to the dip of the seal. In no case shall the waste from a bathtub or other fixture discharge into a water closet bend. No fixture shall be double trapped.

Section 4. Water Seal. A fixture trap shall have a water seal of not less than two (2) inches nor more than four (4) inches.

Section 5. Trap Clean-Outs. Trap clean-outs are optional.

Section 6. Trap Levels and Protection. All traps shall be set true with respect to their water seals and shall be protected from frost and evaporation.

Section 7. Pipe Clean-Outs. The bodies of clean-out ferrules shall be made in standard pipe sizes, conforming in thickness to that of pipe and fittings and shall extend not less than one-quarter (1/4) inch above the hub in which it is placed. The clean-out cap, or plug shall be heavy red brass not less than one-eighth (1/8) inch thick and shall have a raised nut or recessed pocket for removal.

Section 8. Pipe Clean-Outs, Where Required. A clean-out easily accessible, shall be provided at the base of each vertical waste or soil stack. There shall be at least two (2) clean-outs in the house drain, one (1) at or near the base of the stack and the other with full size Y branch inside the building at a point not beyond two (2) feet from the foundation wall. Clean-outs shall be of the same nominal size as the pipe it serves up to four (4) inches, and not less than four (4) inches for larger pipe.

Section 9. Manholes. All underground clean-outs in a building, except where clean-outs are flush with the floor or wall, shall be made accessible by a manhole or with a proper cover.

Section 10. Clean-Outs (Equivalents). Any floor or wall connection of a fixture trap whether bolted or screwed to the floor or wall, shall be regarded as a clean-out with the exception of the clean-out where the house drain enters a building.

Section 11. Grease Traps. When a grease trap is installed, it shall be placed as near as possible to the fixture it serves and shall be approved by the department. All grease traps used inside a building shall have a sealed cover and shall be properly vented. Grease traps may be installed whenever a private sewage disposal system is used but must be installed to serve restaurants and food handling establishments.

Section 12. Sand Traps. Sand traps shall be designed and located so as to be readily accessible and shall meet the requirements of the department.

Section 13. Basement Floor Drains. A basement floor drain shall connect into a trap so constructed that it can be readily cleaned and of a size to serve efficiently the purpose for which it is intended. When subject to back flow or back pressure, such drains shall be equipped with an adequate back-water valve. The trap seal shall be at least four (4) inches above the flow line of the house drain.

Section 14. Back Water Valves. A back water valve shall be of non-corrosive metals and so constructed as to insure a positive mechanical seal except when discharging wastes.

Section 15. Utility Room Floor Drains. A utility room floor drain with an individual waste shall be provided with a two (2) inch vent increased to three (3) inches before passing through the roof of a building.

Section 16. Directional Flow Fittings and Continuous-Waste. Kitchen sink units, or fixtures with more than one (1) unit may be connected with a continuous-waste, provid-

ed a directional flow fitting is used. Continuous-waste shall be either seventeen (17) gauge tubular brass or schedule 40 ABS or PVC or tubular ABS or PVC material.

CARL SMOAK, Acting Commissioner

ADOPTED: August 15, 1979

APPROVED: DONALD N. RHODY, Deputy Secretary

RECEIVED BY LRC: August 15, 1979 at 3:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Eugene F. Perkins, Division of Plumbing, Department of Housing, Buildings and Construction, The 127 Building, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
Division of Plumbing
(Proposed Amendment)

815 KAR 20:120. Water supply and distribution.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.130

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the types of piping, pipe sizes for a potable water supply system and the methods to be used to protect and control it.

Section 1. Quality. The bacteriological and chemical quality of the water supply shall comply with the regulations of the department.

Section 2. Distribution. The water supply shall be distributed through a piping system entirely independent of any other piping system.

Section 3. Water Service. The water service piping to any building shall be not less than three fourths ($\frac{3}{4}$) inch but shall be of sufficient size to permit a continuous and ample flow of water to all fixtures on all floors at all times. The water service may be laid in the same trench with the house sewer provided the water piping is benched eighteen (18) inches above the sewer.

Section 4. Water Supply to Fixtures. Plumbing fixtures shall be provided with a sufficient supply of water for flushing to keep them in a sanitary condition. Every water closet or pedestal urinal shall be flushed by means of an approved tank or flush valve. The tank or valves shall furnish at least a four (4) gallon flushing capacity for a water closet and at least a two (2) gallon capacity for a urinal. When a water closet, urinal, or similar fixture is supplied directly from the water supply system through a flushometer or other valve, such valves shall be set above the fixture in a manner so as to prevent any possibility of polluting the potable water supply by back siphonage. All such fixtures shall have a vacuum breaker. Plumbing fixtures, devices or appurtenances shall be installed in a manner that will prevent any possibility of a cross connection between the potable water supply system, drainage system or other water system.

Section 5. Water Supply to Drinking Fountains. The orifice of a drinking fountain shall be provided with a protective cowl to prevent any contamination of the potable water supply system.

Section 6. Sizing of Water Supply Piping. (1) The minimum size water service from the property line to the water heater shall be three-fourths ($\frac{3}{4}$) inch. The hot and cold water piping shall extend three-fourths ($\frac{3}{4}$) inch in size to the first fixture branch regardless of the kind of material used. When galvanized iron pipe is used the distribution piping shall be arranged so that no two (2) one-half ($\frac{1}{2}$) inch fixture branches are supplied from any one-half ($\frac{1}{2}$) inch pipe.

(2) The following schedule shall be used for sizing the water supply piping to fixtures:

Fixture Branches	Size Minimum Inches
Sill Cocks	1/2
Hot water boilers	3/4
Laundry trays	1/2
Sinks	1/2
Lavatories	3/8
Bathtubs	1/2
Water closet tanks	3/8
Water closet flush valves	1

Section 7. Water Supply Pipes and Fittings, Materials. Water supply piping for a potable water system shall be of galvanized wrought iron, galvanized steel, brass, Types K, L, and M copper, cast iron, Types R-K, R-L, and R-M brass tubing, standard high frequency welded tubing conforming to ASTM B-586-73, fusion welded copper tubing conforming to ASTM B-447-72 and ASTM B-251, DWV welded brass tubing conforming to B-587-73, seamless stainless steel tubing, Grade H conforming to CS A-268-68, reinforced thermosetting resin pipe conforming to ASTM D-2996 (red thread for cold water use and silver and green thread for hot and cold). Polyethylene plastic pipe conforming to ASTM D-2239-69, PVC plastic pipe conforming to ASTM 1785, and CPVC plastic pipe conforming to CS D-2846-70, PVC SDR 21 and SDR 26 conforming to ASTM D-2241, plastic pipe and fittings shall bear the NSF seal of approval. Polybutylene hot and cold water connectors to lavatories, sinks and water closets shall conform to ASTM 3309, and polybutylene plastic pipe conforming to ASTM 2662 for cold water applications only. Fittings shall be brass, copper or approved plastic or galvanized cast iron or galvanized malleable iron. Piping or fittings that have been used for other purposes shall not be used for the water distribution system. All joints in the water supply system shall be made of screw, solder, or plastic joints. Cast iron water pipe joints may be caulked, screwed, or machine drawn. When Type M Copper pipe, Type R-M brass tubing, standard high frequency welded tubing or stainless steel tubing is placed within a concrete floor or when it passes through a concrete floor it shall be wrapped with an approved material that will permit expansion or contraction. In no instance shall Polyethylene, PVC or CPVC be used below ground under any house or building.

Section 8. Temperature and Pressure Control Devices for Shower Installations. Temperature and pressure control devices shall be installed on all shower installations that will maintain an even temperature and pressure and will provide non-scald protection. Such devices shall be in-

stalled on all installations other than in homes or apartment complexes.

Section 9. Water Supply Control. A main supply valve shall be placed inside a foundation wall. Each fixture or each group of fixtures shall be valved and each lawn sprinkler opening shall be valved.

Section 10. Water Supply Protection. All concealed water pipes, storage tanks, cisterns, and all exposed pipes or tanks subject to freezing temperatures shall be protected against freezing. Water services shall be installed at least thirty (30) inches in depth.

Section 11. Temperature and Pressure Relief Devices for Water Heaters. Temperature and pressure relief devices shall be installed on all water heaters on the hot water side not more than three (3) inches from the top of the heater. Temperature and pressure relief devices shall be of a type approved by the department. When a water heater is installed in a location that has a floor drain the discharge from the relief device shall be piped to within two (2) inches of the floor; when a water heater is installed in a location that does not have a floor drain, the discharge from the relief device shall be piped to the outside of the building with an ell turned down and piped to within four (4) inches of the surface of the ground. Relief devices shall be installed on a pneumatic water system.

Section 12. Protection of a Private Water Supply or Source. Private water supplies or sources shall be protected from pollution in a manner approved by the department. Such approval shall be obtained before an installation is made.

Section 13. Trap Primer Valves. Trap primer valves that conform to ASSE 1018 shall be installed on all traps connected to floor drains in all buildings except residential complexes with less than eight (8) units as well as traps that serve condensate drains for either heating or air-conditioning equipment.

Section 14. [Section 13.] Water Distribution and Connections to Mobile Homes. (1) An adequate and safe water supply shall be provided to each mobile home conforming to the regulations of the department.

(2) All materials, including pipes and fittings used for connections shall conform with the other sections of this code.

(3) An individual water connection shall be provided at an appropriate location for each mobile home space. The connection shall consist of a riser terminating at least four (4) inches above the ground with two (2) three-fourths ($\frac{3}{4}$) inch valve outlets with screw connection, one (1) for the mobile home water system and the other for lawn watering and fire control. The ground surface around the riser pipe shall be graded so as to divert surface drainage. The riser pipe shall be encased in an eight (8) inch vitrified clay pipe or equal with the intervening space filled with an insulating material to protect it from freezing. An insulated cover shall be provided which will encase both valve outlets but not prevent connection to the mobile home during freezing weather. A shut-off valve may be placed below the

frost depth on the water service line, but in no instance shall this valve be a stop-and-waste cock.

CARL SMOAK, Acting Commissioner

ADOPTED: August 15, 1979

APPROVED: DONALD N. RHODY, Deputy Secretary
RECEIVED BY LRC: August 15, 1979 at 3:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Eugene F. Perkins, Division of Plumbing, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES Kentucky Drug Formulary Council (Proposed Amendment)

902 KAR 1:025. Pentaerythritol tetranitrate.

RELATES TO: KRS 217.814 to 217.826,
217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Pentaerythritol Tetranitrate pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Pentaerythritol Tetranitrate Pharmaceutical Products. The following Pentaerythritol Tetranitrate tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Pentaerythritol Tetranitrate 10 mg. Tablet Form:

[(a) Midapet: Midway Medical Company;]

(a) [(b)] Pentaerythritol Tetranitrate: Bell Pharmacal, Bolar Pharmaceuticals, Cooper Drug Company, [Cooper Drug Division,] *Generix Drug Company*, Geneva Drugs, Ltd., Geneva Generics, H. L. Moore Drug Exchange, Lederle Laboratories, McKesson Laboratories, Murray Drug Corporation, Pace-Bond Drug Company, Paramount Surgical Supply Corporation, Parmed Pharmaceuticals, Pharnecon, Inc., Philips-Roxane Laboratories, Purepac Pharmaceuticals, Richie Pharmacal, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories, [and] Zenith Laboratories[, Inc.];

(b) *Pentafin: Tutag Pharmaceuticals;*

(c) Peritrate: Warner/Chilcott;

(d) Tetrat: Vanguard Laboratories.

(2) Pentaerythritol Tetranitrate 20 mg. Tablet Form:

[(a) Midapet: Midway Medical Company;]

(a) [(b)] Pentaerythritol Tetranitrate: Bell Pharmacal, Bolar Pharmaceuticals, Cooper Drug Company, [Cooper Drug Division,] *Generix Drug Company*, Geneva Drugs, Ltd., Geneva Generics, H. L. Moore Drug Exchange, Lederle Laboratories, McKesson Laboratories, Murray Drug Corporation, Pace-Bond Drug Company, Paramount Surgical Supply Corporation, Parmed Pharmaceuticals, Pharnecon, Inc., Philips-Roxane

Laboratories, Purepac Pharmaceuticals, Richie Pharmacal, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories, [and] Zenith Laboratories[, Inc.];

- (b) *Pentran No. 2*: Halsey Drug Company;
- (c) Peritrate: Warner/Chilcott; [and]
- (d) Tetrate: Vanguard Laboratories.

KENNETH P. CRAWFORD, M.D., Chairperson

ADOPTED: July 13, 1979

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Andy Naff, Kentucky Drug Formulary Council, 275
East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES Kentucky Drug Formulary Council (Proposed Amendment)

902 KAR 1:030. Erythromycin.

RELATES TO: KRS 217.814 to 217.826,
217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the Council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Erythromycin pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent. This regulation relates to three (3) separate entities of erythromycin, viz: erythromycin base; erythromycin stearate; erythromycin ethyl succinate.

Section 1. Erythromycin Base Pharmaceutical Products. The following Erythromycin base pharmaceutical products, 250 mg. solid oral dosage form, are considered to be therapeutically equivalent: Erythromycin Base 250 mg. Solid Oral Dosage Form:

- (1) EMycin: Upjohn Company;
- (2) Erythromycin Base: Abbott Laboratories, Bocan Drug Company, I.L.I. Atlanta, Murray Drug Corporation, Richie Pharmacal Company;
- (3) Ilotycin: Eli Lilly and Company;
- (4) KessoMycin: McKesson Laboratories;
- (5) Robimycin: A. H. Robins Company;
- (6) RPmycin: Reid Provident Laboratories.

Section 2. Erythromycin Stearate Pharmaceutical Products. The following Erythromycin stearate pharmaceutical products; 125 mg., 250 mg. and 500 mg., solid oral dosage form, are considered to be therapeutically equivalent, in each respective dosage:

- (1) Bristamycin: Bristol Laboratories;
- (2) Erypar: Parke-Davis and Company;
- (3) Erythrocin Stearate Filmtab: Abbott Laboratories;
- (4) Erythromycin Stearate: Barr Laboratories, Basic Drugs Company, [Barr Laboratories,] Bell Pharmacal,

Bioline Laboratories, Columbia Medical Company, Cooper Drug Company, Generix Drug Corporation, Geneva Generics, H. L. Moore Drug Exchange, Interstate Drug Exchange, Lederle Laboratories, McKesson Laboratories, Murray Drug Corporation, Mylan Pharmaceuticals, Paramount Surgical Supply Corporation, Parmed Pharmaceuticals, Pharmacon, Inc., Philips-Roxane Laboratories, Purepac Pharmaceuticals, Rexall Drug Company, Richie Pharmacal Company, Rondex Laboratories, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, Three P Products, Thrift Drug Company, United Research Laboratories, Walgreens, Wyeth Laboratories, Zenith Laboratories;

- (5) Ethril: E. R. Squibb and Sons;
- (6) Pfizer-E: Pfizer Laboratories;
- (7) QIDmycin: Mallinckrodt Chemical Works;
- (8) Ronvet: Geneva Drugs, Ltd;
- (9) SK-Erythromycin: Smith, Kline and French Laboratories;
- (10) Van-Mycin: Vanguard Laboratories.

(Note: All manufacturers may not produce the products listed above in all dosage forms.)

Section 3. Erythromycin Ethyl Succinate Pharmaceutical Products. The following Erythromycin ethyl succinate pharmaceutical products: oral suspension; chewable tablets; drops 100 mg/2.5 ml; and granules 200 mg/5 ml are considered to be therapeutically equivalent within the respective dosage form:

- (1) Erythromycin Oral Suspension 200 mg/5 ml Form:
 - (a) Erythrocin Liquid: Abbott Laboratories;
 - (b) Pediamycin: Ross Laboratories.
- (c) *Wyamycin Liquid*: Wyeth Laboratories.
- (2) Erythromycin Chewable Tablet Form:
 - (a) Erythrocin: Abbott Laboratories;
 - (b) Pediamycin: Ross Laboratories.
- (3) Erythromycin Drops 100 mg/2.5 ml Form:
 - (a) Erythrocin: Abbott Laboratories;
 - (b) Pediamycin: Ross Laboratories.

KENNETH P. CRAWFORD, M.D., Chairperson

ADOPTED: July 13, 1979

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Andy Naff, Kentucky Drug Formulary Council, 275
East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES Kentucky Drug Formulary Council (Proposed Amendment)

902 KAR 1:035. Chlorpheniramine maleate.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)
PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs

and pharmaceuticals. This regulation lists Chlorpheniramine Maleate pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Chlorpheniramine Maleate Tablet Pharmaceutical Products. The following chlorpheniramine maleate tablet pharmaceutical products are determined to be therapeutically equivalent: Chlorpheniramine Maleate 4 mg. Tablet Form:

(1) Chlorpheniramine Maleate: Bell Pharmacel, Bolar Pharmaceuticals, Columbia Medical Company, Cooper Drug Company, *Danbury Pharmacal*, [Division of Chromalloy Pharmaceuticals,] Geneva Generics, H. L. Moore Drug Exchange, ICN Pharmaceuticals, Lederle Laboratories, McKesson Laboratories, Murray Drug Corporation, Pace-Bond Drug Company, Paramount Surgical Supply Corporation, Parmed Pharmaceuticals, Pharmecon Inc., Philips-Roxane Laboratories, Purepac Pharmaceuticals, Richie Laboratories, Rugby Laboratories, Steri-Med Inc., Theda Corporation, Tutag Pharmaceuticals, United Research Laboratories, Zenith Laboratories;

(2) Chlorphen: Vanguard Laboratories;

(3) Chlor-Trimeton: Schering Corporation.

Section 2. Chlorpheniramine Maleate Syrup Pharmaceutical Products. The following chlorpheniramine maleate syrup pharmaceutical products are determined to be therapeutically equivalent: Chlorpheniramine Maleate 2 mg/5 ml Syrup Form:

(1) Chloridamine Syrup: National Pharmaceutical;

(2) Chlorphen: Vanguard Laboratories;

(3) Chlorpheniramine Maleate: Bay Laboratories.

KENNETH P. CRAWFORD, M.D., Chairperson

ADOPTED: July 13, 1979

APPROVED:

PETER D. CONN, Secretary

RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Andy Naff, Kentucky Drug Formulary Council, 275
East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:040. Penicillin-G.

RELATES TO: KRS 217.814 to 217.826,
217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Penicillin-G pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Penicillin-G Tablet Pharmaceutical Products. The following Penicillin-G tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Penicillin-G 100,000 USP Units Tablet Form:

(a) Potassium Penicillin-G: Columbia Medical Company, Eli Lilly and Company, H. L. Moore Drug Exchange, Murray Drug Corporation;

(b) Vanpen-G: Vanguard Laboratories.

(2) Penicillin-G 200,000 USP Units Tablet Form:

(a) Kesso-Pen: McKesson Laboratories;

(b) Pen-Tabs: Rexall Drug Company;

(c) Potassium Penicillin-G: Bell Pharmacal [Company], Columbia Medical Company, H. L. Moore Drug Exchange, Mylan Pharmaceuticals [Laboratories], Murray Drug Corporation, Parmed Pharmaceuticals, Philips-Roxane Laboratories, Richie Pharmacal Company, Rogers Wholesalers, Rugby Laboratories, Spencer-Mead, Inc., Three P Products Corporation, United Research Laboratories, Walgreens, Wyeth Laboratories, *Zenith Laboratories*;

(d) Pentids: E. R. Squibb and Sons, Inc.;

(e) Pfizerpen G: Pfizer Laboratories;

(f) Vanpen G: Vanguard Laboratories.

(3) Penicillin-G 250,000 USP Units Tablet Form:

(a) Kesso-Pen: McKesson Laboratories;

(b) Pen-Tabs: Rexall Drug Company;

(c) Pfizerpen G: Pfizer Laboratories;

(d) Potassium Penicillin-G: Bell Pharmacal, Columbia Medical Company, Cooper Drug Company, Eli Lilly and Company, H. L. Moore Drug Exchange, Interstate Drug Exchange, Lederle Laboratories, Mylan Pharmaceuticals [Laboratories], Murray Drug Corporation, Parmed Pharmaceuticals, Philips-Roxane Laboratories, Purepac Pharmaceutical, Richie Pharmacal Company, Rogers Wholesalers, Rondex Laboratories, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, Three P Products Corporation, United Research Laboratories, Walgreens, Wyeth Laboratories, *Zenith Laboratories*;

(e) Vanpen G: Vanguard Laboratories.

(4) Penicillin-G 400,000 USP Units Tablet Form:

(a) G-Recillin: Reid Provident;

(b) Kesso-Pen: McKesson Laboratories;

(c) Pen-Tabs: Rexall Drug Company;

(d) Pentids "400": E. R. Squibb and Sons, Inc.;

(e) Pfizerpen G: Pfizer Laboratories;

(f) Potassium Penicillin G: Bell Pharmacal, Columbia Medical Company, Cooper Drug Company, Geneva Generics, H. L. Moore Drug Exchange, Interstate Drug Exchange, Lederle Laboratories, Mylan Pharmaceuticals [Laboratories], Murray Drug Corporation, Parmed Pharmaceuticals, Parke, Davis and Company, Philips-Roxane Laboratories, Purepac Pharmaceutical, Rogers Wholesalers, Rondex Laboratories, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, Three P Products Corporation, United Research Laboratories, Walgreens, Wyeth Laboratories, *Zenith Laboratories*;

(g) QIDpen G: Mallinckrodt [Chemical Works];

(h) SK-Penicillin G: Smith, Kline and French Laboratories;

(i) Vanpen G: Vanguard Laboratories.

(5) Penicillin-G 500,000 USP Units Tablet Form:

(a) Pen-Tabs: Rexall Drug Company;

(b) Potassium Penicillin-G: Columbia Medical Company, H. L. Moore Drug Exchange, Mylan Pharmaceuticals, Richie Pharmacal Company, Spencer-Mead, Inc.;

- (c) Vanpen G: Vanguard Laboratories.
- (6) Penicillin-G 800,000 USP Units Tablet Form:
- (a) Pentids "800": E. R. Squibb and Sons, Inc.;
- (b) Pfizerpen G: Pfizer Laboratories.
- (c) *Potassium Penicillin-G: Mylan Pharmaceuticals;*
- (d) [(c)] SK-Penicillin G: Smith, Kline and French Laboratories.

Section 2. Penicillin-G Oral Liquid Pharmaceutical Products. The following Penicillin-G pharmaceutical products for oral liquids are determined to be therapeutically equivalent, in each respective dosage:

- (1) Penicillin-G Oral 200,000 Units/5 ml Liquid Form:
- (a) Kesso-Pen: McKesson Laboratories;
- (b) Potassium Penicillin G: *Mylan Pharmaceuticals, Rugby Laboratories;*
- (c) SK-Penicillin G: Smith, Kline and French Laboratories;
- (d) Vanpen G: Vanguard Laboratories.
- (2) Penicillin-G Oral 250,000 Units/5 ml Liquid Form:
- (a) G-Recillin: Reid-Provident;
- (b) Potassium Penicillin G: Richie Pharmacal Company;
- (c) Sugarcillin: Upjohn Company;
- (d) Vanpen G: Vanguard Laboratories.
- (3) Penicillin-G Oral 400,000 Units/5 ml Liquid Form:
- (a) G-Recillin: Reid-Provident;
- (b) Kesso-Pen: McKesson Laboratories;
- (c) Pfizerpen G: Pfizer Laboratories;
- (d) Potassium Penicillin G: *Mylan Pharmaceuticals, Rugby Laboratories;*
- (e) SK-Penicillin G: Smith, Kline and French Laboratories;
- (f) Vanpen G: Vanguard Laboratories.

KENNETH P. CRAWFORD, M.D., Chairperson

ADOPTED: July 13, 1979

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Andy Naff, Kentucky Drug Formulary Council, 275
East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES Kentucky Drug Formulary Council (Proposed Amendment)

902 KAR 1:080. Acetaminophen.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)
PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Acetaminophen pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Acetaminophen Tablet Pharmaceutical Products. The following Acetaminophen tablet phar-

maceutical products are determined to be therapeutically equivalent, in each respective dosage: Acetaminophen 325 mg. Tablet Form:

- (1) Acetaminophen: Beecham[-Massengill Pharmaceuticals] Laboratories, Bell Pharmacal Company, Geneva Generics, Lederle Laboratories, Murray Drug Corporation, Mylan Pharmaceuticals, Pace-Bond Drug Company, Pharmecon, Inc., Philips-Roxane Laboratories, Rexall Drug Company, Richie Pharmacal Company, Rugby Laboratories, Steri-Med, Inc., Theda Corporation, United Research Laboratories, Vanguard Laboratories, *Zenith Laboratories;*
- (2) APAP: H. L. Moore Drug Exchange, Paramount Surgical Supply Corporation, Richie Pharmacal Company[, Zenith Laboratories];
- (3) Apenol: Purepac Pharmaceutical, Rondex Laboratories;
- (4) Atrinol: Cooper Drug Company;
- (5) Genebs: Generix Drug Corporation;
- (6) Janupap: Tutag Pharmaceuticals;
- (7) Nebs: Eaton Laboratories;
- (8) Par "5": Parmed Pharmaceuticals;
- (9) Phenaphen: A. H. Robins Company (Acetaminophen Formula);
- (10) SK-APAP: Smith, Kline and French Labs.;
- (11) Tapar: Parke, Davis and Company;
- (12) Tempra: Mead Johnson and Company;
- (13) Tylenol: McNeil Laboratories;
- (14) Valadol: E. R. Squibb and Sons, Inc.

Section 2. Acetaminophen Drops Pharmaceutical Products. The following Acetaminophen drops pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Acetaminophen 60 mg/0.6 ml Drops:

- (1) Tempra: Mead Johnson and Company;
- (2) Tylenol: McNeil Laboratories.

Section 3. Acetaminophen Liquid Pharmaceutical Products. The following Acetaminophen pharmaceutical products: liquid suspension 120 mg./5 ml and elixir 120 mg/5 ml are considered to be therapeutically equivalent, with the respective dosage form. Acetaminophen Liquid Suspension and Elixir 120mg/5 ml (Cautionary Note: While all these products have been evaluated as being therapeutically equivalent on the basis of their active drug components, "appropriate dispensing precautions" should be exercised for those individuals who are either diabetic or on contraindicated drugs.):

- (1) Acetaminophen: Abbot Laboratories, Barre Drug Company, Beecham Massengill Pharmaceuticals, Bell Pharmacal, Geneva Generics, H. L. Moore Drug Exchange, Lederle Laboratories, Murray Drug Corporation, Parmed Pharmaceuticals, *Purepac Pharmaceuticals, Theda Corporation, Vanguard Laboratories;*
- (2) APAP Elixir: Henry Schein, Inc., Richie Pharmacal Company, Rugby Laboratories, *Three P Products Corporation;*
- (3) Cen-Apap: The Central Pharmacal Company;
- (4) Nebs: Eaton Laboratories;
- (5) SK-APAP: Smith, Kline and French Laboratories;
- (6) Tapar: Parke, Davis and Company;
- (7) Tempra Syrup: Mead Johnson and Company;
- (8) Tylenol: McNeil Laboratories;
- (9) Valadol Liquid: E. R. Squibb and Sons, Inc.

Section 4. Acetaminophen Capsule Pharmaceutical Products. The following acetaminophen capsule phar-

maceutical products are determined to be therapeutically equivalent, in each respective dosage: Acetaminophen 500 mg Capsule Form: Richie Pharmacal Company; Zenith Laboratories.

KENNETH P. CRAWFORD, M.D., Chairperson

ADOPTED: July 13, 1979

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Andy Naff, Kentucky Drug Formulary Council, 275
East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES

Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:081. Acetaminophen with Codeine.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)
PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Acetaminophen with Codeine pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Acetaminophen with Codeine *Tablet* Pharmaceutical Products. The following acetaminophen with codeine tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) 300 mg. Acetaminophen with 15 mg. Codeine Tablet Form:

(a) Acetaminophen with Codeine: ICN Pharmaceuticals, Halsey Drug Company, Philips-Roxane Laboratories, Rugby Laboratories;

(b) Par "5" with Codeine: Parmed Pharmaceuticals;

(c) Tylenol with Codeine: McNeil Laboratories.

(2) 300 mg. Acetaminophen with 30 mg. Codeine Tablet Form:

(a) Acetaminophen with Codeine: Beecham Laboratories, *Generix Drug Corporation*, Geneva Generics, ICN Pharmaceuticals, Halsey Drug Company, Interstate Drug Exchange, Philips-Roxane Laboratories, *Purepac Pharmaceuticals*, Richie Pharmacal Company, Rugby Laboratories;

(b) Codap: Tutag Pharmaceuticals;

(c) Empracet with Codeine: Burroughs-Wellcome;

(d) PAPA-DEINE: Vanguard Laboratories;

(e) [(d)] Tylenol with Codeine: McNeil Laboratories.

(3) 300 mg. Acetaminophen with 60 mg. Codeine Tablet Form:

(a) Acetaminophen with Codeine: ICN Pharmaceuticals, Philips-Roxane Laboratories;

(b) Empracet with Codeine [(#4)]: Burroughs-Wellcome;

(c) PAPA-DEINE: Vanguard Laboratories;

(d) [(c)] Tylenol with Codeine: McNeil Laboratories.

Section 2. Acetaminophen with Codeine *Elixir* Pharmaceutical Products. The following acetaminophen with

codeine elixir pharmaceutical products are determined to be therapeutically equivalent in each respective dosage: Acetaminophen 120 mg/5 ml with codeine 12 mg/5 ml:

(1) Acetaminophen with codeine: Henry Schein, Inc., Murray Drug Corporation, National Pharmaceutical;

(2) PAPA-DEINE: Vanguard Laboratories.

KENNETH P. CRAWFORD, M.D., Chairperson

ADOPTED: July 13, 1979

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Andy Naff, Kentucky Drug Formulary Council, 275
East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES

Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:140. Sulfisoxazole tablet.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Sulfisoxazole pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Sulfisoxazole Tablet Pharmaceutical Products. The following sulfisoxazole tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Sulfisoxazole 500 mg. Tablet Form: (Therapeutic equivalence is determined for Geneva Generics only, if manufactured by Cord Laboratories after June 1977.)

(1) Gantrisin: Roche Laboratories;

(2) SK-soxazole: Smith, Kline and French Laboratories;

(3) Sosol: McKesson Laboratories;

(4) Sulfalar: Parke, Davis and Company;

(5) Sulfisoxazole: Barr Laboratories, *Generix Drug Corporation*, Geneva Generics, *ICN Pharmaceuticals*, Lederle Laboratories, Murray Drug Corporation, Mylan Pharmaceuticals, Parmed Pharmaceuticals, Philips-Roxane [Labs.], *Purepac Pharmaceuticals*, Richie Pharmacal Company, *Richlyn Laboratories*, Rondex Laboratories, *Spencer-Mead, Inc.*, *Steri-Med, Inc.*, Theda Corporation, United Research Laboratories, *Zenith Laboratories*;

(6) V-Sul [Vsul]: Vanguard Laboratories.

KENNETH P. CRAWFORD, M.D., Chairperson

ADOPTED: July 13, 1979

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Andy Naff, Kentucky Drug Formulary Council, 275
East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:210. Nitroglycerin [Tablet].

RELATES TO: KRS 217.814 to 217.826,
217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Nitroglycerin pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Nitroglycerin Tablet Pharmaceutical Products. The following nitroglycerin tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

- (1) Nitroglycerin 0.3mg. Tablet Form:
 - (a) Nitroprn: Warner/Chilcott;
 - (b) Nitroglycerin: Eli Lilly and Company;
 - (c) Nitrostat: Parke Davis and Company.
- (2) Nitroglycerin 0.4mg. Table Form:
 - (a) Nitroprn: Warner/Chilcott;
 - (b) Nitroglycerin: Eli Lilly and Company;
 - (c) Nitrostat: Parke Davis and Company.
- (3) Nitroglycerin 0.6mg. Table Form:
 - (a) Nitroprn: Warner/Chilcott;
 - (b) Nitroglycerin: Eli Lilly and Company;
 - (c) Nitrostat: Parke Davis and Company.

Section 2. Nitroglycerin Capsule Pharmaceutical Products. The following nitroglycerin capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

- (1) Nitroglycerin 2.5 mg. Capsule Form: Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation;
- (2) Nitroglycerin 6.5 Capsule Form: Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation.

KENNETH P. CRAWFORD, M.D., Chairperson
ADOPTED: July 13, 1979

APPROVED: PETER D. CONN, Secretary
RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Andy Naff, Kentucky Drug Formulary Council, 275
East Main Street, Frankfort, Kentucky 40621.

mulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Pseudoephedrine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Pseudoephedrine Hydrochloride Tablet Pharmaceutical products. The following pseudoephedrine hydrochloride tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Pseudoephedrine Hydrochloride 30 mg. Tablet Form:

(a) Pseudoephedrine Hydrochloride: Geneva Drugs, Ltd., Murray Drug Corporation, Pace-Bond Drug Company [Co.], Paramount Surgical Supply Corporation, Spencer-Mead, Inc., Zenith Laboratories;

(b) Sudafed: Burroughs Wellcome.

(2) Pseudoephedrine Hydrochloride: 60 mg. Tablet Form:

(a) Pseudoephedrine Hydrochloride: Cooper Drug Company, Geneva Drugs, Ltd., Geneva Generics, H. L. Moore Drug Exchange, Murray Drug Corporation, Pace-Bond Drug Co., Paramount Surgical Supply Corporation, Pharnecon, Inc., Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories, Vanguard Laboratories, Zenith Laboratories;

(b) Sudafed: Burroughs Wellcome.

Section 2. Pseudoephedrine Hydrochloride Syrup Pharmaceutical Products. The following pseudoephedrine hydrochloride syrup pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Pseudoephedrine Hydrochloride 30mg/5ml Syrup Form:

- (1) Decofed: Barre Drug Company, Pharnecon, Inc.;
- (2) Novafed: Dow Pharmaceuticals; (Cautionary Note: Contains Alcohol)
- (3) Pseudoephedrine Hydrochloride: Geneva Generics, Henry Schein, Inc., Spencer-Mead, Inc., Three P Products Corporation, Vanguard Laboratories;
- (4) Sudafed: Burroughs Wellcome.

KENNETH P. CRAWFORD, M.D., Chairperson
ADOPTED: July 13, 1979

APPROVED: PETER D. CONN, Secretary
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SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Andy Naff, Kentucky Drug Formulary Council, 275
East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:270. Pseudoephedrine Hydrochloride.

RELATES TO: KRS 217.814 to 217.826,
217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a for-

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:290. Ferrous sulfate [tablet].

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)
PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a for-

mulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Ferrous Sulfate pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Ferrous Sulfate Enteric Coated Tablet Pharmaceutical Products. The following ferrous sulfate enteric coated Tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Ferrous Sulfate Enteric Coated Tablets 5 gr.:

- [(1) Enseals: Eli Lilly and Company;]
- [(1) [(2)] Feosol: Smith, Kline and French, Labs.;
- [(2) [(3)] Ferrous Sulfate: *Eli Lilly and Company*, Generix Drug Corporation, Parmed Pharmaceuticals.

Section 2. Ferrous Sulfate Sugar Coated Tablet Pharmaceutical Products. The following ferrous sulfate sugar coated pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Ferrous Sulfate Sugar Coated Tablets 5 gr.:

- [(1) Ferrous Sulfate: Bell Pharmacal Company, Columbia Medical Company, Cooper Drug Company, Geneva Generics, Generix Drug Corporation, *Halsey Drug Company*, H. L. Moore Drug Exchange, *ICN Pharmaceuticals*, Lederle Laboratories, Murray Drug Corporation, *Mylan Pharmaceuticals* [Laboratories], *Parke-Davis and Company*, Philips-Roxane Laboratories, *Phoenix Laboratories*, Purepac Pharmaceuticals, Richie Pharmacal, Rondex Laboratories, Rugby Laboratories, Theda Corporation, *Trust Pharmaceuticals*, Tutag Pharmaceuticals, United Research Laboratories, Vanguard Laboratories;

[(2) Film Seals: Parke-Davis and Company;]

[(2) [(3)] Neo-Vadrin: First Texas Pharmaceuticals.

Section 3. Ferrous Sulfate Drops Pharmaceutical Products. The following ferrous sulfate drops pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Ferrous Sulfate 15[-16] mg/0.6 ml (Elemental Iron) Drops:

- [(1) Fer-In-Sol: Meade Johnson Laboratories;
- [(2) Fer-Iron-Drops: Bay Laboratories.

Section 4. Ferrous Sulfate Elixir Pharmaceutical Products. The following ferrous sulfate elixir pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Ferrous Sulfate 220 mg/5 ml Elixir Form: Ferrous Sulfate: Bay laboratories, Henry Schein, Inc.

KENNETH P. CRAWFORD, M.D., Chairperson
ADOPTED: July 13, 1979

APPROVED: PETER D. CONN, Secretary
RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Andy Naff, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:322. Triprolidine and pseudoephedrine hydrochloride [syrups].

RELATES TO: KRS 217.814 to 217.826 and 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride Syrup Pharmaceutical Products. The following Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride syrup pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Triprolidine Hydrochloride 1.25 mg. and Pseudoephedrine Hydrochloride 30 mg. Syrup Form:

- [(1) Actacin: Vanguard Laboratories;
- [(2) Actagen: Generix Drug Corporation;
- [(3) Actamine: H. L. Moore Drug Exchange;
- [(4) Allerfrin: Rugby Laboratories;
- [(5) Allerphed: Spencer-Mead, Inc.;
- [(6) Actifed: Burroughs Wellcome;
- [(7) Actipar: Parmed Pharmaceuticals;
- [(8) Isocap: Cooper Drug Company;
- [(9) Pseudodine: Bay Laboratories;
- [(10) Rafeed Syrup: *Three P Products Corporation*;
- [(11) [(10)] Tagafed: Tutag Pharmaceuticals;
- [(12) [(11)] Suda-Prol: Columbia Medical Company;
- [(13) [(12)] Triacin: Murray Drug Corporation, Richie Pharmacal Company, National Pharmaceutical Manufacturing Company;
- [(14) [(13)] Triafeed: Henry Schein, [Incorporated] Inc.;
- [(15) [(14)] Trifed: Geneva Generics;
- [(16) [(15)] Triprolidine and Pseudoephedrine: *ICN Pharmaceuticals*, Purepac Pharmaceuticals.

Section 2. Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride Tablet Pharmaceuticals. The following Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Triprolidine Hydrochloride 2.5 mg. and Pseudoephedrine Hydrochloride 60 mg. tablet form:

- [(1) Allerfrin: Rugby Laboratories;
- [(2) Tagafed: Tutag Pharmaceuticals;
- [(3) Trifed: Geneva Generics;
- [(4) Triprolidine and Pseudoephedrine: *Pharmadyne Laboratories*.

KENNETH P. CRAWFORD, M.D., Chairperson
ADOPTED: July 13, 1979

APPROVED: PETER D. CONN, Secretary
RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Andy Naff, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:324. Hyoscyamine sulfates.

RELATES TO: KRS 217.814 to 217.826,
217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Hyoscyamine Sulfate, Atropine Sulfate, Hyoscine Hydrobromide and Phenobarbital pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Hyoscyamine Sulfate, Atropine Sulfate, Hyoscine Hydrobromide and Phenobarbital Tablet Pharmaceutical Products. The following Hyoscyamine Sulfate 0.1037 mg., Atropine Sulfate 0.0194 mg., Hyoscine Hydrobromide 0.0065 mg., and Phenobarbital 16.2 mg. tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Hyoscyamine Sulfate 0.1037 mg., Atropine Sulfate 0.0194 mg., Hyoscine Hydrobromide 0.0065 mg. and Phenobarbital 16.2 mg. Tablet Form:

- (1) Barbidonna: Mallinckrodt;
- (2) *Belladonna Alkaloids with Phenobarbital: Philips-Roxane Laboratories, Trust Pharmaceuticals;*
- (3) [(2)] Donnatal: A. H. Robins Company;
- (4) [(3)] Don-A-Spas: Richie Pharmacal;
- (5) [(4)] Relaxadon: Geneva Generics;
- (6) [(5)] Sedacord: Cooper Drug Company [Division, Chromalloy Pharmaceuticals];
- (7) *Sedapar: Parmed Pharmaceuticals;*
- (8) [(6)] Setanine: Tutag Pharmaceuticals;
- (9) [(7)] Spalix: Reid-Provident Laboratories;
- (10) [(8)] Spaslin: Blaine Company, Inc.,
- (11) [(9)] Spasmolin: *Danbury Pharmacal, Murray Drug Corporation;*
- (12) [(10)] Theda Spas: Theda Corporation;
- (13) [(11)] Vanatal: Vanguard Laboratories.

Section 2. Hyoscyamine Sulfate, Atropine Sulfate, Hyoscine Hydrobromide and Phenobarbital Capsule Pharmaceutical Products. The following Hyoscyamine Sulfate 0.1037 mg., Atropine Sulfate 0.0194 mg., Hyoscine Hydrobromide 0.0065 mg., and Phenobarbital 16.2 mg. capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Hyoscyamine Sulfate 0.1037 mg., Atropine Sulfate 0.0194 mg., Hyoscine Hydrobromide 0.0065 mg., and Phenobarbital 16.2 mg. Capsule Form:

- (1) Donnatal: A. H. Robins Company;
- (2) Vanatal: Vanguard Laboratories.

Section 3. Hyoscyamine Sulfate, Atropine Sulfate, Hyoscine Hydrobromide and Phenobarbital Elixir Pharmaceutical Products. The following Hyoscyamine Sulfate 0.1037 mg., Atropine Sulfate 0.0194 mg., Hyoscine Hydrobromide 0.0065 mg., and Phenobarbital 16.2 mg. elixir pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Hyoscyamine Sulfate 0.1037 mg., Atropine Sulfate 0.0194

mg., Hyoscine Hydrobromide 0.0065 mg., and Phenobarbital 16.2 mg. Elixir Form:

- (1) Antispasmodic Elixir: Generix Drug Corporation, Henry Schein, Inc., Spencer-Mead, Inc., Three P Products;
- (2) Barophen Elixir: Barre Drug Company, Murray Drug Corporation;
- (3) Bay-Ase Elixir: Bay Laboratories;
- (4) *Belladonna Alkaloids with Phenobarbital: Philips-Roxane Laboratories;*
- (5) [(4)] Donna-Phenal Elixir: Columbia Medical Company;
- (6) [(5)] Don-A-Spas Elixir: Richie Pharmacal Company;
- (7) [(6)] Donnamor Elixir: H. L. Moore Drug Exchange;
- (8) [(7)] Donnatal Elixir: A. H. Robins Company;
- (9) [(8)] Hyoscyamine Sulfate, Atropine Sulfate, Hyoscine Hydrobromide and Phenobarbital: Cooper Drug Company [Division, Chromalloy Pharmaceuticals];
- (10) [(9)] Hyosphen Elixir: Rugby Laboratories;
- (11) [(10)] Sedapar Elixir: Parmed Pharmaceuticals;
- (12) [(11)] Theda Spas Elixir: Theda Corporation;
- (13) [(12)] Vanatal Elixir: Vanguard Laboratories.

KENNETH P. CRAWFORD, M.D., Chairperson

ADOPTED: July 13, 1979

APPROVED: PETER D. CONN, Secretary
RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Andy Naff, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40621.

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

902 KAR 4:020. Care of eyes.

RELATES TO: KRS 211.180

PURSUANT TO: KRS 13.082, 194.050, 211.090

NECESSITY AND FUNCTION: KRS 211.180 directs the Department for Human Resources to prevent and control communicable, chronic and degenerative diseases and to protect the health of infants. The purpose of this regulation is to protect the eyes of the newborn in order to *reduce the risk of blindness* [prevent blindness].

Section 1. Care of Eyes of Newborn. The physician or midwife in attendance at childbirth shall use the following procedure: Cleanse *around* the eyes of the newborn infant immediately after birth with sterile water, wipe dry with clear absorbent cotton, open the eyelids carefully and deposit one (1) or two (2) drops of one (1) percent solution of Silver Nitrate ($AgNO_3$) into the conjunctival sac. *Single dose containers of Silver Nitrate ($AgNO_3$) shall be used. Subsequent irrigation of the eyes is not recommended.* [Prompt subsequent irrigation of the eyes with sterile isotonic saline solution shall be done in order to reduce the incidence of chemical conjunctivitis.]

ROBERT SLATON, Commissioner

ADOPTED: July 12, 1979

APPROVED: PETER D. CONN, Secretary
RECEIVED BY LRC: July 19, 1979 at 9:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

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

902 KAR 20:040. Family care homes; operation and services.

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

PURSUANT TO: KRS 13.082, 216.425

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

Section 1. Scope. This regulation relates to the operation and services rendered by a family care home (formerly licensed as mini care homes).

Section 2. Definitions. (1) A family care home is a home operated and maintained to provide twenty-four (24) hour protective and personal care services in residential accommodations for two (2) or three (3) individuals who are not related within the third degree of consanguinity to the licensee and who because of impaired capacity for self care elect or require a protective environment but who do not have an illness, injury, or disability for which constant medical care and skilled nursing services are required. The term "home" as used in this regulation means a family care home.

(2) "Impaired capacity for self care" includes residents who have a mental or physical limitation which decreases his/her ability to function in a normal adult manner or whose daily living is normalized through the use of prescription medications. Such individuals do not have the ability to function independent of the protective environment in their daily living.

(3) "Protective environment" refers to the provision of those services (emergency health care, nutritional needs, personal grooming, or freedom from injury) which the resident is not capable of providing for him or herself in a safe and/or sanitary manner.

Section 3. Essential Characteristics. The essential characteristics of a family care home are as follows:

(1) The home maintains a bed for each resident. Never more than one (1) resident to a bed.

(2) The licensee who resides in the home and provides twenty-four (24) hour supervision of and assistance to the residents.

(3) A record is maintained for each resident.

(4) All residents are mobile to the extent that they are not bedfast, and can either walk unassisted, or with mechanical assistance not requiring the attention of another person.

(5) There is supervision of medications ordered by physicians for residents.

(6) There are arrangements for physician's services for residents when required.

(7) Food served to residents meets their nutritional needs.

(8) There are arrangements with other health agencies and facilities for residents who, at some time, may require a transfer to a different level of care.

(9) The home maintains standards of comfort and safety in keeping with the needs of the residents.

(10) Provisions are made to involve the resident in community activities, and to activate the resident in a beneficial way, within the home.

(11) There is a written procedure for providing or obtaining emergency services.

Section 4. Licensure. No person shall provide family care home services without having first obtained a license from the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board. All family care homes shall comply with the provisions of this regulation in order to qualify for licensing and for the renewal thereof.

Section 5. Licenses. (1) Upon submission of a properly completed license application form together with prescribed fee, a family care home operating prior to July 1, 1975 that has been determined through a site inspection to be in compliance with the standards listed herein, or in substantial compliance and with a plan to achieve compliance as soon as appropriate but not later than the date of expiration of the license, may be issued a license by the Certificate of Need and Licensure Board.

(2) Family care homes not operating prior to July 1, 1975 must be in compliance with the standards listed herein to be licensed.

Section 6. Management and Personnel. (1) *The family care home operator shall be a mature, literate adult who is responsible and who has knowledge and understanding of the needs of adults who require protective and personal care services.*

(2) [(1)] The person submitting an application for licensure of a family care home shall be the person directly responsible for the twenty-four (24) hour daily operation of the home or for delegating that responsibility to another similarly qualified individual when a temporary absence is necessary. The name of that individual to whom the responsibility may be designated shall be in writing and available to the agents of the board inspecting the home.

(3) [(2)] Each licensee shall attend at least one (1) training program for family care home operators per year as offered or approved by the Department for Human Resources.

(4) [(3)] The licensee and all full-time or part-time help utilized by the licensee shall be in good health and free of communicable diseases. They shall be able to show proof of an annual examination for TB by a physician or the local health department.

(5) [(4)] The licensee shall keep a notebook located on the premises and available for inspection by the board's agents. The notebook shall contain the following information typed or in ink about each resident:

(a) Name and sex.

(b) Date of arrival and birthdate.

(c) Relatives (if any) or responsible agencies and their addresses.

(d) Name of physician and phone numbers.

(e) Amount charged per week or month as compensation for care.

(f) Date of departure.

(g) Other relevant information including physician visits and/or assessment reports.

(6) [(5)] Phone numbers of a hospital, an ambulance service, fire department, and a physician for emergencies shall be posted by the telephone in large legible print if phone service is available in the area.

(7) [(6)] An accident report on a resident shall be written and one (1) copy kept on file and made available to the board agents within seven (7) days of the incident. The original shall be sent to the *Office of Inspector General, Division for Licensing and Regulation, 275 East Main Street, [107 Bridge Street] Frankfort, Kentucky.*

(8) [(7)] A family care home shall not be used as a boarding home for infants and children under the age of eighteen (18) years.

(9) [(8)] No persons under eighteen (18) years of age shall operate a family care home.

(10) [(9)] The licensee shall keep any other records as required by the licensing authority.

Section 7. Medical Requirements. (1) No licensee shall knowingly admit or retain a resident suffering from a communicable disease which is reportable to the local health department, except a (noninfectious) tuberculosis patient under continuing medical supervision for his/her tuberculosis disease. The licensee shall show evidence a concerted effort has been made to obtain for a resident a physical examination by a physician within a reasonable time (three (3) months) prior to or after arrival at the home.

(2) If admitted from another facility a discharge summary or transfer form shall be included in the resident's record. Medical evaluation including medical history, physical examination and diagnosis shall be included (may be a copy of discharge summary, history and physical report from hospital or other health facility, if done within fourteen (14) days prior to admission to the home).

(3) It shall be the responsibility of the licensee to obtain the services of a physician in case of accident or acute illness of any resident.

(4) All medications prescribed for residents shall be noted, in writing, as given with the date, time and dosage, and signed by the person administering the medication.

(5) Medication shall not be administered to any resident except on the written order of a physician. When medication requires administration by a trained person, arrangements shall be made to procure the services of such a person.

(6) Medications shall be kept in a locked cabinet.

(7) Self-administration of prescription medications shall be allowed only upon the written instructions of the attending physician and a record shall be maintained as in subsection (4) above.

(8) Residents admitted or retained for care shall not require because of illness, injury or disease, a degree of care exceeding the skill of the operator to perform. Failure to comply with this standard shall be the basis for immediate revocation of the home's license.

Section 8. Personal Care. The following standards are considered minimal: (1) Responsible residents shall not be detained against their will.

(2) The residents shall be treated in a manner which will preserve their feelings of self-worth and human dignity; have visitation rights; the right to a degree of privacy; and be allowed to worship in the way they choose.

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

(4) Residents shall not be physically punished in any way. They shall not be held in seclusion for any reason and restraints shall not be used.

(5) Residents shall be encouraged to perform activities of daily living for themselves and shall be given assistance when necessary.

(6) Residents may volunteer their services to help care for the home but they shall not be required to help in the home.

(7) Residents shall be appropriately dressed at all times and given assistance, when needed, in maintaining proper body hygiene and good grooming.

(8) Each resident shall have their individual:

(a) Clean wash cloth and towel;

(b) Toothbrush;

(c) Brush and comb;

(d) Other appropriate toilet articles; and

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

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

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

(11) Residents shall be encouraged to take part in social activities both within and without the home.

Section 9. Dietary Requirements. (1) Food shall be prepared with consideration for any individual dietary requirement.

(2) Menus shall be planned and written according to a definite pattern. A written record shall be kept of all foods served, including food offered as a bedtime snack.

(3) Nutrition needs shall be met in accordance with the current recommended dietary allowances of the Food and Nutrition Board of the National Research Council. The following daily food guide for adults is based on these allowances:

(a) Milk: Appropriate servings of milk relative to resident needs. A portion may be served in cooked form such as creamed dishes, desserts, etc.

(b) Meat group: Two (2) or more servings of protein food of good quality. This can include fish, beans, poultry, and cheese.

(c) Vegetable and fruit group: Four (4) or more servings. One (1) serving of vegetables equals one-half (½) cup.

(d) Bread and cereal group: Four (4) or more servings of whole grain, enriched or restored. One (1) slice of bread equals one (1) serving. One-half (½) cup cereal equals one (1) serving. This can include corn, potatoes, or rice.

(e) Butter or margarine: Some of either each day as a seasoning, and as a spread.

(4) Other foods: Serve other foods as necessary to round out meals, satisfy individual appetites, improve flavor and meet the individual's nutritional and calorie needs. Snacks may also be used for this purpose.

(5) Food returned from residents' dishes shall not be served again in any form.

(6) Therapeutic diets: Special diets or dietary restrictions shall be medically prescribed.

(7) At least three (3) meals per day shall be served with not more than a fourteen (14) hour span between the evening meal and breakfast. Between meal snacks should be available to residents except when conflicting with special diets prescribed by a licensed physician.

(8) All food shall be stored above the floor in such a manner as to be protected from dust, flies, vermin, or other forms of contamination.

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

(10) All type food showing evidence of spoilage or infestation shall be disposed of immediately upon detection.

(11) Floors, walls, ceilings, lighting fixtures, storage areas and equipment shall be kept clean and in good repair. Windows and doors shall be screened, kept in repair, and clean.

Section 10. Housekeeping and Sanitation. Each family care home shall:

(1) Be kept in good repair and shall be clean, uncluttered and sanitary at all times;

(2) Eliminate odors at their source by prompt and thorough cleaning of commodes, and other obvious sources;

(3) Screen all windows and other openings and keep curtains clean and in good repair in all windows in rooms used by residents;

(4) Maintain the premises in such a manner as to prevent infestation by rodents and insects;

(5) Give soiled clothing and linens immediate attention and not allow them to accumulate;

(6) Not permit any clothing or bedding used by one resident to be used by another until it has been laundered or dry cleaned;

(7) Change bed linens as often as necessary to provide a clean bed at all times and place rubber or other waterproof material (excluding papers) over the mattress whenever necessary;

(8) Dispose of wastes in a sanitary manner into a public sewage system where available, or if none is available, into a system which shall meet the requirements of the Department for Human Resources. Outside provisions can be allowed only if local county health departments approve this in their regulations; and

(9) Collect and dispose of all garbage, refuse, trash, and litter in compliance with applicable state and local laws and regulations. Garbage containers shall be made of metal or other impervious material and shall be water tight and rodent proof and shall have tight-fitting covers.

Section 11. Accommodations. Each family care home shall: (1) Be safe and of substantial construction and comply with applicable state and local laws relating to location, zoning, plumbing, and sanitation, including insect and rodent control;

(2) Be adequately lighted at all times by natural or artificial light including each hall, stairway, entryway, vestibule, patient area, kitchen, and bathroom;

(3) Have a water supply of a safe, sanitary quality approved by the local health department;

(4) Have an ample supply of hot and cold running water available at all times for general use;

(5) Have appropriate sanitary toilet and bathing facilities conveniently available for resident use;

(6) Have adequate ventilation in all resident use areas, and if there is no window, toilet rooms shall be vented to the outside;

(7) Have an exterior window which can be opened in each resident room;

(8) Place beds occupied by residents so that no residents may experience discomfort because of proximity to radiators, heat outlets or exposure to drafts;

(9) Not use "bunk" beds;

(10) Have beds that are no less than thirty-three (33) inches wide and six (6) feet long;

(11) Not house residents in rooms or detached buildings or other enclosures which have not been previously in-

spected and approved for resident use, or in basements not constructed for sleeping quarters. Approved basements must have an outside door.

(12) Not be located in a house trailer or motor homes.

(13) Ensure that porches, patios and other outside areas of the residence are of substantial construction with protective railings where necessary.

(14) Provide a heating system which can maintain an even temperature, and capable of maintaining seventy-two (72) degrees Fahrenheit in resident used areas;

(15) Have telephone service if available in the area, accessible to the residents;

(16) Have no more than three (3) persons residing in the home who are not related to the operator within the third degree of consanguinity;

(17) Provide for insect and rodent control; and

(18) Provide no less than one (1) toilet and lavatory per six (6) persons residing in the home, including residents receiving care, licensee and family.

Section 12. Safety. Each family care home shall: (1) Have a fire control and evacuation plan;

(2) Have an adequate number of ABC-rated fire extinguishers located throughout the home;

(3) Have a person in charge thoroughly oriented in the evacuation of the residents in the event of a fire; and

(4) Have non-slippery floors and shall not have scatter rugs over uncarpeted floors.

MASON C. RUDD, Chairman

ADOPTED: July 11, 1979

RECEIVED BY LRC: August 9, 1979 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mason C. Rudd, Chairman, Kentucky Health Facilities and Health Services, Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance (Proposed Amendment)

904 KAR 1:010. Payment for physician services.

RELATES TO: KRS 205.550[(4)], 205.560[(4)]

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a program of Medical Assistance under Title XIX of the Social Security Act. KRS 205.550[(4)] and 205.560[(4)] require that the secretary prescribe the methods for determining costs for vendor payments for medical care services. This regulation sets forth the method for establishing payment for physician services.

Section 1. Amount of Payment. Payment for covered services rendered to eligible medical assistance recipients is based on the physicians' usual, customary, reasonable and prevailing charges.

Section 2. Definitions. For purposes of determination of payment: (1) Usual and customary charge refers to the

uniform amount the individual physician charges in the majority of cases for a specific medical procedure or service.

(2) Prevailing charge refers to those charges which fall within the range of charges as computed by the use of a pre-determined and established statistical percentile. Prevailing charges for each medical procedure are derived from the overall pattern existing within each medical service area.

Section 3. Method and Source of Information on Charges. (1) Effective October 1, 1974, the individual fee profiles for participating physicians were generated from historical data accumulated from charges submitted and processed by the medical assistance program during all of calendar year 1973.

(2) Effective October 1, 1974, the Title XIX prevailing fee maximums were generated from the same historical data as referenced in subsection (1) of this section.

(3) Effective October 1, 1974, the Title XVIII, Part B, current reasonable charge profiles were utilized by the medical assistance program to comply with 45 C.F.R. section 250.30, now recodified as 42 C.F.R. 447.341 [42 C.F.R. 450.30].

(4) Effective October 1, 1974, the Title XVIII, Part B, current prevailing charge data was utilized by the medical assistance program to comply with 45 C.F.R. section 250.30, now recodified as 42 C.F.R. 447.341 [42 C.F.R. 450.30].

(5) Percentile:

(a) The Title XIX prevailing charges were established by utilizing the statistical computation of the seventy-fifth (75th) percentile.

(b) The Title XVIII, Part B, prevailing charges were established by utilizing the statistical computation of the seventy-fifth (75th) percentile.

Section 4. Maximum Reimbursement for Covered Procedures. (1) Reimbursement for covered procedures is limited to the lowest of the following:

(a) Actual charge for service rendered as submitted on billing statement;

(b) The physician's median charge for a given service derived from claims processed or from claims for services rendered during all of the calendar year preceding the start of the fiscal year in which the determination is made; or

(c) The physician's reasonable charge recognized under Part B, Title XVIII.

(2) In no case may payment exceed the prevailing charge recognized under Part B, Title XVIII for similar service in the same locality.

(3) In instances where a reasonable charge for a specific medical procedure for a given physician has not been established under Part B, Title XVIII, the prevailing charge recognized under Part B, Title XVIII, for a similar procedure is utilized.

(4) In instances where neither a reasonable charge nor prevailing charge has been established for a specific medical procedure by Part B, Title XVIII, the prevailing charge established under Title XIX is utilized as the maximum allowable fee.

Section 5. Exceptions. Exceptions to reimbursement as outlined in foregoing sections are as follows: (1) Reimbursement for physician's services provided to inpatients of hospitals is made on the basis of 100 percent reimbursement per procedure for the first fifty dollars (\$50) of allowable reimbursement and on the basis of a percentage

of the physician's usual, customary and reasonable charge in excess of fifty dollars (\$50) per procedure, after the appropriate prevailing fee screens are applied. The percentage rate applied to otherwise allowable reimbursement in excess of fifty dollars (\$50) per procedure is established at seventy (70) [sixty-five (65)] percent. The percentage rate will be reviewed periodically and adjusted according to the availability of funds.

(2) Payment for individuals eligible for coverage under Title XVIII, Part B, Supplementary Medical Insurance, is made in accordance with Sections 1 through 4 and Section 5(1) within the individual's deductible and coinsurance liability.

Section 6. The provisions of Sections (1) to (6) of this regulation shall be effective for all services rendered beginning July 1, 1979[8].

JACK F. WADDELL, Commissioner

ADOPTED: August 8, 1979

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance (Proposed Amendment)

904 KAR 2:015. Supplemental programs for the aged, blind and disabled.

RELATES TO: KRS 205.245

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources is responsible under Title XVI of the Social Security Act as amended by Public Law 92-603 to administer a state funded program of supplementation to all December, 1973 recipients of aid to the aged, blind and disabled, hereinafter referred to as AABD, disadvantaged by the implementation of the Supplemental Security Income Program, hereinafter referred to as SSI. KRS 205.245 provides not only for the mandatory supplementation program but also for supplementation to other needy aged, blind and disabled persons. This regulation sets forth the provisions of the supplementation program.

Section 1. Mandatory State Supplementation: Mandatory state supplementation payments must be equal to the difference between the AABD payment for the month of December, 1973, plus any other income available to the recipient as of that month and the total of the SSI payment and other income. Also included are those former aged, blind or disabled recipients ineligible for SSI due to income but whose special needs entitled them to an AABD payment as of December, 1973. Mandatory payments must continue until such time as the needs of the recipient as recognized in December, 1973, have decreased or income has increased to the December level.

(1) The mandatory payment is increased only when income as recognized in December, 1973, decreases, the SSI payment is reduced but the recipient's circumstances are

unchanged, or the standard of need utilized by the bureau in determining optional supplementation payments for a class of recipients is increased.

(2) In cases of man and wife, living together, income changes after September, 1974, will result in increased mandatory payment only if total income of the couple is less than December, 1973, total income.

Section 2. Optional State Supplementation: Optional state supplementation is available to those persons meeting technical requirements and resource limitations of the aged, blind or disabled medically needy program as contained in 904 KAR 1:003 and 904 KAR 1:004 who require special living arrangements and who have insufficient income to meet their need for care. Special living arrangements include residence in a personal care home as defined in 902 KAR 20:030 or family care home as defined in 902 KAR 20:040 or situations in which a caretaker must be hired to provide care other than room and board. A supplemental payment is not made to or on behalf of an otherwise eligible individual when the caretaker service is provided by the spouse, parent (of an adult disabled child or a minor child), or adult child (of an aged or disabled parent) who is living with the otherwise eligible individual. When this circumstance exists and a person living outside the home is hired to provide caretaker services, the supplemental payment may be made. Application for SSI, if potential eligibility exists, is mandatory.

Section 3. Income Considerations: In determining the amount of optional supplementation payment, total net income of the applicant or recipient, or applicant or recipient and spouse, including payments made to a third party in behalf of an applicant or recipient, is deducted from the standard of need with the following exceptions:

(1) Income is conserved for an ineligible, non-SSI spouse and/or minor dependent children in the amount of the medical assistance program basic maintenance scale for family size adjusted by deduction of sixty-five dollars (\$65) from monthly earnings of spouse.

(2) If one (1) member of a couple is institutionalized and the SSI spouse maintains a home, income in the amount of the SSI standard for one (1) is conserved for the spouse.

Section 4. Standard of Need: (1) The standard, based on living arrangement, from which income as computed in Section 3 is deducted to determine the amount of optional payment is as follows:

(a) Personal care home: \$320, effective 7/1/77; \$335, effective 1/1/78; not less than \$350, effective 7/1/78; not less than \$360, effective 1/1/79; *not less than \$379, effective 7/1/79*;

(b) Family care home: \$258, effective 7/1/77; not less than \$273, effective 7/1/78; *not less than \$292, effective 7/1/79*;

(c) Caretaker:

1. Single individual: \$216, effective 7/1/77; not less than \$227, effective 7/1/78; *not less than \$246, effective 7/1/79*;

2. Married couple, one (1) requiring care: \$300, effective 7/1/77; not less than \$322, effective 7/1/78; *not less than \$350, effective 7/1/79*;

3. Married couple, both requiring care: \$328, effective 7/1/77; not less than \$350, effective 7/1/78; *not less than \$388, effective 7/1/79*.

(2) In couple cases, both requiring a caretaker, and both eligible, one-half (½) of the deficit is payable to each. If

one (1) is ineligible (neither aged, blind nor disabled) one-half (½) of the deficit is payable to the eligible member.

Section 5. Institutional Status: No aged, blind or disabled person shall be eligible for state supplementation while residing in a personal care home or family care home unless such home is licensed under the Health Licensure Act, KRS 216.425.

JACK F. WADDELL, Commissioner
PETER D. CONN, Secretary

ADOPTED: August 8, 1979

RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING:
TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance (Proposed Amendment)

904 KAR 2:055. Hearings and appeals.

RELATES TO: KRS 205.231

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility under 42 C.F.R. section 431.220, 45 C.F.R. section 205.10, and KRS 205.231 to provide for a system of hearings to be available to any applicant for or recipient of an assistance program who is dissatisfied with any action or inaction on the part of the bureau. This regulation sets forth the methods by which the hearing requirement is fulfilled.

Section 1. Informing the Applicant or Recipient of his Rights: Each applicant or recipient shall be informed orally and in writing at the time of application and in writing at the time of any action affecting his claim of his right to a hearing, the method by which he may obtain a hearing and that he may be represented by an authorized representative, such as legal counsel, relative, friend or other spokesman, or he may represent himself.

Section 2. Request for a Hearing: Any applicant or recipient or an authorized representative acting on his behalf, may request a hearing by filing with either the local office or central office of the Bureau for Social Insurance a written or oral (later reduced to writing) statement clearly indicating a desire for a hearing.

Section 3. Time Limitation for Request: To be considered timely, a written or oral request must be received by the bureau within forty (40) days of the date of the advance notice of adverse action as it affects recipients or within thirty (30) days of the notice of denial of an application except that an additional thirty (30) days may be granted if it is determined by the hearing officer that the delay was for good cause in accordance with the following criteria:

(1) The applicant/recipient was away from home during the entire filing period; or

(2) The applicant/recipient is unable to read or to comprehend the notice of adverse action and right to request a hearing; or

(3) The applicant/recipient moved resulting in delay in receiving or failure to receive notice of adverse action; or

(4) Serious illness of the applicant/recipient; or

(5) The delay was no fault of the applicant/recipient.

Section 4. Continuation of Assistance: If the request results from dissatisfaction regarding a proposed discontinuance, suspension or decrease and is received within ten (10) days of the date on the advance notice of adverse action, assistance shall be continued through the month in which the hearing officer's decision is rendered. If the request is received within twenty (20) days of the date on the advance notice of adverse action and it is established that the reason for delay meets the good cause criteria as contained in Section 3, assistance shall be reinstated and continued through the month in which the hearing officer's decision is rendered.

Section 5. All Hearing Requests Shall Be Acknowledged by the Hearing Branch: The acknowledgment letter shall contain information regarding the hearing process, including the right to case record review prior to the hearing, the right to representation, and a statement to the effect that the local office can provide information regarding the availability of free representation by legal aid or welfare rights organizations within the community. Subsequent notification shall include the time and place the hearing will be held. Hearings shall be scheduled on a timely basis to assure that no more than ninety (90) days shall elapse from date of request to date of decision except that hearings in which the issue relates to the Emergency Assistance Program shall be given priority handling with a decision rendered within thirty (30) days of the request.

Section 6. Withdrawal or Abandonment of Request: The applicant or recipient may withdraw his request for a hearing at any time prior to release of the hearing officer's decision, provided, however, he is granted the opportunity to discuss withdrawal with his legal counsel or representative, if any, prior to finalizing the action. A hearing request shall be considered abandoned if the applicant or recipient fails without prior notification, to report for the hearing, except that no hearing request shall be considered as abandoned without extending to the applicant or recipient, and, if applicable, his legal counsel or representative, the opportunity to establish that such failure was for good cause.

Section 7. Applicant's or Recipient's Rights Prior to a Hearing: All applicants/recipients are informed of their right to legal counsel or other representation, of the right to case record review relating to the issue and of the right to submit additional information in support of the claim. When the hearing involves medical issues, a medical assessment by other than the person or persons involved in the original decision shall be obtained at bureau expense if the hearing officer considers it necessary. If a medical assessment at bureau expense is requested by the applicant/recipient and denied by the hearing officer, the reason for denial shall be set forth in writing.

Section 8. Corrective Action: If after a review of the case record, but prior to scheduling a hearing, the hearing officer determines that action taken or proposed to be taken, is incorrect, he shall authorize corrective action in

the form of assistance to which the applicant or recipient would have been entitled but for the incorrect decision or, for proposed action, authorize continuing assistance. The applicant/recipient shall be then given the opportunity to withdraw the hearing request, but notwithstanding the corrective action, the hearing shall be scheduled if the applicant/recipient wishes to pursue the request.

Section 9. Conduct of a Hearing: (1) The hearing shall be conducted by a hearing officer whose impartiality is assured in that he shall not have been involved in the initial determination on the issue, or, to the extent possible, in previous hearings in behalf of the applicant/recipient. In addition a hearing officer may disqualify himself due to personal knowledge of circumstances of the applicant/recipient. The applicant/recipient may challenge the hearing officer by presentation of factual evidence that the impartiality criteria is not met. The hearing shall be conducted where the applicant/recipient may attend without undue inconvenience.

(2) The applicant/recipient, his representative and any other party to the hearing may present such evidence as shall be pertinent to the issue on which the adverse action was, or is proposed to be, taken, advance any arguments without undue interference.

(3) The hearing officer shall, if necessary to secure full information on the issue, examine each party who appears and his witnesses. The hearing officer may take any additional evidence which he deems necessary; but if additional evidence is taken, all interested parties shall be afforded the opportunity of examining or rebutting such additional evidence.

(4) The parties to the hearing, with the consent of the hearing officer, may stipulate the facts involved, in writing. The hearing may be decided on the basis of such stipulation or the hearing officer may schedule a hearing and take such additional evidence as is deemed necessary.

(5) All hearings shall be conducted informally and in such a manner as to determine the substantial rights of the parties. The parties and their witnesses shall testify under oath or affirmation. All facts relevant to the issue appealed shall be considered and passed upon.

(6) Subpoenas may be issued by the hearing officer to compel attendance of any witness or the production of records except that subpoenas requested by the applicant/recipient shall be issued only on a sworn statement of need thereof by the applicant/recipient.

(7) The hearing officer may in his discretion, direct or grant a continuance of a hearing in order to secure necessary evidence.

Section 10. The Decision: After the hearing is concluded, the hearing officer shall set forth in writing his finding of facts and issues, specifying the reasons for the decision and identifying the supporting evidence and regulations. A copy of the decision shall be mailed to the applicant/recipient and his representative. The decision, with respect to the issues considered, shall be final unless further appeal to the appeal board is initiated under KRS 205.231(4) within twenty (20) days from the date of mailing of the decision.

Section 11. Appeal from Decision of Hearing Officer: Any applicant/recipient or his authorized representative wishing to appeal the decision of a hearing officer may do so by filing an appeal to an appeal board appointed in accordance with KRS 205.231(3). To be timely, such request must be received in a county office or the central office of the Bureau for Social Insurance within twenty (20) days of

the date on which the hearing officer's decision was mailed, except that a request received within thirty (30) days of the hearing officer's decision will be considered timely if the criteria in Section 3 is met. The request shall be filed in writing or orally, later reduced to writing, and shall be considered filed on the day it is received.

Section 12. Applicant's or Recipient's Rights Prior to Appeal Board Consideration: All appeals shall be acknowledged in writing to the applicant/recipient and his authorized representative. The acknowledgment shall offer the opportunity to file briefs or submit new and additional proof and the tentative date on which the board will consider the appeal.

Section 13. Appeal Board Review: All appeals to the appeal board shall be considered upon the records of the bureau and the evidence or exhibits introduced before the hearing officer unless the applicant/recipient specifically requests permission to file additional proof. When an appeal is being considered on the record, the parties may, if they desire, present written arguments and at the board's discretion be allowed to present oral arguments. In addition, the appeal board may direct the taking of additional evidence before it, if needed, in order to resolve the appeal. Such evidence shall be taken by the board after seven (7) days notice to the parties giving the parties the opportunity to object to introduction of additional evidence or to rebut or refute any additional evidence.

Section 14. The Appeal Board Decision: The decision of the appeal board, duly signed by members of the board, shall set forth in writing the facts on which the decision is based and shall be irrevocable in respect to the issues in the individual case unless set aside through the judicial review process as provided in KRS 205.234

Section 15. Payments of Assistance: Payments of assistance to carry out decisions of hearing officers or the appeal board shall be made promptly and shall include the month of application or the month in which incorrect action of the bureau adversely affected the applicant/recipient providing it is established that the applicant/recipient was eligible during the entire period in which assistance was withheld.

Section 16. Limitation of Fees: (1) Although the department and its officers and employees, either in their official or personal capacity, are not liable for payment of any attorneys fees, the department does, in accordance with KRS 205.237, set the maximum fee that an attorney may charge the applicant or recipient for representation in all categories of public assistance as follows:

(a) Seventy-five dollars (\$75) for preparation and appearance at hearing before a hearing officer;

(b) Seventy-five dollars (\$75) for preparation and presentation (briefs included) of appeals to the appeal board;

(c) One hundred seventy-five dollars (\$175) for preparation and presentation, including pleadings and appearance in court, of appeals to the circuit court;

(d) Three hundred dollars (\$300) for preparatory work and briefs and all other matters incident to appeals to the Court of Appeals.

(2) The fee agreed to by the representative and his client within the above maximums shall be deemed to have the approval of the bureau.

(3) Enforcement of payment of such fee shall be a matter entirely between such counsel or agent and the applicant/recipient. Such fee shall not be deducted either in whole or in part, from the benefit checks otherwise due and payable to the applicant/recipient.

Section 17. Hearings and Appeals Relating to Decisions to Reclassify or Transfer Mentally Retarded Persons in State Institutions: In lieu of the hearing and appeal process specified above, hearings and appeals relating to decisions to reclassify or transfer mentally retarded persons in state institutions shall be in accordance with the requirement of KRS 210.270.

JACK F. WADDELL, Commissioner
PETER D. CONN, Secretary

ADOPTED: August 7, 1979

RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance (Proposed Amendment)

904 KAR 3:010. Definitions.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a food stamp program as prescribed by the Food Stamp Act of 1977 [1964], as amended, and 7 CFR Part 270 through 280 [275]. KRS 194.050 provides that the secretary, shall by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth definitions for terms used by the department in regulations pertaining to the food stamp program.

Section 1. Definition of terms utilized in regulations relating to the food stamp program are as follows:

(1) "Application for participation," means the form designed or approved by Food and Nutrition Service, hereinafter referred to as FNS, which is completed by a household member or authorized representative; or for household consisting solely of public assistance recipients, it may also mean the application form used to apply for public assistance, including attachments approved by FNS, which is completed by a household member or authorized representative. [the prescribed form, which when executed by the head of the household, spouse, or the authorized representative is the acceptable application for participation in the program.]

(2) "Authorization to participate [purchase] card," ATP, means the document which is issued by the state agency to a certified household to show the allotment the household is authorized to receive on presentation of such document. [is the card which authorizes the issuance of the appropriate number of food stamps based on a predetermined purchase price.]

(3) "Authorized representative," means an individual designated by a household member to act on behalf of the household in one (1) or all of the following capacities:

making application for the program, obtaining the coupons, using the coupons. [is an individual designated by the head of the household or his spouse to act on his behalf in applying for program participation, purchasing coupons or purchasing groceries.]

(4) "Certification" means the action necessary to determine eligibility of a household. Such action includes interviews, verification and decisions. ["Bonus coupons," that portion of the total coupon allotment in excess of the amount paid by the household.]

(5) "Coupons" mean any stamp, coupon or type of certificate issued in accordance with the Food and Nutrition Service regulations. ["Certification," is the action necessary to determine eligibility of households other than those which consist solely of recipients of federally aided public assistance or general assistance. Such action includes interviews, verifications, and decisions.]

(6) "Elderly person" means a person sixty (60) years of age or older. ["Coupons," are any stamp, coupon or type of certificate issued in accordance with the Food and Nutrition Service regulations.]

(7) "Federal fiscal year" means a period of twelve (12) calendar months beginning with each October 1 and ending with September 30 of the following calendar year. ["Economic unit," is a group of individuals for whom food is purchased and stored in common and for whom living costs are being met from the income and resources available to any individual within the group.]

(8) "FNS" means the Food and Nutrition Service of the United States Department of Agriculture. ["Head of the household," is the person in whose name the application for participation is made.]

(9) "Food Stamp Act" means the Food Stamp Act of 1977 (Pub. L. 95-113) including any subsequent amendment thereto. ["Household," means any of the following:]

[(a) A group of individuals who are living as an economic unit sharing common cooking facilities.]

[(b) An individual living alone who purchases and prepares food for home consumption.]

[(c) An individual who purchases and prepares food for home consumption residing with any other person or person who is not a member of that economic unit.]

[(d) An elderly person who lives alone or with spouse without cooking facilities but only if he participates in a delivered meals program or a communal dining program.]

[(e) A drug addict or alcoholic who is a resident of a drug addiction or alcoholic treatment and rehabilitation program and who receives meals through such program.]

(10) "Head of household" is the person in whose name the application for participation is made. ["Non-assistance household," hereinafter referred to as NA, is a household containing members who are not included in a public assistance, hereinafter referred to as PA, grant or a general assistance, hereinafter referred to as GA, grant.]

(11) "Household" means any of the following individuals or groups of individuals provided that such individuals or groups are not residents of an institution, or residents of a commercial boarding house, and provided that separate household status shall not be granted to a spouse of a member of the household, or to children under eighteen (18) years of age under the parental control of a member of the household ["Public assistance household," is a household in which]:

(a) An individual living alone; [All household members are included in an aid to families with dependent children assistance payment; or]

(b) An individual living with others, but customarily purchasing food and preparing meals for home consumption

separate and apart from the others; [All household members are receiving a locally administered GA grant; or]

(c) An individual who is a boarder, living with and paying reasonable compensation to the others for meals for home consumption; [All household members are receiving either a PA or GA grant; or]

(d) A group of individuals living together for whom food is customarily purchased in common and for whom meals are prepared together for home consumption; or [Household members are receiving PA or GA grants and any other member is receiving supplemental security income.]

(e) A group of individuals who are boarders living with others and paying reasonable compensation to the others for meals for home consumption.

(12) "Identification (ID) card" means a card which identifies the bearer as eligible to receive and use food coupons.

(13) "Immigration and Naturalization Service (INS)" means the Immigration and Naturalization Service, United States Department of Justice.

(14) "Institution of higher education" means any institution providing post high school education, including but not limited to colleges, universities, and vocational or technical schools at the post high school level.

(15) "Low-income household" means a household whose annual income does not exceed 125 percent of the Office of Management and Budget poverty guidelines.

(16) "Medicaid" means medical assistance under Title XIX of the Social Security Act, as amended.

(17) "Non-Assistance household" hereinafter referred to as NA, means a household containing members who are not included in a public assistance household, hereinafter referred to as PA, grant.

(18) "Non-household member" means individuals residing with a household but are not considered household members in determining the household's eligibility or allotment. Non-household members who are otherwise eligible may participate in the program as separate households.

(a) Roomers. Individuals to whom a household furnishes lodging, but not meals, for compensation.

(b) Boarders. Individuals to whom a household furnishes lodging and meals with the following restrictions;

1. Boarder status shall not be granted to a spouse of a member of the household, or to children under eighteen (18) years of age under the parental control of a member of the household.

2. Boarder status shall not be extended to persons paying less than a reasonable monthly payment for meals.

(c) Live-in-attendants. Individuals who reside with a household to provide medical, housekeeping, child care or other similar personal services.

(d) Ineligible aliens. Individuals who do not meet the citizenship or eligible alien status.

(e) Student tax dependents. Students who are or could be properly claimed as tax dependents for federal income tax purposes by a member of a household which is not eligible to participate in the food stamp program.

(f) Disqualified individuals. Individuals disqualified for fraud, or college students disqualified for failure to meet the school year work registration requirements.

(g) Others. Other individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household.

(19) "Overissuance" means the amount by which coupons issued to a household exceeds the amount such household was eligible to receive.

(20) "Public assistance" hereinafter referred to as PA, means any of the programs authorized by the Social Security Act of 1935, as amended; old age assistance, aid to families with dependent children (AFDC), including AFDC for children of unemployed parents, aid to the blind, aid to the permanently and totally disabled and aid to aged, blind or disabled.

(21) "Spouse" refers to either of two (2) individuals:

(a) Who would be defined as married to each other under applicable state law; or

(b) Who are living together and are holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or tradespeople.

(22) "Supplemental security income (SSI)" means monthly cash payments made under the authority of Title XVI of the Social Security Act, as amended, to the aged, blind and disabled.

(23) "Thrifty food plan" means the diet required to feed a family of four (4) persons consisting of a man and a woman twenty (20) through fifty-four (54), a child six (6) through eight (8), and a child nine (9) through eleven (11) years of age, determined in accordance with the Secretary of United States Department of Agriculture's calculations. The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition, except that the Secretary of the United States Department of Agriculture shall make household-size adjustment in the thrifty food plan taking into account economies of scale.

JACK F. WADDELL, Commissioner
PETER D. CONN, Secretary

ADOPTED: August 8, 1979

RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275
East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance (Proposed Amendment)

904 KAR 3:020. Eligibility requirements.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a food stamp program as prescribed by the Food Stamp Act of 1977, as amended, and 7 CFR Part 270 through 280 [275]. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth the eligibility requirements used by the department in the administration of the food stamp program.

Section 1. Eligibility Requirements. In accordance with regulations promulgated by the Food and Nutrition Service, of the United State Department of Agriculture, national uniform standards of eligibility for the food stamp program, composed of both financial and non-financial criteria, shall be utilized. Financial criteria shall consist of income and resource limitations. Non-financial criteria shall consist of certain technical factors. *Participation in*

the program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. The income eligibility standards are derived from the Office of Management and Budget's (OMB) non-farm income poverty guidelines.

Section 2. Countable Income. The following, when received by any household member, shall be considered as income:

(1) *All wages and salaries of an employee. [All compensation for services performed as an employee;]*

(2) *The gross income of a self-employment enterprise, including the total gain from the sale of any capital goods or equipment related to the business, excluding the cost of doing business. [The actual value of housing, up to a maximum of twenty-five dollars (\$25) received by a household member from his employer as income in-kind, in lieu of or to supplement to earnings;]*

(3) *Training allowance from vocational and rehabilitative programs recognized by federal, state or local governments, to the extent that they are not reimbursements. [The adjusted net income from self-employment, computed as the total gross income less the cost of producing that income;]*

(4) *Assistance payments from federal or federally aided public assistance such as supplemental security income (SSI) or aid to families with dependent children (AFDC); general assistance (GA) programs, or other assistance programs based on need. [Payments received from or paid on behalf of the household by the work incentive program, manpower training programs, or similar vocational and rehabilitation programs sponsored by state or local governments;]*

(5) *Annuities; pensions; retirement; veteran's or disability benefits; worker's or unemployment compensation; old-age, survivors, or social security benefits; foster care payments for children or adults; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least twenty (20) hours a week. [Payments received from federally aided or administered public assistance programs, emergency assistance, general assistance programs or other assistance programs based on need;]*

(6) *Support or alimony payments made directly to the household from non-household members. [The total payment made a household on behalf of a legally assigned foster child or adult;]*

(7) *Scholarships, educational grants, fellowships, deferred payment loans for education, veterans educational benefits and the like in excess of amounts excluded. [Payments received as on annuity, pension, retirement or disability benefit; veterans, workmen's or unemployment compensation; retirement, survivors; disability insurance benefits; strike benefits;]*

(8) *Payments from government sponsored programs, dividends, interest, royalties, and all other direct money payments from any source which can be construed to be a gain or benefit. [Scholarships, educational grants, fellowships, deferred payment loans and veterans educational benefits;]*

(9) *Payments actually received for support and alimony;]*

(10) *Payments in money made on behalf of the household by a non-household member;]*

(11) *That portion of the money payment received for*

expenses of education, to be utilized for support or for maintenance;]

[(12) The total amount of a roomer's payment to the household;]

[(13) The total amount of a boarder's payment to the household minus the value of a one-person coupon allotment;]

[(14) Payments received from government-sponsored programs; rental income, dividends, royalties, or similar recurring payments.]

Section 3. Income Exclusions. The following payments shall not be considered as income;

(1) *Money withheld from an assistance payment, earned income or other income source, or moneys received from any income source which are voluntarily or involuntarily returned, to repay a prior overpayment received from that income source.* [Income received as compensation for services as an employee or income from self-employment by a child under eighteen (18) years of age and who is attending school at least half-time;]

(2) *Child support payments received by AFDC recipients which must be transferred to the division administering Title IV-D of the Social Security Act, as amended, to maintain AFDC eligibility.* [Income received infrequently or irregularly, not to exceed thirty dollars (\$30) in a three (3) month period;]

(3) *Any gain or benefit which is not in the form of money payable directly to the household.;*]

(4) *Money payments that are not payable directly to a household, but are paid to a third party for a household expense are excludable as a vendor payment.* [Payments for medical costs made on behalf of the household by a non-household member;]

(5) *Any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, but not in excess of thirty dollars (\$30) in a quarter.* [All loans, except loans on which payment is deferred until completion of education;]

(6) *Educational loans on which payment is deferred, grants, scholarships, fellowships, veteran educational benefits, and the like to the extent that they are used for tuition and mandatory fees at an institution of higher education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.* [Non-recurring lump sum payments;]

(7) *All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.* [Any payment or benefit received which is excluded by other federal laws, regulations or federal court action;]

(8) *Reimbursements for past or future expenses to the extent they do not exceed actual expenses, and do not represent a gain or benefit to the household.*

(9) *Money received and used for the care and maintenance of a third party beneficiary who is not a household member.*

(10) *The earned income of children who are members of the household, who are students at least half-time and who have not obtained their eighteenth (18th) birthday.*

(11) *Money received in the form of a non-recurring lump-sum payment.*

(12) *The cost of producing self-employment income.*

(13) *Any income specifically excluded by any other federal statute from consideration as income for the purpose of determining eligibility for the food stamp program.*

Section 4. Income Deductions. The following shall be allowable income deductions:

(1) *A standard deduction per household per month. This standard shall be adjusted by FNS each July 1 and January 1 to the nearest five dollars (\$5) to reflect changes in the consumer price index for items other than food for the six (6) months ending the preceding September 30 and March 31, respectively.* [Ten (10) percent, not to exceed thirty dollars (\$30), of earned income;]

(2) *Twenty (20) percent of gross earned income.* [Mandatory deductions from earned income;]

(3) *Payments for the actual cost for the care of a child or other dependent. This deduction shall not exceed the standard established by FNS.* [Medical expenses in excess of ten dollars (\$10) a month;]

(4) *Monthly shelter cost in excess of fifty (50) percent of the household's income after all other allowable deductions have been made. The shelter deduction alone or in combination with the dependent care deduction in subsection three (3) above shall not exceed a fixed monthly amount established by FNS. This fixed monthly amount shall be adjusted each July 1 to the nearest five dollars (\$5). The adjustment shall reflect changes in the shelter, fuel, and utility components of the consumer price index for the twelve (12) month period ending the preceding March 31. Allowable monthly shelter expenses shall be those expenses outlined in 7 CFR Part 273.9(d). The department shall develop a standard utility allowance for use in calculating shelter cost for those households which incur utility cost separate and apart from their rent or mortgage payments. If the household is not entitled to the standard or does not choose to use the standard, it may claim actual utility expenses for any utility which it does pay separately. The standard utility allowance shall be adjusted at least annually to reflect changes in the cost of utilities.* [The amount actually paid for child care, if necessary, for employment or training;]

[(5) Tuition and mandatory fees as assessed by the educational institution or work-training program;]

[(6) Unusual expenses incurred due to a household's disaster or casualty loss;]

[(7) Court ordered support or alimony payments;]

[(8) Shelter costs in excess of thirty (30) percent of the countable household income after all other allowable deductions are made.]

Section 5. Resources. *Uniform national resource standards of eligibility shall apply to applicant households.* [The value of liquid and non-liquid resources shall be the fair market value less encumbrances.] Eligibility shall be denied or terminated if the *total* value of the *liquid and non-liquid* household's resources exceed:

(1) *\$3000:* for all households with two (2) or more members, when at least one (1) member is sixty (60) years or older; or

(2) *\$1750 [\$1500]:* for all other households.

Section 6. Exempt Resources. The following resources shall not be considered in determining eligibility:

(1) *The home and surrounding property which is not separated from the home by intervening property owned by others.* [Homestead, the land and buildings thereon occupied by the owner as a home;]

(2) *Household goods, personnel effects and the cash value of life insurance policies and pension funds.* [Vehicles, one (1) currently licensed vehicle used for household transportation and any other vehicle necessary for the employment of household members;]

(3) *Licensed vehicles as specified in 7 CFR Part 273.8(h).* [Personal effects;]

(4) *Property which annually produces income consistent with its fair market value, even if only used on a seasonal basis.* [Household equipment;]

(5) *Property which is essential to the employment or self-employment of a household member.* [The cash value of life insurance policies or pension funds;]

(6) *Installment contracts for the sale of land or buildings if the contract or agreement is producing income consistent with its fair market value.* [Income producing property that is producing income consistent with its fair market value; or other property that is essential to the self-employed persons in their self-employment enterprises;]

(7) *Any governmental payments which are designated for the restoration of a home damaged in a disaster, if the household is subject to legal sanction if funds are not used as intended.* [Inaccessible resources: the cash value of resources considered not currently available to the household.]

(8) *Resources whose cash value is not accessible to the household.*

(9) *Resources which have been prorated as income.*

(10) *Indian lands held jointly with the tribe, or land that can be sold only with the approval of the Department of the Interior's Bureau of Indian Affairs; and*

(11) *Resources which are excluded for food stamp purposes by expressed provision of federal statute.*

Section 7. Transfer of Resources. Households which have transferred resources knowingly for the purpose of qualifying or attempting to qualify for food stamps shall be disqualified from participation in the program for up to one (1) year from the date of the discovery of the transfer. [Non-Financial Criteria: Non-financial eligibility standards apply equally to public assistance, and non-assistance households and consists of:]

[(1) *Residency: All households shall live in the county in which they make application;*]

[(2) *Citizenship or permanent alien status: An individual shall be either a citizen of the United States or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law;*]

[(3) *Residents of boarding houses and residents of institutions shall be ineligible for participation;*]

[(4) *Work registration: All household members between the ages of eighteen (18) and sixty-five (65), except those exempted in 7 CFR Part 271.3(e), shall be required to register for work and accept suitable employment;*]

[(5) *Tax dependency: A student is ineligible for program participation if he is a properly claimed tax dependent for federal income tax purposes by other than a food stamp eligible household;*]

[(6) *Cooking facilities are required of all households except that individuals sixty (60) years or older shall be exempt if participating in a delivered meals or communal dining program and alcoholics or drug addicts shall be exempt if receiving meals through a treatment/rehabilitation program.*]

Section 8. Non-financial Criteria. Non-financial eligibility standards apply equally to all households and consist of:

(1) *Residency: A household must live in the county in which they make application;*

(2) *Citizenship or eligible alien status: A program par-*

ticipation shall be limited to either a citizen of the United States or eligible alien as outlined in 7 CFR Part 273.4;

(3) *Tax dependency: A student age eighteen (18) or older is ineligible for program participation if he is properly claimed or could be properly claimed for the current tax year as a dependent child for federal income tax purposes by a tax payer who is not a member of an eligible food stamp household;*

(4) *Work registration: All household members between the ages of eighteen (18) and sixty (60), except those exempt in 7 CFR Part 273.7(b), shall be required to register for work, accept suitable employment and be subject to other work registration requirements specified in 7 CFR Part 273.7.*

JACK F. WADDELL, Commissioner
PETER D. CONN, Secretary

ADOPTED: August 14, 1979

RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 3:030. Application [and certification] process.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a food stamp program as prescribed by the Food Stamp Act of 1977 [1964], as amended, and 7 CFR Part 270 through 280 [275]. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of citizens of the Commonwealth. This regulation sets forth the application [and certification] process used by the department in the administration of the food stamp program.

Section 1. Application Process. The application process consists of filing and completing an application, an interview and required verification and documentation. The department shall make applications readily accessible to households as well as groups and organizations involved in outreach efforts and shall provide an application form to anyone upon request. [Prompt Action on Applications. The Bureau for Social Insurance shall be responsible for the certification of applicant households. The bureau shall provide an application for participation to any person upon request, and shall accept an identifiable application when submitted. The bureau shall either approve or deny applications within thirty (30) days from receipt of the application.]

Section 2. Prompt Action on Applications. The department shall provide eligible households that complete the initial application process an opportunity to participate as soon as possible but not later than thirty (30) days after the application is filed. The bureau shall notify the household of any action it must take to complete the application process. If verification is lacking, the household will have up to thirty (30) days from the date the missing verification was requested to provide such verification. [Household Classification. For food stamp application and certifica-

tion processes, all households are divided into two (2) classifications: public assistance households, hereinafter referred to as PA, and non-assistance households, hereinafter referred to as NA.]

Section 3. Expedited Service. (1) *The department shall identify households eligible for expedited service at the time the household requests assistance. If otherwise eligible, the following households are entitled to expedited service:* [Application Process. The application process shall consist of an application, an interview and required verification and documentation. The household shall be responsible for providing enough information regarding income, resources and other circumstances to enable an eligibility determination to be made.]

(a) *Households with zero (0) net monthly income as computed in 7 CFR Part 273.10.*

(b) *Households who are destitute as defined in 7 CFR Part 273.10(e)(3).*

(2) *The department shall comply with 7 CFR Parts 273.2(i)(3) and 273.2(i)(4) when expediting certification and issuance procedures.*

Section 4. Public Assistance Application Process. *Households in which all members are applying for public assistance (PA) and state administered general assistance shall be allowed to simultaneously apply for food stamp benefits. The department shall comply with procedures specified in 7 CFR 273.2(j) in handling PA households. [All households classified as PA shall be eligible for food stamps without regard to income or resources.]*

[(1) The interview conducted for the purpose of determining eligibility for public assistance shall suffice for the food stamp interview.]

[(2) PA households shall be certified based upon information obtained from the food stamp application and the public assistance case record. The public assistance case record shall serve as verification and documentation of the household's circumstances.]

[Section 5. Non-Assistance Application Process. *Households, containing only supplemental security income beneficiaries, hereinafter referred to as SSI, although eligible for food stamps regardless of income or resources, shall be considered as NA households for all other aspects of the program.]*

[(1) All non-assistance and SSI applicants shall be interviewed.]

[(2) Prior to determining the eligibility of the applicant household, the information provided by the applicant shall be verified.]

[(3) Case records shall contain all pertinent forms supporting the determination to grant or deny benefits.]

[Section 6. Determination of Basis of Issuance. *Eligible households shall be assigned a purchase requirement and total coupon allotment.]*

[(1) The food coupon allotment shall be based on the Agriculture Research Service's estimate of the average cost of the economy food plan for various household sizes.]

[(2) The coupon allotment and purchase price to the eligible household shall be in accordance with the standards set by the United States Department of Agriculture as required by federal law, and shall be based upon household size and income level as determined by the United States Department of Agriculture.]

[Section 7. Notice of Eligibility. *All households shall be provided with written notice of the household's period of eligibility and basis of issuance.]*

[Section 8. Notice of Adverse Action: *Prior to any action to discontinue benefits, decrease the number of months in the certification period, increase the purchase price or decrease the total coupon allotment, the bureau shall provide the household a ten (10) day advance notice explaining the action taken and the right to request a fair hearing.]*

[Section 9. Notice of Denial: *If the application is denied, the bureau shall provide the household with a written statement explaining the reason for denial and the right to request a fair hearing.]*

[Section 10. Certification Periods. *The bureau shall provide for periodic recertifications of participating households to determine changes in status which would affect the continued eligibility of the household, the amount of its coupon allotment or its purchase requirement.]*

[Section 11. Expiration of Certification Period. *Household eligibility shall terminate upon expiration of the certification period. Further entitlement shall be established only through application by the household, an interview, verification and documentation of the household's eligibility.]*

[Section 12. Sixty (60) Day Continuation of Certification. *Certification of a household moving from one (1) food stamp county to another, whether within Kentucky or between states, shall remain under certain circumstances valid for a period of sixty (60) days after the date of the move without regard to changes in income or resources.]*

[Section 13. Disaster Certification. *The bureau shall distribute emergency coupon allotments to households within a food stamp county determined to be a disaster area only when so authorized by the Food and Nutrition Service.]*

[(1) In accordance with the Disaster Relief Act, emergency food stamp assistance may be authorized by the Food and Nutrition Service of the United States Department of Agriculture as a result of a major disaster which is determined as such by the President of the United States.]

[(2) In accordance with the Food Stamp Act, emergency food stamp assistance may be authorized by the Food and Nutrition Service as a result of a lesser disaster, even if the affected area has not been declared a major disaster, if the emergency has resulted either from a natural or human occurrence which disrupted the commercial channels of food distribution.]

JACK F. WADDELL, Commissioner
PETER D. CONN, Secretary

ADOPTED: August 14, 1979

RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275
East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 3:040. Issuance procedures.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a food stamp program as prescribed by the Food Stamp Act of 1977 [1964], as amended, and 7 CFR Part 270 through 280 [275]. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth coupon issuance procedures used by the department in the administration of the food stamp program.

Section 1. Basic Issuance Requirements. The department is responsible for the timely and accurate issuance of coupons to eligible households. In issuing coupons the department must insure that: [Redemption of the Authorization to Purchase Card: The bureau shall utilize a system whereby the authorization to purchase card is computer generated and mailed monthly to each eligible household. The recipient may redeem his ATP card by over-the-counter issuance, by public assistance withholding, or regular mail issuance.]

(1) Only certified households receive benefits; [Any person receiving aid to families with dependent children may have the food stamp purchase requirement deducted from their assistance payment.]

(2) Coupons are accepted, stored, and protected after delivery to receiving points within the state; [Any person may purchase their coupon allotment through regular mail issuance.]

(3) Program benefits are distributed in the correct amounts; and

(4) Coupon issuance and reconciliation activities are properly conducted in accordance with 7 CFR Parts 274.5 and 274.6 and accurately reported to the Food and Nutrition Service.

Section 2. Issuance System. The department shall arrange for the issuance of coupons to eligible households by utilizing an authorization to participate (ATP) system in which an authorizing document is distributed to the household and surrendered to the coupon issuer when coupons are obtained. [Purchase Option. Eligible households shall be granted the option to purchase their total coupon allotment on a monthly or semi-monthly basis.]

Section 3. Production of an ATP Card. The department shall issue on a monthly basis an authorization to participate (ATP) card to all eligible households. The ATP card will contain at a minimum serial number, case name, address, case number, coupon allotment, expiration date, county for which the ATP is issued, and a signature space for the household member or the authorized representative. [Variable Purchase Requirement. (1) All food stamp households shall be provided the option to purchase the full coupon allotment, or three-fourths ($\frac{3}{4}$), one-half ($\frac{1}{2}$), or one-fourth ($\frac{1}{4}$), of their monthly coupon allotment in any given month.]

[(2) A variable purchase will result in the payment of the same ratio of the total purchase requirement.]

(1) The department shall void all ATP's mutilated or otherwise rejected during the preparation process. The voided ATP's shall either be filed for audit purposes or destroyed, provided destruction is witnessed by at least two (2) persons and the department maintains a list of all destroyed ATP's.

(2) The department shall mail the ATP to the eligible household in such a manner as to prevent mail loss. Households which report two (2) consecutive mail losses must be provided with an alternate means of delivery.

(3) The department shall maintain security and controls for ATP's returned as undeliverable by the postal service in accordance with 7 CFR Part 274.2(e)(6)(ii).

(4) The department shall produce and mail the ATP card within two (2) days of the date the application is filed, if circumstances indicate eligibility for expedited service as outlined in 7 CFR Part 273.2(i).

(5) The department shall issue an emergency replacement ATP only if the original ATP is reported lost or stolen in the period for which it is intended to cover.

(6) The department shall provide the household with the means to designate an emergency authorized representative to obtain the household's allotment with a particular ATP.

Section 4. Redemption of the Authorization to Participate Card. The department shall provide each eligible household with the means to redeem his ATP card for coupons by over-the-counter issuance or by regular mail issuance.

(1) Prior to being issued coupons the eligible individual must present issuance personnel with proof of identity.

(2) Issuance personnel must examine the ATP card to verify its validity.

(3) The eligible individual must sign the ATP card in the presence of the issuer unless the eligible individual is participating in mail issuance. Persons utilizing mail issuance must sign their ATP card prior to mailing the card to the issuance site.

(4) Coupons are issued in accordance with a table for coupon issuance provided by Food and Nutrition Service.

(5) The department shall provide for the issuance of coupon replacements due to improper manufacture or mutilation.

(a) The department shall examine the improperly manufactured or mutilated coupons to determine the validity of the claim and the amount of coupons to be replaced.

(b) If the department can determine the value of the improperly manufactured or mutilated coupons, the unusable coupons shall be replaced on a dollar-for-dollar exchange. After the exchange, the department shall destroy the coupons in accordance with 7 CFR Part 274.8(b).

(c) If the department cannot determine the value of the improperly manufactured or mutilated coupons, the unusable coupons shall be cancelled by writing or stamping "cancelled" across the face of the coupons and forwarding the coupons to Food and Nutrition Service.

Section 5. Coupon Inventory Management. The department shall establish a coupon inventory management system which insures that coupons are requisitioned and inventories are maintained in accordance with 7 CFR Parts 274.4(a)1 and 274.4(a)2.

Section 6. Coupon Controls. The department shall establish control and security procedures to safeguard coupons similar to those used to protect currency outlined in 7 CFR Part 274.4(b).

Section 7. Coupon Requisitioning. The department shall arrange for the ordering of coupons and the prompt verification and written acceptance of each coupon shipment.

Section 8. Receipt of Coupons. Coupon issuers and bulk storage points shall promptly verify and acknowledge, in writing, the contents of each coupon shipment or coupon transfer delivered to them and shall be responsible for the custody, care, control and storage of coupons.

Section 9. Verification of ATP Issuance. The department shall verify the number of transmitted ATP's received from the coupon issuers and the total value of authorized issuances.

Section 10. Availability of Issuance Records. The department shall maintain issuance records for a period of three (3) years from the month of origin.

Section 11. Control of Issuance Documents. The department shall control all issuance documents which establish household eligibility while the documents are transferred and processed within the state agency.

Section 12. Accountable Documents. The department shall provide security and control for all issuance accountability documents.

JACK F. WADDELL, Commissioner
PETER D. CONN, Secretary

ADOPTED: August 14, 1979

RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275
East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 3:050. Additional provisions.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a food stamp program as prescribed by the Food Stamp Act of 1977 [1964], as amended, and 7 CFR Part 270 through 280 [275]. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth additional provisions used by the department in the administration of the food stamp program.

Section 1. Civil Rights Compliance. The department insures that no applicant or participant shall be discriminated against in any aspect of program administration for reasons of age, race, color, sex, handicap, religious creed, national origin, or political beliefs. [The department insures that in all aspects of eligibility determination, certification and issuance, the provisions of the Civil Rights Act of 1964 shall be complied with and that no person will be subject to different treatment because of

race, color, national origin, religious creed, age, sex or political beliefs.]

Section 2. Restoration of Lost Benefits. Benefits shall be restored to households as specified in 7 CFR Part 273.17, when such household has lost benefits due to an error by the department. [Hearing Rights: Fair hearings are available to any food stamp applicant or recipient who is dissatisfied with any action or inaction taken by the bureau on their application. Hearing procedures will be the same as outlined in 904 KAR 2:055.]

Section 3. "Outreach." Low-income or disadvantaged households shall be informed of the availability of the program and encouraged participation in the program through an "outreach" program as required by 7 CFR Part 272.6 [federal law and regulations].

Section 4. Claims Against Households. The department shall establish a claim against households that receive more coupons than it is entitled to receive. Claims shall be classified as:

(1) Non-fraud which shall be processed as specified in 7 CFR Part 273.18(b).

(2) Fraud claims which shall be processed as specified in 7 CFR Part 273.18(c).

[Section 4. Program Offenses: Upon determining that a participating household has fraudulently obtained coupons, the bureau on behalf of FNS, shall make demand upon such household for repayment of the value of the free coupons issued to such household.]

[(1) If it is found that any eligible household has failed substantially to comply with the provisions of the Food Stamp Program, such household(s) may be disqualified from participation.]

[(2) Any unauthorized issuance, use, transfer, acquisition, alteration, possession or presentation of coupons or Authorization to Purchase cards may subject any individual, partnership, corporation, or other legal entity involved to prosecution.]

Section 5. Disclosure of Information. Use or disclosure of information obtained from applicant households, exclusively for the program, shall be restricted to persons directly connected with the administration or enforcement of the provisions of the Food Stamp Act or regulations, or with other federal or federally aided, means-tested assistance programs such as Titles IV-A (AFDC), XIX (Medicaid), or XVI (SSI). Regulations, plans of operation, state manuals, and federal procedures which affect the public shall be maintained in the central and local office as well as in FNS national and regional offices for examination by members of the public on regular workdays during regular office hours. Copies of regulations, plans of operation, state manuals and federal procedures may be obtained from FNS or the department. [The bureau shall restrict the use or disclosure of information obtained from applicant or recipient households to persons directly connected with the administration or enforcement of the provisions of the Food Stamp Act.]

Section 6. Sixty (60) Day Continuation of Certification. Certification of a household moving from one (1) food stamp county to another, whether within Kentucky or between states, shall remain under certain circumstances valid for a period of sixty (60) days after the date of the move without regard to change in income or resources.

Section 7. Retention of Records. The department shall retain all program records in an orderly fashion, for audit and review purposes, for a period of three (3) years from the month of origin of each record. The department shall retain fiscal records and accountable documents for three (3) years from the date of fiscal or administrative closure.

Section 8. Disaster Certification. The Department shall distribute emergency coupon allotments to households within a food stamp county determined to be a disaster area only when so authorized by the Food and Nutrition Service.

(1) In accordance with the Disaster Relief Act, emergency food stamp assistance may be authorized by the Food and Nutrition Service of the United States Department of Agriculture as a result of a major disaster which is deter-

mined as such by the President of the United States.

(2) In accordance with the Food Stamp Act, emergency food stamp assistance may be authorized by the Food and Nutrition Service as a result of a lesser disaster, even if the affected area has not been declared a major disaster, if the emergency has resulted either from a natural or human occurrence which disrupted the commercial channels of food distribution.

JACK F. WADDELL, Commissioner
PETER D. CONN, Secretary

ADOPTED: August 14, 1979

RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

Proposed Regulations

DEPARTMENT OF FINANCE

200 KAR 5:317. Cost principles.

Eff. 11-7-79

RELATES TO: KRS Chapter 45A
PURSUANT TO: KRS 45A.215

NECESSITY AND FUNCTION: The Secretary of the Department of Finance is required by KRS 45A.215 to adopt regulations setting forth cost principles to be used as guidelines, inter alia, to determine allowable costs incurred by contractors under cost reimbursement type contracts; where estimated or incurred costs of performing contracts have to be determined; in the negotiation of contracts not subject to competitive bidding, where changes or modifications to contracts are directed or for the settlement of contracts that have been terminated. This regulation sets forth the cost of principles to be employed for the aforementioned purposes, or when it may otherwise be necessary or convenient to determine a contractor's costs.

Section 1. The cost principles set forth in Chapter 1, Subparts 1-15.101 to 1-15.809-5, inclusive, and in Subparts 1-3.800 to 1-3.814-3, inclusive, of Title 41 CFR, Public Contracts and Management revised as of January 1, 1975, are hereby adopted, incorporated in and made a part hereof by reference, the same as if copied verbatim herein.

Section 2. The cost principles hereby adopted shall be used as guidelines in the negotiation of estimated costs or fixed prices when the use of competitive sealed bidding is precluded by the absence of open market competition, for changes or modifications in contracts directed by the state, and for the settlement of contracts which have been terminated by the state; for determining the allowability of incurred costs under cost reimbursement contracts entered into pursuant to KRS 45A.130; and in other cases where the determination of the estimated or the incurred costs of performing contracts may be required.

GORDON C. DUKE, Secretary

ADOPTED: August 15, 1979

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

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary, Department of Finance, Capitol Annex Building, Frankfort, Kentucky 40601.

DEPARTMENT OF FINANCE Division of Occupations and Professions Board of Nursing

201 KAR 20:095. Inactive status.

RELATES TO: KRS 314.041(7), 314.051(7)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: The 1978 revision of the Nurse Practice Act provides for licensees to be granted inactive status. It is necessary to establish requirements for licensees on inactive status and for those who wish to apply for renewal of a license to actively practice nursing.

Section 1. An individual may apply for inactive status in Kentucky by meeting the following requirements:

- (1) Complete renewal application;
- (2) Pay current fee for inactive status.

Section 2. An individual who has been granted inactive status shall receive a license with such inactive status designated on the face of the license.

Section 3. An individual who has been granted inactive status in Kentucky is prohibited from being employed in this state as a registered nurse or licensed practical nurse or from functioning in the capacity of a nurse while maintaining the inactive status.

Section 4. An individual on inactive status who wishes to apply for an active license may do so by meeting the following requirements:

- (1) Complete renewal application;
- (2) Pay current renewal fee for an active license;
- (3) Meet continuing education requirements as specified in KRS 314.073.

Section 5. If a person has been on inactive status for five (5) or more years, he/she must show evidence of one (1) of the following requirements before an active license can be issued.

- (1) Active practice in another state of at least one (1) year within the preceding five (5) years;
- (2) Enrollment in a board recognized nursing program to further his/her education in nursing within the

preceding three (3) years;

(3) Completion of a refresher course in nursing within the preceding year, which has been approved by the board;

(4) Completion of fifteen (15) contact hours of continuing education within the twelve (12) months preceding the date of applying for active status in addition to the continuing education requirement as specified in KRS 314.073.

Section 6. An individual who is employed or who practices as a nurse in this state while on inactive status shall be considered to be practicing without a license and in violation of KRS 314.031 and subject to the penalties in KRS Chapter 314.

GAYNOR E. HATFIELD, R. N., President

ADOPTED: June 22, 1979

RECEIVED BY LRC: July 31, 1979 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Gaynor Hatfield, R. N., President, Kentucky Board of Nursing, 6100 Dutchmans Lane, Louisville, Kentucky 40205.

DEPARTMENT OF FINANCE Board of Chiropractic Examiners

201 KAR 21:005. Definitions.

RELATES TO: KRS 312.019

PURSUANT TO: KRS 13.082, 312.019

NECESSITY AND FUNCTION: KRS 312.019(9) provides that the board may adopt and from time to time amend administrative regulations. This regulation is to define certain terms that are used in regulations promulgated by the board relating to the practice of chiropractic.

Section 1. The definitions provided by the provisions of KRS 312.015 for "board," "chiropractic," "chiropractor" and "doctor of chiropractic" shall apply to those terms as they appear in regulations adopted by the Kentucky State Board of Chiropractic Examiners.

Section 2. "Licensee" means a person licensed by the board to practice chiropractic.

HAROLD BYERS, D.C., President
Board of Chiropractic Examiners

ADOPTED: April 28, 1979

RECEIVED BY LRC: July 19, 1979 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: C. T. Woodward, D.C., Executive Secretary, Kentucky State Board of Chiropractic Examiners, P.O. Box 183, Glasgow, Kentucky 42141.

DEPARTMENT OF FINANCE Board of Chiropractic Examiners

201 KAR 21:015. Code of conduct.

RELATES TO: KRS 312.019

PURSUANT TO: KRS 13.082, 312.019

NECESSITY AND FUNCTION: KRS 312.019(9) pro-

vides that the board may adopt a code of ethical conduct governing the practice of chiropractic. This regulation is to delineate the minimum standards of professional and ethical conduct which all licensees shall maintain.

Section 1. All licensees shall abide by the following minimum standards of professional and ethical conduct:

(1) A licensee shall keep in confidence whatever he/she may learn about a patient in the discharge of professional duties. Information shall be divulged by him/her when required by law and may be divulged when authorized by a patient.

(2) A licensee shall give a candid account of a patient's condition to him/her or to those responsible for his/her care.

(3) The relationship between a chiropractor and his/her patient must be founded upon mutual trust, cooperation and respect. Both must have complete freedom of choice. A patient must have freedom to choose a chiropractor. A chiropractor must have freedom to choose the patients whom he/she will serve. In emergencies, a chiropractor should make his/her services available in situations where he/she can be of assistance.

(4) A licensee shall give timely notice to his/her patient or to those responsible for a patient's care when he/she withdraws from a case so that another chiropractor may be obtained.

(5) A licensee is never justified in abandoning a patient.

(6) A licensee shall practice his/her profession in accordance with the provisions of KRS Chapter 312 and the board's regulations. He/she shall avoid professional association with individuals or groups who do not practice according to such statutes and regulations.

(7) A licensee should join and actively support recognized national, state and local bodies representing the chiropractic profession and abide by their rules and regulations.

(8) A licensee shall not solicit patients directly, indirectly or through an agent; advertise his/her services except as provided by these regulations; nor shall he/she associate with or aid in any manner, individuals or groups which engage in contrary practices.

(9) A licensee shall not be identified in any manner with testimonials for proprietary products or devices advertised or sold directly to the public.

(10) A licensee shall not hold forth, advertise or indicate possession of any degree or specialty unless he/she is licensed by the board in such specialty.

(11) A licensee shall obtain consultation whenever requested to do so by a patient. He/she should not hesitate to seek consultation whenever he/she believes it to be advisable.

(12) In any dispute between or among chiropractors involving matters of ethics, the matter in controversy shall be referred to the board for comment.

(13) In any dispute between or among chiropractors regarding the diagnosis and/or treatment of a patient, the attending chiropractor has the responsibility for final decision.

(14) A licensee shall not comment directly or indirectly on professional services rendered by another chiropractor except:

(a) Before duly constituted professional bodies of inquiry or judicial proceedings;

(b) When he/she is consulted by a patient of another chiropractor for diagnosis and/or treatment and then only to the extent necessary to properly advise such patient.

(15) Illegal, unethical and incompetent conduct by

licensees shall be reported to the board.

(16) Any fee charged by a licensee shall be reasonable.

(17) No division of any professional fee shall be made except upon the basis of actual services rendered.

(18) A licensee shall not pay or receive compensation for the referral of patients.

Section 2. The enumeration of the standards in Section 1 is not exhaustive of all of the standards of professional and ethical conduct expected of a licensee. The failure to mention a standard shall not be deemed to be a determination by the board that it does not exist.

HAROLD BYERS, D.C., President
Board of Chiropractic Examiners

ADOPTED: April 28, 1979

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TO: C. T. Woodward, D.C., Executive Secretary, Kentucky State Board of Chiropractic Examiners, P.O. Box 183, Glasgow, Kentucky 42141.

DEPARTMENT OF FINANCE Board of Chiropractic Examiners

201 KAR 21:025. Board; officers, duties.

RELATES TO: KRS 312.019, 312.055

PURSUANT TO: KRS 13.082, 312.019

NECESSITY AND FUNCTION: KRS 312.055 provides for the election of certain officers by the board. KRS 312.019(6) provides that the board may employ such personnel and incur such expenses as may be necessary for the performance of its duties. The purpose of this regulation is to specify the duties of the board's officers and to provide for the employment of regular board personnel and to specify their duties.

Section 1. The board shall elect from its members a president, a vice-president and an executive secretary who shall perform the following duties:

(1) The president shall be the chief executive of the board. He/she shall preside over all meetings of the board.

(2) The vice-president shall perform the duties of the president during his/her absence or inability to serve. He/she shall perform such other reasonable duties as are delegated to him/her by the president or by the board.

(3) The executive secretary shall:

(a) Accurately record and keep in permanent form the minutes of all meetings of the board.

(b) Keep an accurate and up-to-date file of all licensees of the board, including their addresses and telephone numbers; their status as to whether or not they are in active practice or are inactive; in practice in this state or out of it; their record of attendance at educational programs; a record of all fees paid by licensees; and communicate to the board, at least once each year, the names of licensees who are delinquent in the payment of fees or for attendance of educational programs.

(c) Transmit notices for renewal of licenses as provided by KRS 312.075(2).

(d) Transmit notices of special meetings of the board.

(e) Attend to the correspondence and communications of the board.

(f) Perform such other reasonable duties as are

delegated to him/her by the president or by the board.

Section 2. The board may employ a field coordinator and a secretary as a part of the regular staff of the board. They shall be paid such salary as the board may determine from time to time. They shall perform the following duties:

(1) The field coordinator, who may be a member of the board except that the president or executive secretary may not serve as field coordinator, shall:

(a) Investigate complaints against licensees referred to him/her by the board for investigation and report his/her findings to the board. (If the field coordinator is a board member, he/she shall not vote on any matter relative to formal or informal complaints against any licensee when any of the charges were investigated by him/her in the capacity of field coordinator.)

(b) Perform such other reasonable duties as are delegated to him/her by the president or by the board.

(c) If the field coordinator is a member of the board, following his/her election, he/she shall serve until the conclusion of his/her term of appointment as a member of the board. A member who has been appointed to the position of field coordinator, who is reappointed to the board following the expiration of his/her original term, shall hold over in the position of field coordinator until a successor is elected, accepts and assumes the duties of the position. A person appointed as field coordinator may be reappointed by the board to such position.

(2) The secretary shall assist the president and the executive secretary in the performance of their duties and shall perform such other reasonable duties as are assigned by the president, the executive secretary or by the board.

Section 3. A member elected as president, vice-president or executive secretary shall serve in such offices until the conclusion of his/her term as a member. A member who has been elected to an office who is reappointed to the board shall hold over in such office until a successor is elected, accepts and assumes the duties of the office. An officer may be re-elected by the board.

HAROLD BYERS, D.C., President
State Board of Chiropractic Examiners

ADOPTED: April 28, 1979

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SUBMIT COMMENT OR REQUEST FOR HEARING
TO: C. T. Woodward, D.C., Executive Secretary, Kentucky State Board of Chiropractic Examiners, P. O. Box 183, Glasgow, Kentucky 42141.

DEPARTMENT OF FINANCE Board of Chiropractic Examiners

201 KAR 21:031. Board meetings.

RELATES TO: KRS 312.019, 312.065

PURSUANT TO: KRS 13.082, 312.019

NECESSITY AND FUNCTION: KRS 312.065 provides for meetings of the board. The purpose of this regulation is to provide for the holding of sufficient meetings to transact the business of the board; to guarantee adequate notice of meetings; and to provide for the orderly transaction of business.

Section 1. The board shall hold meetings at least an-

nually to examine applicants and to transact business at such date, time and place as the board shall, from time to time, determine at a duly convened regular or special meeting of the board.

Section 2. Regular meetings of the board shall be held at regular intervals at such date, time and place as the board shall, from time to time determine at a duly convened regular or special meeting of the board.

Section 3. The president of the board or a majority of its members may, for necessary or appropriate cause, call other meetings.

Section 4. Reasonable notice of all special meetings of the board shall be given to all board members. Such notice shall be in writing and shall state the date, time and place of the meeting. Twenty (20) days prior notice shall be presumed to be reasonable. Any regular or special meeting may be adjourned to another date, time and place without the necessity of further notice.

Section 5. Three (3) members shall constitute a quorum for the transaction of business by the board. Less than a quorum can adjourn a meeting from time to time until a quorum is present without the necessity of further notice provided that the original notice was sufficient in the case of special meetings.

Section 6. Unless otherwise provided by statute or regulation, the latest published revision of "Roberts Rules of Order" shall govern the manner of conducting all meetings of the board.

HAROLD BYERS, D.C., President
Board of Chiropractic Examiners

ADOPTED: April 28, 1979

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TO: C. T. Woodward, D.C., Executive Secretary, Kentucky State Board of Chiropractic Examiners, P.O. Box 183, Glasgow, Kentucky 42141.

DEPARTMENT OF FINANCE Board of Chiropractic Examiners

201 KAR 21:035. Seal.

RELATES TO: KRS 312.019

PURSUANT TO: KRS 13.082, 312.019

NECESSITY AND FUNCTION: KRS 312.019(4) provides that the board shall adopt a seal.

Section 1. The official seal of the board shall consist of two (2) concentric circles with the words, "The Kentucky State Board of Chiropractic Examiners," between the two (2) circles. The likeness of two (2) hands in the position of an adjustment shall appear within the inner circle with the words, "Utile Dulce," immediately below the likeness.

Section 2. The official seal shall be affixed to all licenses, certifications and registrations issued by the board and to such other documents as the board deems necessary or appropriate.

HAROLD BYERS, D.C., President

Board of Chiropractic Examiners

ADOPTED: April 28, 1979

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TO: C. T. Woodward, D.C., Executive Secretary, Kentucky State Board of Chiropractic Examiners, P.O. Box 183, Glasgow, Kentucky 42141.

DEPARTMENT OF FINANCE Board of Chiropractic Examiners

201 KAR 21:041. Licensing; standards, fees.

RELATES TO: KRS 312.085, 312.095, 312.105, 312.115

PURSUANT TO: KRS 13.082, 312.019

NECESSITY AND FUNCTION: The statutory provisions governing applications for licenses, examination of prospective licensees and the renewal of licenses were amended by the 1976 session of the Kentucky General Assembly. The purpose of this regulation is to more definitively specify the procedures relating to these and other matters.

Section 1. All applications to the board for licenses shall be made through its executive secretary on fully completed forms provided by the board for that purpose. The application shall be made at least twenty (20) days prior to the meeting held for examinations by the board unless waived by the board. The application shall be signed by the applicant in his/her own handwriting and shall be in the form and contain the information provided for by KRS 312.085.

Section 2. For an applicant to be eligible to take the examination or to be licensed, he/she must meet the following minimum educational requirements:

(1) He/she must have satisfactorily completed not less than sixty (60) semester credit hours of study from a college or university accredited as provided by KRS 312.085.

(2) He/she must be a graduate of a chiropractic college accredited as provided by KRS 312.085. Standards for such institutions are set forth in 201 KAR 21:055.

Section 3. There shall be paid to the executive secretary at the time the application is submitted, an application fee and an examination fee in the amounts provided by the board but the total of both the application fee and the examination fee shall not exceed the amount provided by KRS 312.095.

Section 4. (1) In order for an applicant to successfully pass the examination and to be licensed, he/she must make a score of seventy-five (75) percent or better on each subject tested, including clinical competency.

(2) Any applicant failing to correctly answer the required percentage of questions in one (1) or more subjects may request a re-examination within two (2) years of the initial examination. An applicant being re-examined, who failed four (4) or more subjects on the first examination will be required to retake the entire examination. If the applicant being re-examined failed less than four (4) subjects on the first examination, he/she shall be required to take only the examinations for the subjects failed. If the appli-

cant fails to correctly answer the required percentage of questions upon the re-examination, he/she may be re-examined upon all of the subjects by making a new application satisfying the provisions of KRS 312.085 and 312.095 and, in addition, furnishing proof of having received at least thirty-six (36) classroom hours of additional chiropractic training since the date of his/her last examination in a course or courses approved by the Council on Chiropractic Education or equivalent courses.

Section 5. Licenses issued by the board shall set forth the name of the issuing board, the name of the licensee, the number of the license, the date of its issuance, and must be signed by three (3) members of the board and have the seal of the board affixed. All members of the board shall be given the opportunity to sign each license.

Section 6. (1) Each licensee of the board, whether licensed to practice in this state or out of it and whether or not he/she is inactive or retired, shall annually renew his/her license on or before the first day of March. He/she shall submit his/her application for license renewal to the executive secretary on the forms provided by the board for such purpose. With the application, the licensee shall pay the renewal fee established by the board which shall not exceed the amount provided by KRS 312.175.

(2) If the licensee is in active practice in this state or intends to engage in active practice in this state during the renewal period, he/she shall submit with his/her application for license renewal satisfactory evidence that he/she has attended an educational program in the year preceding such application for renewal unless an affidavit satisfying the requirements of KRS 312.175(1) and this regulation is submitted. The educational program shall meet one (1) or more of the following minimum requirements:

(a) A post graduate course of study at or sponsored by a chiropractic college accredited by the Association of Chiropractic Colleges or the Council on Chiropractic Education or their successors, or equivalent colleges, of at least twelve (12) hours of instruction over at least two (2) days; or

(b) An educational program approved by the board, or a committee designated by the board to act between sessions of the board, with a total of at least twelve (12) hours of instruction over at least two (2) days. To be considered, the educational program must be sponsored by a national or state chartered organization of chiropractors open to all doctors of chiropractic in Kentucky who desire to attend. The instructors and speakers shall be generally recognized to have a national reputation in the field of chiropractic education or allied sciences or they shall be generally recognized as having a high degree of skill in the field in which he/she instructs or speaks. The programs to be presented must contain subjects that will be of significant benefit to licensees and on a post-graduate level of education.

(3) The sponsoring party of a proposed educational program for license renewal must apply for approval of the program prior to its presentation by providing the following information to the executive secretary:

- (a) The name of the course;
- (b) The name of the sponsoring organization;
- (c) The objective of the program;
- (d) The number of hours over which the educational program will be presented and the dates presented;
- (e) The names of the instructors and speakers and the name and address of the institution with which they are associated, if applicable;

(f) The instructors' or speakers' educational background and other relevant qualifications;

(g) The name and address of the person authorized to certify attendance.

(4) The educational program may be monitored by an officer of the board, the field coordinator of the board, or a person designated by the president of the board for such purpose.

(5) Any proposed program must be submitted to the executive secretary of the board for approval at least sixty (60) days prior to the date of the presentation. The board, or a committee designated by the board to act between meetings of the board, shall give written notification of the approval or disapproval of the program to the sponsoring party not less than thirty (30) days after receiving the proposed educational program. Within thirty (30) days of completion of the program, the sponsoring party shall submit to the executive secretary, a written certification of the licensees in attendance at the program, the sessions attended by each and the number of hours of each session attended.

(6) Notwithstanding the preceding provisions of this regulation, licenses may be renewed by the board at its discretion where the applicant submits an affidavit to the board evidencing that he/she suffered a hardship which prevented the applicant from renewing the license or attending the educational program at the proper time. The term "hardship," as used in this regulation, shall mean anything which prevents the licensee from paying the renewal fee and/or attending the educational program which could not be reasonably foreseen and which does not negatively reflect upon his/her ability to practice chiropractic.

(7) If the licensee is in active practice but is not in active practice in this state and does not intend to practice in this state during the renewal period, he/she shall meet the educational requirements of the state or jurisdiction in which he/she is practicing; shall affirm that such requirements have been met; and shall furnish proof of compliance if requested by the board or by the executive secretary.

(8) If the licensee is not in active practice, his/her license may be renewed, with such inactive status being noted, without satisfying the educational requirements but before such licensee may again be licensed to engage in the active practice of chiropractic, he/she shall meet the educational requirements prescribed by the board after a review of the licensee's verified resume of education and experience and shall satisfactorily pass such examination for clinical competency as may be prescribed by the board.

Section 7. Each licensee shall notify the executive secretary within thirty (30) days of each change of mailing address and/or place of business.

Section 8. The board may charge reasonable fees for re-examinations, providing certified copies of record, and for other such services providing that they are pre-established by the board at a duly convened meeting thereof and are uniformly applied. To the extent provided, fees established by KRS Chapter 312, shall control.

Section 9. 201 KAR 21:030 is hereby repealed.

HAROLD BYERS, D.C., President
Board of Chiropractic Examiners

ADOPTED: April 28, 1979

RECEIVED BY LRC: July 19, 1979 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: C. T. Woodward, D.C., Executive Secretary, Kentucky State Board of Chiropractic Examiners, P.O. Box 183, Glasgow, Kentucky 42141.

DEPARTMENT OF FINANCE
Board of Chiropractic Examiners

201 KAR 21:045. Specialties.

RELATES TO: KRS 312.019, 312.021

PURSUANT TO: KRS 13.082, 312.012, 312.021

NECESSITY AND FUNCTION: KRS 312.021 provides that the board shall identify by administrative regulation those specialties of chiropractic for which certification may be granted and shall establish by administrative regulation the procedure for obtaining and maintaining such certification and the fees therefor. The purpose of this regulation is to carry out that legislative direction.

Section 1. A licensee who is in active practice and in good standing with the board who applies to the board and pays the fee provided for in Section 4 shall be certified as a specialist in chiropractic orthopedics, if he holds certified or diplomate status with the American Board of Chiropractic Orthopedists or meets equivalent standards.

Section 2. A licensee who is in active practice and in good standing with the board who applies to the board and pays the fee provided for in Section 4 shall be certified as a specialist in roentgenology, if he holds diplomate status with the American Chiropractic Board of Roentgenology or meets equivalent standards.

Section 3. The applicant for certified status under either Section 1 or Section 2 shall submit with his application proof of current status with the American Board of Chiropractic Orthopedists or the American Chiropractic Board of Roentgenology or proof of meeting equivalent standards. Certification by the board shall be for a stated period of time not exceeding one (1) year.

Section 4. The board may charge reasonable fees for certification of specialties, provided that such fees are pre-established by the board at a duly convened meeting thereof and are uniformly applied.

HAROLD BYERS, D.C., President
State Board of Chiropractic Examiners

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DEPARTMENT OF FINANCE
Board of Chiropractic Examiners

201 KAR 21:055. Colleges; accreditation, approval.

RELATES TO: KRS 312.019, 312.085

PURSUANT TO: KRS 13.082, 312.019

NECESSITY AND FUNCTION: KRS 312.019 provides that the board shall pass upon the qualifications of applicants for a license. KRS 312.085 provides that each applicant must be a graduate of a chiropractic college which maintains a standard and reputability approved by the board. The purpose of this regulation is to delineate the characteristics of such institutions which are approved by the board.

Section 1. Persons who make application to the board to practice chiropractic shall be a graduate of a chiropractic college which is accredited as required by KRS 312.085. In addition to such accreditation, the chiropractic college shall offer a course of study, provide a faculty, and have a physical plant and facility which are approved by the board. The following minimum standards shall apply:

(1) The chiropractic college shall have well stated goals and purposes to prepare the doctor of chiropractic as a competent health care provider, well educated to diagnose and treat his patients and to render the augmentive treatment provided for by KRS 312.015. It shall have a course of study, an administration, teaching staff, a physical plant and facility capable of achieving these objectives.

(2) The chiropractic college shall offer courses of instruction to teach and train its graduates as doctors of chiropractic to diagnose and treat their patients and to render augmentive care. Courses offered shall include anatomy, physiology, pathology, neurology, histology, hygiene, bacteriology, chemistry, chiropractic orthopedics, diagnoses, the use and effects of x-rays and chiropractic principles and practices. It shall require for graduation and completion, the amount and quality of classroom instruction, laboratory and clinical experience required of chiropractic colleges by the Council on Chiropractic Education. The college shall also offer courses of continuing education on a post-graduate level.

(3) Seventy-five (75) percent of the members of the full-time faculty of the chiropractic college shall hold graduate degrees in the field of chiropractic or graduate degrees in the allied field in which he/she teaches. No course for which credit is given shall be taught by a person who does not hold a degree in chiropractic or in the allied field in which he/she teaches.

(4) The chiropractic college shall have exclusive possession of buildings adequate to accommodate the student body, faculty and administration with classrooms, laboratories, clinic, library, research facilities and offices. The plant, grounds, equipment and facilities shall be maintained in a safe, sanitary, efficient and attractive condition. All applicable statutes, regulations, ordinances and codes pertaining to health and safety shall be fully complied with.

Section 2. Each chiropractic college shall engage in a comprehensive, active and ongoing self-evaluation program conducted by representatives from its administration, faculty and student body. A report of such evaluation shall be made at least annually and a copy of such report shall be submitted to the board through its executive secretary. The college shall also submit annually, its catalogue and supplemental materials and information suf-

ficient to advise the board of the courses offered and the instructors thereof; the faculty and staff of the college, the courses they teach and/or the duties they perform, their educational attainment, professional memberships and professional positions held by them; the physical plant of the college, including the number and size of buildings, classrooms, libraries, laboratories, offices and clinic; the extent of laboratory training and clinical experience available to its students; the books and materials available in its library; the number of students at each level of educational attainment; the calendar of the college showing the beginning and ending dates of its terms, the vacation periods, the holidays observed, and the examination periods; and such other information as may be requested by the board to assist it in evaluating the college and its ability to produce graduates qualified to diagnose and treat patients as doctors of chiropractic.

Section 3. The board and/or any designees of the board shall have the right to inspect and observe any aspect of the educational program, plant and facilities of any chiropractic college which has a graduate or graduates to apply to be licensed by the board. Upon request of the college, the board shall designate an inspection team consisting of not more than five (5) members to inspect the college and to observe its operations and to report its observations to the board with respect to the manner in which it is complying with the standards set forth or alluded to in this regulation. The expenses of such inspection team and reasonable compensation for members of the inspection team who are not members of the board shall be paid by the requesting college.

HAROLD BYERS, D.C., President
State Board of Chiropractic Examiners

ADOPTED: April 28, 1979

RECEIVED BY LRC: July 19, 1979 at 1:30 p.m.

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TO: C. T. Woodward, D.C., Executive Secretary, Kentucky State Board of Chiropractic Examiners, P. O. Box 183, Glasgow, Kentucky 42141.

DEPARTMENT OF FINANCE Board of Chiropractic Examiners

201 KAR 21:060. Clinics; offices.

RELATES TO: KRS 312.019

PURSUANT TO: KRS 13.082, 312.019

NECESSITY AND FUNCTION: KRS 312.019(5) provides that the board shall regulate the practice of chiropractic by persons licensed or certified by it. KRS 312.019(9) provides that the board may adopt regulations pertaining to the operation and registration of chiropractic clinics. The purpose of this regulation is to delineate professional standards for chiropractic offices and chiropractic clinics.

Section 1. (1) A licensee shall maintain a chiropractic office in which he receives, diagnoses and treats his patients and maintains their records. Any number of licensees may jointly maintain a chiropractic office.

(2) A chiropractic office shall include a reception room, a toilet, washing facilities and a treatment room containing equipment ordinarily necessary to provide chiropractic services.

Section 2. (1) Two or more licensees may operate a chiropractic clinic to render services requiring specialized skills, knowledge and educational training on the part of the chiropractic clinician and specialized physical facilities not ordinarily possessed by a chiropractor operating a chiropractic office.

(2) All chiropractic clinics shall include:

- (a) A reception area;
- (b) A treatment room containing equipment necessary to render chiropractic services;
- (c) Toilet and washing facilities;
- (d) Facilities and equipment necessary to augment adjustments;
- (e) Diagnostic x-ray equipment; and
- (f) A chiropractic laboratory or reasonably convenient access to the use of a chiropractic laboratory.

(3) All chiropractic clinics shall employ one (1) or more chiropractic assistants including at least one (1) person who shall be a certified radiation operator.

(4) A licensed chiropractor shall be available at the clinic or on call and readily available at all times to render chiropractic services.

(5) All chiropractic clinics shall be certified by the board. Applications for certification shall be made to the board on forms provided by the board which shall be designed to obtain information pertaining to the personnel, facilities, equipment and services to be available at the clinic.

(6) The board may charge reasonable fees for certification of chiropractic clinics providing that such fees are pre-established by the board at a duly convened meeting thereof and are uniformly applied.

Section 3. 201 KAR 21:020 is hereby repealed.

HAROLD BYERS, D.C., President
State Board of Chiropractic Examiners

ADOPTED: April 28, 1979

RECEIVED BY LRC: July 19, 1979 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: C. T. Woodward, D.C., Executive Secretary, Kentucky State Board of Chiropractic Examiners, P. O. Box 183, Glasgow, Kentucky 42141.

DEPARTMENT OF FINANCE Board of Chiropractic Examiners

201 KAR 21:065. Professional advertising.

RELATES TO: KRS 312.015, 312.021, 312.991

PURSUANT TO: KRS 13.082, 312.019

NECESSITY AND FUNCTION: This regulation delineates limits of permissible professional advertising with the aim of adequately informing the public but at the same time establishes limits to safeguard the public from false or misleading statements and nuisance type advertising.

Section 1. A licensee may advertise his/her services as authorized by this regulation and not otherwise. Such advertisement may not be self-laudatory or misleading, and shall be confined to the following:

(1) Name, including name of professional partnership or professional service corporation, if applicable, and name

of chiropractic clinic, if applicable and licensed by the board, and names of professional associates who are licensed chiropractors;

(2) Address;

(3) Telephone number;

(4) Office hours;

(5) A statement of the type of services rendered including, if desired, any limitation or concentration of practice;

(6) Time period in which the services would be rendered;

(7) A schedule of fees for routine chiropractic services. Such fees shall be in effect for no fewer than thirty (30) days after the date advertised;

(8) Whether credit cards or other credit arrangements are accepted.

Section 2. Such advertisements may be by radio, or television, or in writing. A written advertisement may be sent or delivered to an individual addressee only if that addressee is one (1) of a class of persons, other than a family, to whom it is also sent or delivered at or about the same time, and only if it is not prompted or precipitated by a specific event or occurrence involving or relating to the addressee or addressees as distinct from the general public. A licensee that advertises a fee for routine services and accepts the employment must perform such services for the amount advertised, and a statement to that effect shall be included in every advertisement in which a fee is listed.

Section 3. A licensee advertising chiropractic services shall, simultaneously with the publication of such advertisement, mail to the board a copy of any written advertisement, or if by radio or television, a cassette recording of such advertisement plus a typed transcription of the words spoken or stated therein. In the instance of an advertisement mailed or delivered to an individual addressee or addressees, the licensee so advertising shall, at the same time, mail to the board a copy of the communication and a list of all the persons to whom it is being or will be sent or delivered.

Section 4. 201 KAR 21:040 is repealed.

HAROLD BYERS, D.C., President

State Board of Chiropractic Examiners

ADOPTED: April 28, 1979

RECEIVED BY LRC: July 19, 1979 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: C. T. Woodward, D.C., Executive Secretary, Kentucky State Board of Chiropractic Examiners, P. O. Box 183, Glasgow, Kentucky 42141.

EDUCATION AND ARTS CABINET

Department of Education

State Board for Elementary and Secondary Education

704 KAR 10:005. Summary hearings.

RELATES TO: KRS 156.132

PURSUANT TO: KRS 13.082, 156.070

NECESSITY AND FUNCTION: KRS 156.132 requires that summary hearings must be conducted before the State Board may suspend a local superintendent or district board

member and that such summary hearing must be in accordance with regulation of the board.

Section 1. A summary hearing required by KRS 156.132 shall be held at a regular or duly called special meeting of the State Board for Elementary and Secondary Education. The sole purpose for such a hearing shall be to determine whether or not to suspend a local board member or superintendent pending due process removal hearings pursuant to KRS 156.134. Such a hearing is not an adversary hearing and the person charged shall have no right to be present or to be represented by counsel.

Section 2. The summary hearing shall be at a closed session.

Section 3. In determining whether or not to vote for suspension, it is not necessary or desirable that the individual board member be convinced beyond a shadow of a doubt that the official is guilty of the charges. It is sufficient to sustain such a vote if the individual board member is of the opinion and belief that there is substantial evidence to justify suspension pending removal procedures as provided for by KRS 156.134.

Section 4. At least four (4) members of the State Board for Elementary and Secondary Education must vote in favor of the suspension in order to effect a suspension.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: August 1, 1979

RECEIVED BY LRC: August 10, 1979 at 10 a.m.

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

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Health Services

Certificate of Need and Licensure Board

902 KAR 20:060. Rural health clinics.

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

PURSUANT TO: KRS 13.082, 216.425

NECESSITY AND FUNCTION: KRS 216.425(3) authorizes the Certificate of Need and Licensure Board to regulate health facilities and health services. This regulation sets forth the requirements for rural health clinics.

Section 1. Definitions. As used in this regulation, the following terms shall have the meanings set forth below: (1) "Nurse practitioner" means an individual who meets the requirements governing the qualifications of nurse practitioners, as set forth in 201 KAR 20:055, and is currently certified as a nurse practitioner by the Kentucky Board of Nursing Education and Nurse Registration.

(2) "Physician" means an individual who holds a regular license under KRS 311.550 to 311.620, Kentucky medical and osteopathic practice act of 1972.

(3) "Rural health clinic," or clinic as it is designated in this regulation, means a health facility, located in an area that is not delineated as an urbanized area by the Bureau of the Census, which provides a broad range of diagnostic

and treatment services, on an outpatient basis, for a variety of health conditions. The clinic does not have to be free standing, but may be an integral and subordinate part of a licensed health facility or health service. The rural health clinic must provide rural health services, as defined herein, at least fifty-one (51) percent of the time the clinic is opened.

Section 2. Licenses, Certificates of Need and Reports.

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

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

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

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

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

(6) Any primary care center and its extensions or satellites licensed as primary care center, (as defined in 902 KAR 20:059), by the Certificate of Need and Licensure Board which has been determined through site inspection to be in compliance with the standards listed herein, may also be licensed as rural health clinic upon submission of a properly completed license application form together with the prescribed fee.

Section 3. Administration and Operation. (1) The rural health clinic shall be under the medical direction of a physician and shall have a health care staff that meets the requirements set forth herein.

(2) The rural health clinic shall establish policies, lines of authority and responsibilities, including:

(a) Name of person principally responsible for directing the operation of the clinic;

(b) Name of person responsible for medical direction;

(c) Name of owner(s) of the clinic.

(3) Patient care policies shall be developed with the advice of a group of professional personnel that includes one or more physicians and one or more nurse practitioners. At least one (1) member shall not be a member of the rural health clinic staff. The policies shall include:

(a) A description of the services the rural health clinic furnishes directly and those furnished through agreement or arrangement;

(b) Guidelines for the medical management of health problems which include the conditions requiring medical consultation and/or patient referral, the maintenance of health care records, and procedures for the periodic review and evaluation of the services furnished by the clinic;

(c) Rules for the storage, handling and administration of drugs and biologicals.

(4) Policies shall be reviewed at least annually by the group of professionals described in subsection (3) of this section.

Section 4. Personnel. (1) The rural health clinic shall have a health care staff that includes one or more physicians and one or more nurse practitioners.

(2) The physician shall:

(a) Provide medical direction for the rural health clinic's health care activities and consultation for, and medical supervision of, the health care staff;

(b) In conjunction with the nurse practitioner(s), participate in developing, executing, and periodically reviewing the rural health clinics written policies and services.

(c) Periodically review the rural health clinic's patient records, provide medical orders, and provide medical care services to patients of the rural health clinic.

(d) Be present for consultation weekly, time to be scheduled between the physician and nurse practitioner and be immediately available, within one (1) hour through direct telecommunication for consultation, assistance with medical emergencies, or patient referral.

(3) The physician may be the owner of the rural health clinic, an employee of the rural health clinic, or under agreement with the rural health clinic to carry out responsibilities of the rural health clinic.

(4) The nurse practitioner shall:

(a) Participate in the development, execution and periodic review of the written policies governing the services the rural health clinic furnishes.

(b) Participate with the physician in periodic review of patient health records.

(c) Perform the following functions to the extent they are not being performed by a physician:

1. Provide services in accordance with rural health clinic policies, established protocols and with KRS Chapter 314, (Nurse Practice Act).

2. Arrange for, or refer patients to needed services that cannot be provided at the rural health clinic.

3. Assure that adequate patient health records are maintained and transferred when patients are referred.

(5) The nurse practitioner may be an employee of the rural health clinic or owner of the rural health clinic. The nurse practitioner shall be available to furnish patient care services at least sixty (60) percent of the time the rural health clinic operates. The remainder of the time may be spent in activities other than direct patient care.

(6) The rural health clinic shall employ such other staff or ancillary personnel that is sufficient to provide the services essential to the operation of the rural health clinic.

Section 5. Minimum Service Requirements. (1) All services offered by the rural health clinic shall be furnished in accordance with appropriate written policies which are consistent with applicable federal, state, and local laws.

(2) The rural health center shall develop, and maintain a written protocol(s) applying to service provided by the center both for preventive health services as well as for illness and injury. Written protocols (i.e., standing orders, rules of practice, medical directives) are medical guidelines which explicitly direct the step-by-step collection of subjective and objective data from the patient. The protocols further direct data analysis and recommend explicit medical action depending upon the data collected and also include rationale for each decision made. The protocols are acceptable only when signed by the duly licensed staff physician of the center.

(3) The rural health clinic staff shall furnish those diagnostic and therapeutic services and supplies that are commonly furnished in a physician's office or at the entry point into the health care delivery system. These include medical history, physical examination, assessment of

health status, and treatment for a variety of medical conditions.

(4) The rural health clinic shall provide basic laboratory services essential to the immediate diagnosis and treatment of the patient, including:

- (a) Chemical examinations of urine by stick or tablet methods or both (including urine ketones);
- (b) Microscopic examinations of urine sediment;
- (c) Hemoglobin or hematocrit;
- (d) Blood sugar;
- (e) Gram stain;
- (f) Examination of stool specimens for occult blood;
- (g) Pregnancy tests;
- (h) Primary culturing for transmittal to a certified laboratory;

- (i) Test for pinworms.

(5) The rural health clinic shall provide medical emergency procedures as a first response to common life-threatening injuries and acute illness, and have available the drugs and biologicals commonly used in life saving procedures, such as analgesics, anesthetics (local), antibiotics, anticonvulsants, antidotes and emetics, serums and toxoids.

(6) The rural health clinic shall have linkage agreements or arrangements with one or more of each of the following:

- (a) Inpatient hospital care;
- (b) Physician services in a hospital, patient's home, or long term care facility;
- (c) Additional and specialized diagnostic and laboratory services that are not available at the rural health clinic;
- (d) Home health agency;
- (e) Local health department;
- (f) Emergency medical services;

(7) The rural health clinic shall maintain a clinical record system in accordance with written policies and procedures. A member of the professional staff shall be designated to be responsible for maintaining the records and for insuring that the records are systematically organized, readily accessible and accurately documented.

(8) For each patient receiving health care services, the rural health clinic shall maintain a record that includes, as applicable:

(a) Identification and social data, evidence of consent forms, pertinent medical history, assessment of the health status and health care needs of the patient, and a brief summary of the episode, disposition, and instructions to the patient for each patient contact;

(b) Reports of physical examinations, diagnostic and laboratory test results, and consultative findings;

(c) All orders, reports of treatments rendered and medications given and other pertinent information necessary to monitor the patient's progress.

(d) Signatures of the physician or other health care professionals on each order written or treatment provided.

(9) The rural health clinic shall maintain the confidentiality of medical record information and provide safeguards against loss, destruction, or unauthorized use. Written policies and procedures shall govern the use and removal of records from the clinic and the condition for release of information. The patient's written consent is required for release of information not authorized by law.

(10) Medical records shall be maintained for at least six (6) years from date of last entry.

Section 6. Program Evaluation. (1) The rural health clinic shall carry out, or arrange for an annual evaluation of its total program.

- (2) The evaluation shall include review of:

(a) The utilization of clinic services including at least the number of patients served and the volume of services;

(b) A representative sample of both active and closed clinical records;

(c) The rural health clinic's health care policies.

(3) The purpose of the evaluation is to determine whether:

(a) The utilization of services was appropriate;

(b) The established policies were followed;

(c) Any changes are needed.

(4) The rural health clinic staff shall consider the findings of the evaluation and take corrective action if necessary.

MASON RUDD, Chairman

ADOPTED: July 11, 1979

RECEIVED BY LRC: August 3, 1979 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mason C. Rudd, Chairman, Kentucky Health Facilities and Health Services, Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

904 KAR 3:035. Certification process.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a food stamp program as prescribed by the Food Stamp Act of 1977, as amended, and 7 CFR Part 270 through 280. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth the certification process used by the department in the administration of the food stamp program.

Section 1. Eligibility and Benefit Levels. Eligibility and benefit levels shall be determined by the department by considering the households circumstances for the entire month(s) for which each household is certified. Procedures specified in 7 CFR Parts 273.10(a), 273.10(b), 273.10(c), 273.10(d) and 273.10(e) shall be used to determine eligibility and calculate net income and benefit levels.

Section 2. Certification Periods. The department shall establish a definite period of time within which a household shall be eligible to receive benefits. At the expiration of each certification period entitlement to food stamp benefits ends. Further eligibility shall be established only upon a recertification based upon a newly completed application, an interview, and verification. Certification periods for non-public assistance households shall be in accordance with those specified in 7 CFR Part 273.10(f)(3)(4)(5)(6). Households in which all members are included in a PA grant shall be certified for one (1) year, except that the food stamp case shall be recertified at the same time they are redetermined for PA.

Section 3. Certification Notices to Households. The department shall provide applicants with one (1) of the following written notices as soon as a determination is made, but no later than thirty (30) days after the date of the initial application:

- (1) Notice of eligibility.
- (2) Notice of denial.
- (3) Notice of pending status.

Section 4. Application for Recertification. The department shall process applications for recertification in accordance with 7 CFR Part 273.10(g)(2) and Part 273.14.

Section 5. Certification Process for Specific Household. The following households have circumstances that are substantially different from other households and therefore require special certification procedures:

- (1) Households with self-employed members shall have their cases processed in accordance with 7 CFR Part 273.11(a).
- (2) Boarders and/or households with boarders shall have their case processed in accordance with 7 CFR Part 273.11(b).
- (3) Households with members which have been disqualified from program participation due to fraud or failure to meet the student work registration requirements shall have their case processed in accordance with 7 CFR Part 273.11(c).

(4) Households with ineligible aliens or other non-household members will be processed in accordance with 7 CFR Part 273.11(d).

(5) Residents of drug/alcoholic treatment and rehabilitation programs shall have their case processed in accordance with 7 CFR Part 273.11(e).

(6) Households requesting replacement allotments for stolen or destroyed coupons or improperly manufactured or mutilated coupons shall be processed in accordance with 7 CFR 273.11(f).

Section 6. Reporting Changes. Certified households are required to report within ten (10) days, those changes in household circumstances specified in 7 CFR Part 273.12(a). The department shall use the change report form designated by FNS and shall act on reported changes in accordance with 7 CFR Part 273.12(c). The department shall comply with other change reporting provisions outlined in 7 CFR Part 273.12.

JACK F. WADDELL, Commissioner
PETER D. CONN, Secretary

ADOPTED: August 14, 1979

RECEIVED BY LRC: August 15, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275
East Main Street, Frankfort, Kentucky 40621.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of August 1, 1979 Meeting

(Subject to subcommittee approval at its September 5, 1979 Meeting.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, August 1, 1979, at 10 a.m., in Room 327 of the Capitol. The minutes of the July 17, 1979 meeting were approved. Present were:

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

Guests: Joyce Bell, Donald C. Cooke, Rodney Varian Tapp, Ked Fitzpatrick and John Cubine, Department for Human Resources; William E. Johnson, Board of Optometric Examiners; Carl B. Larsen, Harness Racing Commission; Robert Harrison and Fred Huggins, Department of Labor; Conley Manning, Lee Tyler and C. E. Rall, Department of Education; Carroll Roberts, Board of Hairdressers and Cosmetologists; Daniel C. Wilson, Department of Revenue; Mark S. Spellman, Department of Military Affairs; William Schmidt, Board of Medical Licensure; Doug Borders, Board of Nursing Home Administrators; Roy V. Thurman, Department of Finance; Joe Bruna, Charles C. Bowers, Jr., and James R. Axon, Department of Fish and Wildlife Resources; John T. Smither, William M. Sawyer and James W. Bates, Public Service Commissions; L. Englert, Department of Public Information.

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

On motion of Senator Johnson, seconded by Chairman Brinkley, the following regulations were deferred until the September 5 meeting:

REGISTRY OF ELECTION FINANCE

Reports and Forms

801 KAR 1:007. Committees; definition, responsibilities.

DEPARTMENT OF REVENUE

Selective Excise Tax — Cigarettes

103 KAR 41:040. Subjobbers, vending machine operators and unclassified acquirers.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Social Services

Public Assistance

904 KAR 2:020. Child support.

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

DEPARTMENT OF REVENUE

Selective Excise Tax — Cigarettes

103 KAR 41:050. Transporters.

DEPARTMENT OF MILITARY AFFAIRS

National Guard

106 KAR 1:030. Rescue organizations.

OCCUPATIONS AND PROFESSIONS

Board of Optometric Examiners

201 KAR 5:010. Application for examination; reciprocity.

201 KAR 5:040. Unprofessional conduct.

Board of Licensure for Nursing Home Administrators

201 KAR 6:010. Licensure.

Board of Medical Licensure

201 KAR 9:040. License fees.

201 KAR 9:085. Conditions of probation for disciplinary cases.

Board of Hairdressers and Cosmetologists

201 KAR 12:130. School fees for services.

DEPARTMENT OF FISH AND WILDLIFE RESOURCES
Fish

301 KAR 1:115. Propagation of fish, frogs, crayfish or aquatic organisms.

301 KAR 1:120. Live fish sales and handling; licensure.

301 KAR 1:140. Special commercial fishing permit.

301 KAR 1:155. Commercial fishing requirements.

Game

301 KAR 2:040. Upland game shooting preserves.

301 KAR 2:120. Shoot to retrieve field trial.

DEPARTMENT OF EDUCATION

Bureau of Administration and Finance

General Administration

702 KAR 1:020. Length of employment.

School District Finance

702 KAR 3:050. Application to exceed budget.

Bureau of Pupil Personnel

School Terms, Attendance and Operations

703 KAR 2:010. Terms and months.

Bureau of Instruction

Instructional Services

704 KAR 3:010. Administrative and special services.

704 KAR 3:011. Repeals.

704 KAR 3:025. Classroom units.

704 KAR 3:030. Special instructional service units.

704 KAR 3:280. Professional performance improvement project.

Health and Physical Education Programs

704 KAR 4:010. Physical education.

704 KAR 4:015. Management of interscholastic athletics.

704 KAR 4:020. School health.

Kindergartens and Nursery Schools

704 KAR 5:010. Private programs.

704 KAR 5:050. Public school programs.

Elementary and Secondary Education Act

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

DEPARTMENT OF VOCATIONAL EDUCATION

Adult Education

705 KAR 7:050. Adult plan.

KENTUCKY SCHOOL BUILDING AUTHORITY
School Building Construction
723 KAR 1:010. Interest.

DEPARTMENT OF LABOR
Occupational Safety and Health
803 KAR 2:020. Adoption of 29 CFR Part 1910.
(As amended.)

ALCOHOLIC BEVERAGE CONTROL BOARD
Advertising Malt Beverages
804 KAR 2:015. Prohibited statements.
Licensing
804 KAR 4:030. Transport permit, non-resident licensee.
804 KAR 4:130. Beer storage.
804 KAR 4:140. Distributor's storage.
804 KAR 4:160. Beer transporter.
804 KAR 4:170. Through transporters.
804 KAR 4:180. Freight forwarders.
804 KAR 4:200. Warehouses.
Conduct of Business; Employees
804 KAR 5:030. Personnel prohibitions.
Transportation of Alcoholic Beverages
804 KAR 8:060. Persons not eligible to be licensed.
Malt Beverage Equipment, Supplies and Service
804 KAR 12:011. Repeals.

PUBLIC SERVICE COMMISSIONS
Utility Regulatory Commission
807 KAR 25:040. Telephone.
Energy Regulatory Commission
807 KAR 50:015. General rules. (As amended.)

HARNESS RACING COMMISSION
Harness Racing Rules
811 KAR 1:200. Administration of purses and payments.

**DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION**
Hazardous Materials
815 KAR 30:040. Anhydrous ammonia.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Services
Public Assistance
904 KAR 2:008. Program for emergency assistance. (As amended.)

The meeting was adjourned at 11:15 a.m., to meet again on Wednesday, September 5, 1979, at 10 a.m., in Room 327 of the Capitol.

Administrative Register ^{of} *kentucky*

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