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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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Public Hearings Scheduled

DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

A public hearing will be held at 10 a.m. EST November 1, 1979 in the Conference Room of the Department of Housing, Buildings and Construction, U. S. 127 South, Frankfort, Kentucky on the following regulation:

815 KAR 30:050. Fireworks; approval of exempted novelties. [6 Ky.R. 212]

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

A public hearing will be held at 10 a.m. EST November 12, 1979, in the Auditorium of the Capital Plaza Tower, Mero Street, Frankfort, Kentucky on the following regulations:

401 KAR 7:010. General provisions. [6 Ky.R. 201]

401 KAR 7:020. Certification. [6 Ky.R. 204]

401 KAR 7:030. Commercial structural pest control and fumigation. [6 Ky.R. 207]

DEPARTMENT OF INSURANCE

A public hearing will be held at 10 a.m. EST November 30, 1979 in the Hearing Room of the department at 151 Elkhorn Court, Frankfort, Kentucky on the following regulation:

806 KAR 39:060. Stickers or emblems. [6 Ky.R. 239]

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MANAGING EDITOR (Name and Address) None			
7. OWNER (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual must be given.)			
NAME COMMONWEALTH OF KENTUCKY LEGISLATIVE RESEARCH COMMISSION		ADDRESS Room 300, State Capitol Frankfort, Kentucky 40601	
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PS Form 3526 (Dec 11)

(See instructions on reverse)

Amended Regulations Now In Effect

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance As Amended

904 KAR 1:002. Definitions.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: October 3, 1979

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth definitions for words and/or phrases used by the department in regulations pertaining to the provision of medical assistance.

Section 1. Definitions. Definitions of terms or phrases utilized in regulations relating to the Medical Assistance Program are as follows:

(1) "Actual acquisition cost," the amount paid by a provider for medical supplies minus any amounts refunded to, or deducted by, the provider on account of early or timely payment, purchasing in volume, or such other normal business practices, and which reduce the actual amount of capital investment required of the provider.

(2) "Charge," the amount of payment or reimbursement required by the provider for the medical procedure or service.

(a) "Prevailing charges," those charges which fall within the range of charges most frequently and most widely used in a medical area for particular medical procedures or services.

(b) "Reasonable charge," a charge for a health care service rendered that is consistent with efficiency, economy and quality of the care provided.

(c) "Usual and customary charge," the uniform amount which the medical provider charges in the majority of cases for a specific medical procedure or service.

(3) "C.F.R. (Code of Federal Regulations)," federal regulations which transfer to regulatory form the specific requirements of federal law.

(4) "Comparable services," generally speaking, medical services provided to the general public which are equivalent in nature, scope and delivery method to similar medical services provided to medical assistance program recipients.

(5) "Deductible," amounts payable by the recipient which fall within an aged beneficiary's deductible liability imposed by Title XVIII, Part B, Health Insurance for the Aged.

(6) "Co-Insurance," co-insurance amounts payable by the recipient under the provisions of Title XVIII, Part B, for covered medical services rendered under the Medicare program, and becoming due after satisfaction of the deductible liability.

(7) "Eligible individual," a person who has applied for medical assistance and has been found to meet all applicable conditions for eligibility pertaining to Kentucky's medical assistance program.

(8) "Excess income," that portion of the income of the individual or family group which exceeds amounts allowable to the individual or family group as disregarded income or income protected for basic maintenance, and which results in a determination of ineligibility.

(a) "Excess resources," that portion of the liquid assets or other resources of the individual or family group in excess of the amounts which may be retained for the individual or family group's security and personal use, not exempted from consideration or otherwise accounted for by special specified circumstances, and which result in a determination of ineligibility.

(b) "Spend-down," the process by which excess income is utilized for recognized medical expenses, and which, when *excess income* is depleted, results in a determination of eligibility if all other eligibility factors are met.

(9) "Flat fee schedule," a specified rate or grouping of rates at which reimbursement is made for a covered service or services, taking into account such factors as cost of providing the service, the necessity to ensure an adequate supply of providers for utilization by recipients, and the department's ability to pay.

(10) "Flat fee based on cost of service," a specified rate or grouping of rates at which reimbursement is made for a covered service or services, which is based more closely on the actual cost of providing the service or services with less weighting for other factors.

(11) "Initial visit," the first or more extensive visit made to a provider for the purpose of securing a covered medical service or services, and which may include the taking of medical history, diagnosis, and initial treatment.

(12) "Follow-up visits," visits to the provider subsequent to the initial visit, made for the purpose of securing added treatment for the medical problem, or for evaluation and adjustment of treatment.

(13) "Income protected," income of the individual or family group which the department recognizes as being needed for the basic maintenance of the individual or family group, and which the individual or family group retains for personal use.

(14) "Interim rates," the initial rates for reimbursement, based on the projected reasonable cost of providing the service and applying of accepted cost apportionment principles, most nearly approximating actual allowable costs, determined on a facility by facility basis; and usually, followed by reimbursement adjustments after provision of the service to account for differences between projected costs and actual costs.

(15) "I.C.F. (Intermediate Care Facility)," a facility licensed by the state to provide health care which is more than room and board but less than skilled nursing facility care.

(16) "Inpatient services," those services rendered for [by] any acute or chronic condition, including maternal

and mental health care, which cannot be rendered on an outpatient basis.

(17) *"Lock-in" is the system whereby a recipient found to be over-utilizing physician and/or pharmacy services is assigned (i.e., restricted) to one (1) physician and one (1) pharmacy for those services except on referral or in the event of emergency. ["Outpatient services," services provided, in other than inpatient circumstances, for any condition detrimental to the individual recipient's physical or mental health], which cannot be taken care of in the home situation].*

(18) *"Lock-in provider" is a physician or pharmacy which agrees to be the assigned provider of physician or pharmacy services for a recipient placed in lock-in status.*

(19) [(18)] *"Medicaid," the state program of medical assistance as administered by the department in compliance with Title XIX of the Social Security Act, and which is designed to provide for the medical care needs of Kentucky's medically indigent citizenry.*

(20) [(19)] *"Medicare," the federal program under Title XVIII of the Social Security Act providing medical benefits to persons receiving Social Security Retirement payments or who have received Social Security benefits based on disability for a period of twenty-four (24) consecutive months.*

(a) Part A, Hospital Insurance Benefits, provides hospital care, nursing home care and home health visits, subject to deductibles and co-insurance.

(b) Part B, Supplementary Medical Insurance, provides additional medical benefits to those persons eligible for Part A or any person sixty-five (65) years of age, but only if enrolled in the program and paying the monthly premium.

(21) [(20)] *"Medical assistance drug list (MADL)," a listing of drugs, covered under the medical assistance program, which includes the drug code, description, dosage strength, covered unit form, maximum dosage covered,*

and per unit price. The official title of the list is "Kentucky Medical Assistance Program Outpatient Drug List."

(22) [(21)] *"Medical service area," a designated geographical area within which medical services provision is compared for purposes of planning, reimbursement, etc.*

(23) *"Out-patient services," services provided, in other than in-patient circumstances, for any condition detrimental to the individual recipient's physical or mental health.*

(24) [(22)] *"Over-utilization," the use of program benefits in excess of that actually required for the treatment of the recipient's medical problem.*

(25) [(23)] *"Participating," a provider of medical services taking part in the medical assistance program by agreeing to comply with program regulations and provide services to eligible recipients.*

(26) [(24)] *"Provider," a person, organization, or institution certified to provide health or medical care services authorized under the medical assistance program.*

(27) [(25)] *"Prior authorization; pre-authorization," the approval which must be given by the Division for Medical Assistance, or other specified authority, to a specified provider for specified services for a specified recipient [to a specified provider.] in order for such service to be covered under Medicaid.*

(28) [(26)] *"Profile," an outline of the outstanding characteristics of a vendor practice in rendering health care services and recipient usage in receiving health care services.*

(29) [(27)] *"Utilization review," the process of monitoring and controlling, to the extent possible, the quantity and quality of health care services delivered under the medical assistance program.*

JACK F. WADDELL, Commissioner
PETER D. CONN, Secretary

ADOPTED: September 4, 1979

RECEIVED BY LRC: September 10, 1979 at 10 a.m.

Proposed Amendments

DEPARTMENT OF FINANCE State Board of Medical Licensure (Proposed Amendment)

201 KAR 9:040. License fees.

RELATES TO: KRS 311.530 to 311.620, 311.990

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy and authorizes the board to establish requirements and standards relating thereto. The purpose of this regulation is to establish a fee schedule as authorized by KRS 311.565(2)(m) for examinations, directories, and the issuance and renewal of licenses and permits.

Section 1. Fee schedule:

- (1) Admission to any complete examination including a regular or limited license issued as a result thereof (The charge for a partial examination shall be prorated according to the number of sections taken.) \$150.
- (2) Application for regular license by reciprocity or endorsement \$125.
- (3) Application for limited license by reciprocity or endorsement \$50.
- Balance of fee to be paid when full license granted \$75.
- (4) Certifying a licentiate of Kentucky to the licensing agency of another state. \$15.
- (5) Certifying the grades of a licentiate of Kentucky to the licensing agency of another state. \$5.
- (6) Each renewal of a limited license. \$20.
- (7) Duplicate license certificate \$10.
- (8) Application for regular license by endorsement from National Board of Medical Examiners for medical school graduates of Kentucky \$65.
- (9) Temporary permit (Pursuant to KRS 311.575(2) this fee will be credited upon the prescribed fee for a regular license if subsequently issued by the board). \$25.
- (10) Emergency permit No charge.
- (11) Each copy of the "Kentucky Medical Directory" (Other than Kentucky medical licensees, hospitals, medical and osteopathic schools, and other official licensing boards) \$5. [\$3.]
- (12) Annual registration and renewal of license \$12.

JOHN C. QUERTERMOUS, M.D., President

ADOPTED: August 30, 1979

RECEIVED BY LRC: September 17, 1979 at 11 a.m.

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

DEPARTMENT OF FINANCE Division of Occupations and Professions Board of Speech Pathology and Audiology (Proposed Amendment)

201 KAR 17:010. Application for licensure.

RELATES TO: KRS 334A.030, 334A.130

PURSUANT TO: KRS 334A.080

NECESSITY AND FUNCTION: This regulation is necessary to clarify the procedure for submitting an application for licensure.

Section 1. Application for Speech Pathologist and [or] Audiologist license. (1) No person shall practice or represent himself as a speech pathologist or audiologist in this state unless he is licensed in accordance with the provisions of KRS Chapter 334A, and the provisions of the regulations adopted thereunder.

(2) An application for license to practice speech pathology or audiology shall be made to the Board of Examiners of Speech Pathology and Audiology upon forms provided by the board upon request and shall contain such information as the board may reasonably require.

(3) Each application for license shall be accompanied by the application [a] fee [of twenty-five dollars (\$25)] which is non-refundable.

(4) The board may request such additional information or clarification of information provided in the application as it deems reasonably necessary.

(5) All applications shall be signed by the applicant and notarized.

(6) All applications shall include a recent photograph of the applicant.

(7) If the board so directs, an applicant shall personally appear before the board or a member thereof for a personal interview concerning his application.

Section 2. 201 KAR 17:020 is hereby repealed.

RAMELLE F. PATTERSON, Chairman

ADOPTED: August 30, 1979

RECEIVED BY LRC: September 28, 1979 at 10:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Director, Division of Occupations and Professions, P.O. Box 456, Frankfort, Kentucky 40601.

DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Speech Pathology and Audiology
(Proposed Amendment)

201 KAR 17:050. Audiology aide.

RELATES TO: KRS 334A.020

PURSUANT TO: KRS 334A.080

NECESSITY AND FUNCTION: This regulation is necessary to more clearly define the position of audiology aide under provisions of KRS Chapter 334A.

Section 1. *Requirements for application for certification as an audiology aide shall be the following: [The audiology aide shall work under the direct supervision of a licensed audiologist.]*

(1) *Complete the application form provided by the Kentucky Board of Examiners of Speech Pathology and Audiology.*

(2) *Be of good moral character.*

(3) *Submit evidence of high school diploma or general education development (GED) certificate and official transcripts from one or more accredited junior colleges, community colleges or four (4) year institutions of higher education presenting evidence of the completion of twenty-four (24) semester hours in courses constituting a well integrated program that includes the following:*

(a) *Three (3) semester hours in a course that provides fundamental information in normal human growth and development, three (3) semester hours in a course providing basic information in speech, language, and hearing development and three (3) semester hours in a course that provides information about identification audiometry.*

(b) *Fifteen (15) semester hours in courses that provide information and observation of the area of audiology. Examples of courses meeting this requirement are: basic audiometry, hearing conservation, fundamentals of hearing, aural rehabilitation, communication needs of the hearing impaired, etc.*

Section 2. *Supervision of the Audiology Aide. The audiology aide shall work under the direct supervision of a licensed audiologist who shall be responsible for the direction of all client services provided by said aide and shall be responsible to the client for the performance of these services. The licensed audiologist must be physically present at least fifty (50) percent of every testing or remediation session. [The audiology aide and his/her licensed supervisor shall submit written evidence of successful completion of minimal training recognized by the board. Such training shall be offered through an educational institution approved by the board and shall be the equivalent of at least a three (3) semester hour course which prepares the aide to provide basic audiometric testing and hearing screening under supervision.]*

Section 3. *Responsibilities of the Audiology Aide. (1) Under the direction and supervision of a licensed audiologist the audiology aide may: [The audiology aide shall not offer diagnostic and therapy services beyond that which is inherent in the training curriculum and shall not offer services to the public in any other manner or setting other than the organization in which they are employed.]*

(a) *Provide hearing screening services.*

(b) *Assist in administering unmasked pure tone air conduction hearing threshold tests.*

(c) *Provide limited aural rehabilitation programming as approved and reviewed by the supervising audiologist.*

(2) *The audiology aide shall not be responsible for making decisions regarding the diagnosis, management and future disposition of clients.*

Section 4. *The audiology aide and his/her supervisor shall submit a written plan of activities to be performed by the aide for the board's approval initially and annually on or before January 31 of any given year.*

Section 5. *The audiology aide shall submit to written and/or oral examinations by the board or its representative upon official request by the board.*

Section 6. *Failure of the audiology aide and his/her supervisor to comply with the regulations herein shall result in revocation of the supervisor's license and other penalties under the provisions of KRS Chapter 334A.*

Section 7. *Fee Schedule. The following fees shall be paid in connection with audiology aides as applicable:*

(1) *Application fee: \$10.*

(2) *Examination fee: \$10.*

(3) *Initial certificate fee: \$15.*

(4) *Renewal fee: \$10.*

RAMELLE F. PATTERSON, Chairman

ADOPTED: August 30, 1979

RECEIVED BY LRC: September 28, 1979 at 10:30 a.m.

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

DEPARTMENT OF FINANCE
Division of Occupations and Professions
Board of Speech Pathology and Audiology
(Proposed Amendment)

201 KAR 17:060. Speech pathology aide.

RELATES TO: KRS 334A.020

PURSUANT TO: KRS 334A.080

NECESSITY AND FUNCTION: This regulation is necessary to more clearly define the position of the speech pathology aide under provisions of KRS Chapter 334A.

Section 1. *Requirements for application for certification as a speech pathology aide shall be the following: [The speech aide shall work under the supervision of a licensed speech pathologist.]*

(1) *Complete the application form provided by the Kentucky Board of Examiners of Speech Pathology and Audiology.*

(2) *Be of good moral character.*

(3) *Submit evidence of high school diploma or a general education development (GED) certificate and official transcripts from one or more accredited junior colleges, community colleges or four (4) year institutions of higher education presenting evidence of the completion of twenty-*

four (24) semester hours in courses constituting a well integrated program that includes the following:

(a) Three (3) semester hours in a course that provides fundamental information in normal human growth and development, three (3) semester hours in a course providing basic information in speech, language, and hearing development, and three (3) semester hours in a course that provides management procedures for articulation disorders.

(b) Fifteen (15) semester hours in courses that provide information and observation of the area of speech pathology. Examples of courses meeting this requirement are: speech, hearing, and language disorders, general phonetics, basic articulation screening and therapy, basic language stimulation, group therapy principles, methods and activities in speech remediation, etc.

Section 2. Supervision of Speech Pathology Aide. The speech pathology aide shall work under the direct supervision of a licensed speech pathologist who shall be responsible for the direction of all client services provided by said aide and shall be responsible to the client for the performance of these services. The licensed speech pathologist must be physically present at least fifty (50) percent of every testing or remediation session. [The speech aide and his/her licensed supervisor shall submit written evidence of successful completion of minimal training recognized by the board. Such training shall be offered through an educational institution approved by the board and shall be the equivalent of at least a three (3) semester hour course which prepares the aide to provide language stimulation and basic articulation therapy under supervision.]

Section 3. Responsibilities of the Speech Pathology Aide. (1) Under the direction and supervision of a licensed speech pathologist, the speech pathology aide may: [The speech aide shall not offer diagnostic and therapy services beyond that which is inherent in the training curriculum and shall not offer services to the public in any other manner or setting other than the organization in which they are employed.]

(a) Assist in administering only those speech and language tests that the supervising speech pathologist has approved and will subsequently check for scoring accuracy.

(b) Assist in providing speech and language therapy activities that have been reviewed and approved by the supervising speech pathologist.

(2) The speech pathology aide shall not be responsible for making decisions regarding the diagnosis, management or future disposition of clients.

Section 4. The speech pathology aide and his/her supervisor shall submit a written plan of activities to be performed by the aide for the board's approval initially and annually, on or before January 31 of any given year.

Section 5. The speech pathology aide shall submit to written and/or oral examinations by the board or its representative upon official request by the board.

Section 6. Failure of the speech pathology aide and his/her supervisor to comply with the regulations herein shall result in revocation of the supervisor's license and other penalties under the provisions of KRS Chapter 334A.

Section 7. Fee Schedule. The following fees shall be paid in connection with speech pathology aides as applicable:

- (1) Application fee: \$10.
- (2) Examination fee: \$10.
- (3) Initial certificate fee: \$15.
- (4) Renewal fee: \$10.

RAMELLE F. PATTERSON, Chairman

ADOPTED: August 30, 1979

RECEIVED BY LRC: September 28, 1979 at 10:30 a.m.

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

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

704 KAR 3:305. Minimum unit requirements for high school graduation.

RELATES TO: KRS 156.160

PURSUANT TO: KRS 13.082, 156.030, 156.070, 156.160

NECESSITY AND FUNCTION: KRS 156.160(2) [(3)] requires that upon the recommendation of the Superintendent of Public Instruction, the State Board for Elementary and Secondary Education shall adopt rules and regulations relating to the minimum requirements for graduation from the courses offered in all common schools. This regulation relates to the establishment of requirements necessary for entitlement to a high school diploma.

Section 1. All students in the common schools and all students in the private or parochial schools which are accredited by the State Board for Elementary and Secondary Education shall meet the following minimum credit requirements for high school graduation.

(1) (a) Language arts—3;

(b) Social studies (including one (1) credit in U.S. History and one (1) credit in citizenship. The credit in citizenship as outlined in the Program of Studies for Kentucky Schools, K-12, 1979, shall be required of students graduating in 1984. A local board of education in its discretion may offer in the seventh or eighth grade a full-year course in citizenship and when a student successfully completes such a course the citizenship requirement for graduation will have been met. Successful completion of the citizenship requirement at the seventh or eighth grade level shall not be substituted for either of the two (2) social studies credits required for high school graduation.)—2;

(c) Mathematics—2;

(d) Science—2;

(e) Health—½;

(f) Physical education—½.

(2) (a) Required—10;

(b) Elective—8; (Beginning with the students graduating in the class of 1984, the total number of required electives shall be 10.)

(c) Total—18; (*Beginning with the students graduating in the class of 1984, the total number of required credits shall be 20*).

Section 2. Each student who satisfactorily completes the requirements of Section 1 *and such additional credit requirements as may be imposed by the local board of education* shall be awarded a graduation diploma.

(1) Local boards of education may grant different diplomas to those students who complete credits above the minimum number of credits as established by the State Board for Elementary and Secondary Education.

(2) The local school district board of education shall award the diploma.

Section 3. Nothing in this regulation shall be interpreted as prohibiting any local governing board, superintendent, principal or teacher from awarding special recognition to students.

Section 4. When the severity of an exceptional student's handicap(s) precludes a course of study leading to receipt of a diploma, an alternative program shall be offered. This program is based upon student needs, is specified in the individual educational plan, and is to be reviewed at least annually. The student who completes such a course of study is entitled to recognition for achievement. This may be accomplished by the local school district board of education awarding a certificate.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: September 11, 1979

RECEIVED BY LRC: September 21, 1979 at 11 a.m.

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

PUBLIC PROTECTION AND REGULATION CABINET **Department of Insurance** **(Proposed Amendment)**

806 KAR 39:060. Stickers or emblems.

RELATES TO: KRS 304.39-085

PURSUANT TO: KRS 13.082, 304.2-110

NECESSITY AND FUNCTION: KRS 304.39-085(2) requires the commissioner to prescribe by regulation the form, content and location in which the sticker or emblem required by KRS 304.39-085(1) shall be affixed. This regulation provides the definitions and exceptions facilitating the required regulation. Also, KRS 304.39-085(10) provides for a form to be prescribed by the commissioner and is described in this regulation.

Section 1. Definitions. (1) The term "rear window" means the lower left hand rear corner of the rear window; or on the windshield on those vehicles without a rear window or when the rear window is inappropriate.

(2) The term "sticker" means a prescribed, gummed label issued under the authority of the commissioner for attachment to the windshield;

(3) The term "emblem" means a prescribed sticker encased in plastic or any durable facsimile thereof;

(4) The terms "affix" or "affixed" mean the attachment of a sticker to the window of the vehicle as defined herein or the carrying of an emblem upon the vehicle or upon the person of the operator thereof;

(5) The term "temporary certificate" or "binder" means any written evidence of the required security as described in the temporary official Kentucky insurance sticker (Ky. NF2) as prescribed by the commissioner of insurance from time to time and secured and issued under his authority, and which includes the named insured; a description of the motor vehicle; the name of the reparation obligor; the name, address and signature of a licensed agent or officer of the reparation obligor; and the expiration date of such security. [that includes the name and address of the motor vehicle owner, description of the motor vehicle, the inception and expiration date of such security and the name of the reparation obligor and signed by a licensed insurance agent or officer of the reparation obligor.]

Section 2. (1) Emblems may only be used in lieu of stickers when either:

(a) The vehicle is not equipped with a windshield; or

(b) The vehicle is one described under KRS 304.39-085(1)(b).

(2) A temporary official Kentucky insurance sticker [binder or certificate] may not be issued for a period in excess of thirty (30) days, but this shall not preclude the issuance of a renewal temporary official Kentucky insurance sticker [binder or certificate] for a second thirty (30) day period.

(3) A person whose license plate has been suspended shall fulfill the proof requirements of KRS 304.99-060 by filing with the commissioner a sworn statement that a new and valid sticker has been affixed to the vehicle together with:

(a) A certificate of insurance issued by the reparation obligor to the commissioner for a term of one (1) year containing a cancellation clause of not less than thirty (30) days; or

(b) Shall qualify as a self-insurer pursuant to 806 KAR 39:050.

(4) Upon receipt of such forms the commissioner shall issue to the owner certification acceptable to the Bureau of State Police that the period of suspension shall terminate.

(5) Upon receipt of notice by the commissioner that the required security has been cancelled or that the qualification as a self-insured has been impaired, the commissioner shall notify the Bureau of State Police.

Section 3. Any written communication requesting that the commissioner make the investigation required by him under KRS 304.39-085(10), which supplies the commissioner with the date of the accident and the sticker number on the other vehicle, shall be considered to comply with the form requirement.

HAROLD B. MCGUFFEY, Commissioner

ADOPTED: September 14, 1979

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: September 18, 1979 at 9:30 a.m.

PUBLIC HEARING: A public hearing will be held on this regulation on Friday, November 30, 1979 at 10 a.m. in the hearing room at the Department of Insurance, 151 Elkhorn Court, Frankfort, Kentucky 40601.

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

902 KAR 1:055. Meclizine 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 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 Meclizine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Meclizine Hydrochloride Pharmaceutical Products. The following meclizine hydrochloride tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Meclizine Hydrochloride 12.5 mg. Tablet Form:

(a) Antigo: Pharnecon, Inc.;

(b) Antivert: Roerig;

(c) Meclizine Hydrochloride: Camall Company, Cooper Drug Company, Geneva Generics, H and H Laboratories, H. L. Moore Drug Exchange, Lederle Laboratories, McKesson Laboratories, Murray Drug Corporation, Parmed Pharmaceuticals, Richie Pharmacal Company, Richlyn Laboratories, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories, Zenith Laboratories;

(d) V-Cline: Vanguard Laboratories.

(2) Meclizine Hydrochloride 25 mg. Tablet Form:

(a) Antigo: Pharnecon, Inc.;

(b) Antivert: Roerig;

(c) Meclizine Hydrochloride: Camall Company, Cooper Drug Company, Geneva Generics, H. L. Moore Drug Exchange, Murray Drug Corporation, Parmed Pharmaceuticals, Richie Pharmacal Company, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories, Wolins Pharmacal, Zenith Laboratories;

(d) V-Cline: Vanguard Laboratories.

(3) Meclizine Hydrochloride 25 mg. Chewable Tablet Form:

(a) Antivert: Roerig;

(b) Bonine: Pfizer Laboratories;

(c) Meclizine Hydrochloride: Camall Company, H. L. Moore Drug Exchange, Lederle Laboratories, McKesson Laboratories, Pharnecon, Inc., Richie Pharmacal, Rogers Wholesalers, Rugby Laboratories, Spencer-Mead, Inc., Three P Products Corporation, United Research Laboratories, Zenith Laboratories.

E. C. SEELEY, M.D., Chairperson

ADOPTED: September 11, 1979

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: September 26, 1979 at 1 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 1:110. Diphenhydramine 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 formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Diphenhydramine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Diphenhydramine Hydrochloride Capsule Pharmaceutical Products. The following diphenhydramine hydrochloride capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Diphenhydramine Hydrochloride 25 mg. Capsule Form:

(a) Benadryl: Parke-Davis and Company;

(b) Di-Amine: Vanguard Laboratories;

(c) Diphenhydramine Hydrochloride: Barr Laboratories, Bell Pharmacal, Bioline Laboratories, Columbia Medical Company, Cooper Drug Company, Division of Chromalloy Pharmaceuticals, Danbury Pharmacal, Generix Drug Corporation, Geneva Generics, ICN Pharmaceuticals, Lederle Laboratories, McKesson Laboratories, Murray Drug Corporation, Paramount Surgical Supply Corp., Parmed Pharmaceuticals, Pharnecon, Inc., Purepac Pharmaceuticals, Richie Pharmacal Company, Rogers Wholesalers, Rugby Laboratories, Smith, Kline and French Laboratories, Theda Corporation, Three P Products Corporation, Tutag Pharmaceuticals, Zenith Laboratories;

(d) Lensen: Geneva Drugs, Ltd.

(2) Diphenhydramine Hydrochloride 50 mg. Capsule Form:

(a) Benadryl: Parke-Davis and Company;

(b) Di-Amine: Vanguard Laboratories;

(c) Diphenhydramine Hydrochloride: Barr Laboratories, Bell Pharmacal, Bioline Laboratories, Columbia Medical Company, Cooper Drug Company, Division of Chromalloy Pharmaceuticals, Danbury Pharmacal, Generix Drug Corporation, Geneva Generics, ICN Pharmaceuticals [Laboratories], Lederle Laboratories, McKesson Laboratories, Murray Drug Corporation, Paramount Surgical Supply Corporation, Parmed Pharmaceuticals, Pharnecon, Inc., Philips-Roxanne Laboratories, Purepac Pharmaceuticals, Richie Pharmacal Company, Rogers Wholesalers, Rugby Laboratories, Smith, Kline and French Laboratories, Theda Corporation, Three P Products Corporation, Tutag Pharmaceuticals, Zenith Laboratories;

(d) Lensen: Geneva Drugs, Ltd.

Section 2. Diphenhydramine Hydrochloride Elixir Pharmaceutical Products. The following Diphenhydramine Hydrochloride elixir pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Diphenhydramine Hydrochloride 12.5 mg/5 ml Elixir Form:

- (1) Benadryl Elixir: Parke-Davis and Company;
- (2) Di-Amine Elixir: Vanguard Laboratories;
- (3) Diphenhydramine Hydrochloride Elixir: Abbott Laboratories, Barre Drug Company, Cooper Drug Company, H. L. Moore Drug Exchange, Henry Schein, Inc., Lederle Laboratories, Murray Drug Corporation, Rugby Laboratories, Theda Corporation, Three P Products, Tutag Pharmaceuticals;
- (4) Hydramine Elixir: *Bell Pharmacal*, *Richie Pharmacal Company*.

E. C. SEELEY, M.D., Chairperson

ADOPTED: September 11, 1979

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: September 26, 1979 at 1 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 1:280. Chloral hydrate.

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 Chloral Hydrate pharmaceutical products by their generic and brand names that have been determined by the Council to be therapeutically equivalent.

Section 1. Chloral Hydrate Capsule Pharmaceutical Products. The following chloral hydrate capsule phar-

maceutical products are determined to be therapeutically equivalent, in each respective dosage: Chloral Hydrate 500 mg. Capsule Form:

(1) Chloral Hydrate: Barre Drug Company, Bell Pharmacal Company, Columbia Medical Company, Cooper Drug Company, Geneva Generics, Generix Drug Company, H. L. Moore Drug Exchange, Lederle Laboratories, Murray Drug Corporation, Pace-Bond Drug Company, Paramount Surgical Supply Corporation, Parke-Davis and Company, Parmed Pharmaceuticals, Pharnecon, Inc., Philips-Roxane Laboratories, Purepac Pharmaceuticals, Rexall Drug Company, Richie Pharmacal Company, Rogers Wholesalers, Rugby Laboratories, Theda Corporation, Three P Products Corporation, Trust Pharmaceuticals, United Research Laboratories, Walgreens, Zenith Laboratories;

(2) Kessodrate: McKesson Laboratories;

(3) Noctec: E. R. Squibb and Sons;

(4) Sk-Chloral Hydrate: Smith, Kline and French;

(5) Somnos: Merck, Sharp and Dohme;

(6) V-Clor: Vanguard Laboratories.

Section 2. Chloral Hydrate Syrup Pharmaceutical Products. The following chloral hydrate syrup pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage (Cautionary Note: Sugar content not determined): Chloral Hydrate Syrup 500 mg/5ml Form:

(1) Chloral Hydrate Syrup: Abbott Laboratories, Barre Drug Company, Henry Schein, Inc., Lederle Laboratories, Murray Drug Corporation, Pharnecon, Inc., *Purepac Pharmaceuticals*, Richie Pharmacal, Spencer-Mead, Inc., Theda Corporation, Three P Products Corporation;

(2) Kessodrate: McKesson Laboratories;

(3) Noctec Syrup: E. R. Squibb and Sons;

(4) V-Clor Syrup: Vanguard Laboratories.

E. C. SEELEY, M.D., Chairperson

ADOPTED: September 11, 1979

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: September 26, 1979 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Andy Naff, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40621.

Proposed Regulations

DEPARTMENT OF FINANCE Division of Occupations and Professions Board of Speech Pathology and Audiology

201 KAR 17:041. Professional code of ethics.

RELATES TO: KRS 334A.180

PURSUANT TO: KRS 334A.080

NECESSITY AND FUNCTION: This regulation is necessitated by KRS 334A.080(3) which requires the Board to adopt and publish a code of ethics.

Section 1. Preamble. The preservation of the highest standards of integrity and ethical principles is vital to the successful discharge of the professional responsibilities of all speech-language pathologists and audiologists. This code of ethics has been promulgated by the Kentucky Board of Examiners for Speech Pathology and Audiology in an effort to stress the fundamental rules considered essential to this basic purpose. Any action that is in violation of the spirit and purpose of this code shall be considered unethical. Failure to specify any particular responsibility or practice in this code of ethics should not be construed as denial of the existence of other responsibilities or practices.

Section 2. The fundamental rules of ethical conduct are described in three (3) categories; principles of ethics, ethical proscriptions, and matters of professional propriety as follows:

(1) Principles of ethics. Six (6) principles serve as a basis for the ethical evaluation of professional conduct and form the underlying moral basis for the code of ethics. Licensees must observe these principles as affirmative ethical obligations under all conditions of professional activity.

(2) Ethical proscriptions are formal statements of prohibitions that are derived from the principles of ethics.

(3) Matters of professional propriety. Matters of professional propriety represent guidelines of conduct designed to promote the public interest and thereby better inform the public and particularly the persons in need of speech-language pathology and audiology services as to the availability and the rules regarding the delivery of those services.

Section 3. Principle of Ethics I. (1) Licensees shall hold paramount the welfare of persons served professionally:

(a) Licensees shall use every resource available, including referral to other specialists as needed to provide the best service possible.

(b) Licensees shall fully inform persons served of the nature and possible effects of the services.

(c) Licensees shall fully inform research subjects or subjects participating in teaching activities of the nature and possible effects of these activities.

(d) Licensees' fees shall be commensurate with services rendered.

(e) Licensees shall provide appropriate access to records of persons served professionally.

(f) Licensees shall take all reasonable precautions to avoid injuring persons in the delivery of professional services.

(g) Licensees shall evaluate services rendered to determine effectiveness.

(2) Ethical proscriptions:

(a) Licensees must not exploit persons in the delivery of professional services, including accepting persons for treatment when benefit cannot reasonably be expected or continuing treatment unnecessarily.

(b) Licensees must not guarantee the results of any therapeutic procedures directly or by implication. A reasonable statement of prognosis may be made, but caution must be exercised not to mislead persons served professionally to expect results that cannot be predicted from sound evidence.

(c) Licensees must not use persons for teaching or research in a manner that constitutes an invasion of privacy or fails to afford informed free choice to participate.

(d) Licensees must not evaluate or treat speech, language or hearing disorders except in a professional relationship. They must not evaluate or treat solely by correspondence. This does not preclude follow-up correspondence with persons previously seen, nor providing them with general information of an educational nature.

(e) Licensees must not reveal to unauthorized persons any professional or personal information obtained from the persons served professionally, unless required by law or unless necessary to protect the welfare of the person or the community.

(f) Licensees must not discriminate in the delivery of professional services on any basis that is unjustifiable or irrelevant to the need for and potential benefit from such services, such as race, sex or religion.

(g) Licensees must not charge for services not rendered.

Section 4. Principle of Ethics II. (1) Licensees shall maintain high standards of professional competence:

(a) Licensees shall continue their professional development throughout their careers.

(b) Licensees shall identify competent, dependable referral services for persons served professionally.

(c) Licensees shall maintain adequate records of professional services rendered.

(2) Ethical proscriptions:

(a) Licensees must neither provide services nor supervision of services for which they have not been properly prepared, nor permit services to be provided by anyone under their supervision who is not properly prepared.

(b) Licensees must not provide clinical services by prescription from anyone who does not hold a Kentucky license in the field of speech pathology and/or audiology.

(c) Licensees must not delegate any service requiring the professional competence of a licensed speech pathologist and/or audiologist to anyone unqualified.

(d) Licensees must not offer clinical services by supportive personnel for whom they do not provide appropriate supervision and assume full responsibility.

(e) Licensees must not require anyone under their supervision to engage in any practice that is in violation of the code of ethics.

Section 5. Principle of Ethics III. (1) Licensees' statements to persons served professionally and to the public shall provide accurate information about the nature and management of communicative disorders, and about the professional services rendered by its practitioners.

(2) Ethical proscriptions:

(a) Licensees must not misrepresent their training or competence.

(b) Licensees' public statements providing information about professional services and products must not contain representations or claims that are false, deceptive or misleading.

(c) Licensees must not use professional or commercial affiliations in any way that would mislead or limit services to persons served professionally.

(3) Matters of propriety. Licensees should announce services in a manner consonant with highest professional standards in the community.

Section 6. Principle of Ethics IV. (1) Licensees shall maintain objectivity in all matters concerning the welfare of persons served professionally. Licensees who dispense products to persons served professionally shall observe the following standards:

(a) Products associated with professional practice must be dispensed to the person served as a part of a program of comprehensive habilitative care.

(b) Fees established for professional services must be independent of whether a product is dispensed.

(c) Persons served must be provided freedom of choice for the source of services and products.

(d) Price information about professional services rendered and products dispensed must be disclosed by providing to or posting for persons served a complete schedule of fees and charges in advance of rendering services, which schedule differentiates between fees for professional services and charges for products dispensed.

(e) Products dispensed to the person served must be evaluated to determine effectiveness.

(2) Ethical proscriptions. Licensees must not participate in activities that constitute a conflict of professional interest.

(3) Matters of propriety:

(a) Licensees should not accept compensation for supervision from the person being supervised.

(b) Licensees should present products they have developed to their colleagues in a manner consonant with highest professional standards.

Section 7. Principle of Ethics V. (1) Licensees shall honor their responsibilities to the public, their profession, and their relationships with colleagues and members of allied professions.

(2) Matters of professional propriety:

(a) Licensees should seek to provide and expand services to persons with speech, language and hearing handicaps as well as to assist in establishing high professional standards for such programs.

(b) Licensees should educate the public about speech, language and hearing processes; speech, language and hearing problems, and matters related to professional competence.

(c) Licensees should strive to increase knowledge within the profession and share research with colleagues.

(d) Licensees should establish harmonious relations with colleagues and members of other professions, and endeavor to inform members of related professions of services provided by speech pathologists and audiologists, as well as seek information from them.

(e) Licensees should assign credit to those who have contributed to a publication in proportion to their contribution.

Section 8. Principle of Ethics VI. (1) Licensees shall inform the board of examiners of violations of this code of ethics.

(2) Licensees shall cooperate fully with the board of examiners' inquiries into matters of professional conduct related to this code of ethics.

Section 9. 201 KAR 17:040 is hereby repealed.

RAMELLE F. PATTERSON, Chairman

ADOPTED: August 30, 1979

RECEIVED BY LRC: October 12, 1979 at 12:45 p.m.

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

EDUCATION AND ARTS CABINET Department of Education Bureau of Instruction

704 KAR 3:265. Nutrition education and training plan.

RELATES TO: KRS 156.035

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: A State Plan is necessary in order to be eligible to receive federal funds under Section 16 of the Child Nutrition Act of 1966 as amended in 1977.

Section 1. Pursuant to the authority vested in the State Board for Elementary and Secondary Education the Kentucky State Plan for Nutrition Education and Training shall be prepared and approved by the State Board for Elementary and Secondary Education, in accordance with the appropriate federal guidelines, and submitted to the appropriate office of the United States Department of Agriculture for approval. This document is incorporated by reference and hereinafter shall be referred to as the "State Plan for Nutrition Education and Training." Copies of the state plan may be inspected at the Legislative Research Commission or obtained from the Division of Program Development, Kentucky Department of Education.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: September 11, 1979

RECEIVED BY LRC: September 21, 1979 at 11 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.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Division for Consumer Health Protection

902 KAR 10:050. Refuse bins.

RELATES TO: KRS 211.025, 211.090, 211.180

PURSUANT TO: KRS 13.082, 194.050, 211.090

NECESSITY AND FUNCTION: KRS 211.090 and 211.180 grant the Department for Human Resources the authority to establish regulations relating to all matters of public health for the prevention and control of health hazards. The purpose of this regulation is to establish a standard for certain refuse bins; to prescribe testing conditions and procedures for refuse bins and to set forth procedures for structurally modifying unstable bins or those not complying with the standard. Because unstable refuse bins are a potential hazard to the health and well being of children and because the average life of a refuse bin is estimated to be from ten (10) to fifteen (15) years, standards are required to minimize the risk from injury of the product.

Section 1. Definitions. The following definitions shall apply to all refuse bin regulations:

(1) "Refuse bin" means a metal receptacle having an internal volume one (1) cubic yard or greater, by actual measurement, which temporarily receives and holds refuse for ultimate disposal either by unloading into the body or loading hopper of a refuse collection vehicle or by other means.

(2) "Internal volume" means the actual volumetric capacity of the container. This may not necessarily correspond to the nominal size rating used by industry.

(3) "Tip over" and "tipping over" mean that during the application of either test force described in Section 4, the refuse bin begins to rotate forward about its forwardmost ground supports.

(4) "Unstable refuse bin" means a bin which has an actual internal volume of one (1) cubic yard or greater and tips over when an external vertically downward force is applied to the bin in a position which most adversely affects stability.

(5) "Distribute in commerce" and "distribution in commerce" mean to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

(6) "Department" means the Department for Human Resources.

(7) "Risk of injury" means a risk of death, personal injury or serious or frequent illness.

(8) "Retrofit" and "retrofitting" mean the structural modification of a bin to make it stable.

Section 2. Applicability. Refuse bins under the ownership of municipalities or local, state, or federal agencies or their political subdivisions, private individual customers, retail and wholesale businesses such as restaurants, grocery stores, warehouses; manufacturers and other similar establishments or firms on the effective date of this regulation, are exempt from the provisions of this regulation; provided, however, such bins introduced into commerce are subject to Section 6.

Section 3. Test Conditions. A refuse bin shall be subject to the required tests under the following conditions.

(1) The refuse bin shall be empty and have its lids or covers in a position which would most adversely affect the stability of the bin when tested.

(2) The refuse bin shall be tested on a hard, flat surface. During testing, the bin shall not be tilted from level in such a way as to increase its stability.

(3) Those refuse bins equipped with casters or wheels shall have the casters or wheels positioned in a position which would most adversely affect the stability of the bin and shall be chocked to prevent movement.

(4) The stability of the refuse bin shall be tested without dependence upon non-permanent attachments or restraints such as chains or guys.

(5) For purposes of enforcement, bins will be tested by the department in that position which most adversely affects their stability.

Section 4. Test Procedures. The following procedures shall apply to the testing of a refuse bin:

(1) The refuse bin shall be tested by applying forces as described below and in the order indicated:

(a) A horizontal force of seventy (70) pounds (311N) shall be applied to a point and in a direction most likely to cause tipping; and

(b) A vertically downward force of 191 pounds (850N) shall be applied to a point most likely to cause tipping.

(2) These forces shall be applied separately and the bin shall not tip over under the application of either action cited above.

(3) A refuse bin is considered to tip over when it begins to rotate forward about its forwardmost ground supports.

Section 5. Modification of Unstable Bins. Bins that do not meet the requirements of the test procedures and are, therefore, unstable may be structurally modified so the bin will be in compliance and no longer hazardous. Structural modification (retrofitting) may be accomplished in several ways but not limited to the following:

(1) Metallic extensions may be welded to the front of the sloping side, and moving the wheels forward on the extensions.

(2) Placing a counter weight (permanent) on the back of the bin. Structural modification made to stabilize unstable refuse bins must be of such durable construction so as to last the useful life of the bin to which applied.

Section 6. Refuse Bins that are not in Compliance with Standards. Any refuse bin of metal construction produced or distributed, for sale to, or for the personal use, consumption or permanent or temporary household or residence, a school, in recreation or otherwise, which is in commerce or being distributed in commerce on or after the effective date of these standards and which has an actual internal volume one (1) cubic yard or greater and tips over when tested under conditions which are compatible with Section 3, and using the procedures described in Section 4, shall be deemed a prohibited product and prohibited from distribution in commerce when found to be not in compliance with these standards.

Section 7. Compliance. Refuse bins which are in compliance with applicable standards adopted by the United States Consumer Product Safety Commission shall be considered to be in compliance with these standards.

Section 8. Issuance and Service of Notice of Violations.

(1) When test procedures described in Section 4 reveal the bin(s) is not in compliance with the prescribed standards, the department shall notify the owner of such violations by means of a written notice. Such notification shall:

(a) Set forth the specific violations found.

(b) Establish a specific and reasonable period of time for the correction of such violations.

(c) State that an opportunity for appeal from any notice of inspectional findings will be provided if a written request for a hearing is filed with the department within the period of time established in the notice for correction.

(2) Notices provided for under this regulation shall be deemed to have been properly served when the written notification of findings has been delivered personally to the owner of the bin or person in charge, or when such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the owner or person in charge. A copy of such notice shall be filed with the records of the department.

Section 9. Hearings. Should nonconforming bins not be brought into compliance with the applicable standards

within the prescribed period of time or an appeal from the findings of violations is requested by the owner or person in charge, a hearing shall be conducted by the department at a time and place designated by it. Based upon the record of such hearing, the department shall make findings of fact and conclusion of law. A transcript of the hearing shall not be made unless the interested party assumes the costs thereof.

ROBERT SLATON, Commissioner

ADOPTED: September 12, 1979

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: September 26, 1979 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, Department for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the October 3, 1979 Meeting

(Subject to subcommittee approval at its November 7, 1979 Meeting.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, October 3, 1979 at 10 a.m., in Room 327 of the Capitol. The minutes of the September 5, 1979 meeting were approved. Present were:

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

Guests: Joe Bruna, Department of Fish and Wildlife Resources; Janet Straub, Joyce Bell, Dr. P. Venkataraman, Ked R. Fitzpatrick, John L. Clayton and John A. Cubine, Department for Human Resources; Charles Henry, Department of Transportation; Judith G. Walden, John R. Groves, Jr., Carl Smoak and James R. Smith, Department of Housing, Buildings and Construction; Keene Daingerfield, State Racing Commission; Jim Ahler, George H. Helton and Martin Glazer, Board of Accountancy; Charles D. Wickliffe, Department of Finance; Joseph D. Hudson and James H. Moore, Department of Insurance; Laura L. Murrell and P. J. Lucier, Banks-Baldwin Law Publishing Company; James R. Villines and George Risk, Department for Natural Resources and Environmental Protection; William E. Johnson, Kentucky Board of Optometric Examiners; Gaynor E. Hatfield and Alta Haunsz, Board of Nursing; Debra A. Catron, Department of Justice; Kenneth E. Hollis, Joe A. Newberg and Robert Harrison, Department of Labor; Dr. Dan W. Hanke and Andy Naff, Drug Formulary Council; Dale Burchett, Dr. Frank Hideg and Dr. John A. Arnold, Jr., Board of Chiropractic Examiners; Ray Hatfield and Al Rostal, Kentucky Outdoor Advertising Association, Inc.; Kenneth L. Anderson, American General Insurance Company; Bruce Clark, Southern Optical Co.; George T. Breathitt.

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

Press: Sy Ramsey, Associated Press; Dave White and Ricardo N. Thomas, WLEX-TV; W. E. McConnell, UPI; Edmund Shelby, PI.

The following regulations were deferred until the November 7, 1979 meeting:

DEPARTMENT OF FINANCE

Purchasing

200 KAR 5:317. Cost principles. (Deferred at the request of Senator Johnson to permit time for study of material adopted by reference.)

Occupations and Professions

Board of Optometric Examiners

201 KAR 5:037. Advertising. (Deferred at the request of counsel for the board.)

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Bureau of Surface Mining Reclamation and Enforcement

Strip Mining of Coal

405 KAR 1:141. Disposal of excess spoil.

405 KAR 1:260. Contemporaneous reclamation.

Surface Effects of Underground Coal Mining

405 KAR 3:111. Disposal of excess rock and earth. (Deferred because the affirmative consideration was received too late for proper review.)

DEPARTMENT OF TRANSPORTATION Bureau of Highways

Maintenance

603 KAR 3:020. Advertising devices on federal aid primary system. (Deferred on motion of Senator Johnson, seconded by Representative Robinson, to permit opponents to have counsel present at the next meeting to present objections.)

REGISTRY OF ELECTION FINANCE**Reports and Forms**

801 KAR 1:007. Committees; definition, responsibilities. (Deferred by the subcommittee because a representative of the promulgating agency was not present to speak to the regulation.)

DEPARTMENT OF INSURANCE**Domestic Stock and Mutual Insurers**

806 KAR 24:021. Acquisition of controlling stock. (Deferred because the affirmative consideration was received too late for proper review.)

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

904 KAR 2:081. Crisis oriented program for emergencies (COPE). (Deferred on motion of Representative Robinson, seconded by Chairman Brinkley, for further study.)

The following regulations were rejected by the Subcommittee.

**DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION****Kentucky Building Code**

815 KAR 7:010. Administration and enforcement.

815 KAR 7:020. Building code.

815 KAR 7:030. Energy Code. (Rejected on motion of Senator Johnson for noncompliance with statutory authority and legislative intent.)

DEPARTMENT OF EDUCATION**Bureau of Instruction****Elementary and Secondary Education Act**

704 KAR 10:005. Summary hearings. (Rejected on motion of Senator Johnson for noncompliance with statutory authority and legislative intent.)

The following regulations were approved and ordered filed:

DEPARTMENT OF FINANCE**Occupations and Professions****Board of Accountancy**

201 KAR 1:061. Standards certification.

Board of Nursing Education and Nurse Registration

201 KAR 20:011. School approval.

201 KAR 20:095. Inactive status.

Board of Chiropractic Examiners

201 KAR 21:005. Definitions.

201 KAR 21:015. Code of conduct.

201 KAR 21:025. Board; officers, duties.

201 KAR 21:031. Board meetings.

201 KAR 21:035. Seal.

201 KAR 21:041. Licensing; standards, fees.

201 KAR 21:045. Specialties.

201 KAR 21:055. Colleges; accreditation, approval.

201 KAR 21:060. Clinics; offices.

201 KAR 21:065. Professional advertising.

DEPARTMENT OF FISH AND WILDLIFE RESOURCES**Game**

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

DEPARTMENT OF TRANSPORTATION**Bureau of Highways****Construction and Materials**

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

DEPARTMENT OF EDUCATION**Bureau of Instruction****Teacher Certification**

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

DEPARTMENT FOR OCCUPATIONAL EDUCATION**Bureau of Rehabilitation Services****Administration**

706 KAR 1:010. Interim three-year plan for vocational rehabilitation services.

DEPARTMENT OF LABOR**Occupational Safety and Health**

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

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

Workmen's Compensation Board

803 KAR 25:010. Procedure.

STATE RACING COMMISSION**Thoroughbred Racing Rules**

810 KAR 1:004. Stewards.

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

902 KAR 1:025. Pentaerythritol tetranitrate.

902 KAR 1:030. Erythromycin.

902 KAR 1:035. Chlorpheniramine maleate.

902 KAR 1:040. Penicillin-G.

902 KAR 1:080. Acetaminophen.

902 KAR 1:081. Acetaminophen with codeine.

902 KAR 1:140. Sulfisoxazole tablet.

902 KAR 1:210. Nitroglycerin.

902 KAR 1:270. Pseudoephedrine hydrochloride.

902 KAR 1:290. Ferrous sulfate.

902 KAR 1:322. Triprolidine and pseudoephedrine hydrochloride.

902 KAR 1:324. Hyoscyamine sulfates.

Maternal and Child Health

902 KAR 4:020. Care of eyes.

Certificate of Need and Licensure Board

902 KAR 20:040. Family care homes; operation and services.

Bureau for Social Insurance**Medical Assistance**

904 KAR 1:002. Definitions. (As amended.)

904 KAR 1:009. Physicians' services.

904 KAR 1:010. Payments for physicians' services.

Public Assistance

904 KAR 2:015. Supplemental programs for the aged, blind and disabled.

904 KAR 2:055. Hearings and appeals.

Food Stamp Program

904 KAR 3:010. Definitions.

904 KAR 3:020. Eligibility requirements.

904 KAR 3:030. Application process.

904 KAR 3:035. Certification process.

904 KAR 3:040. Issuance procedures.

904 KAR 3:050. Additional provisions.

The meeting was adjourned at 3:15 p.m., to meet again on Wednesday, November 7, 1979 at 10 a.m., in room 327 of the Capitol.

Administrative Register ^{of} *kentucky*

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