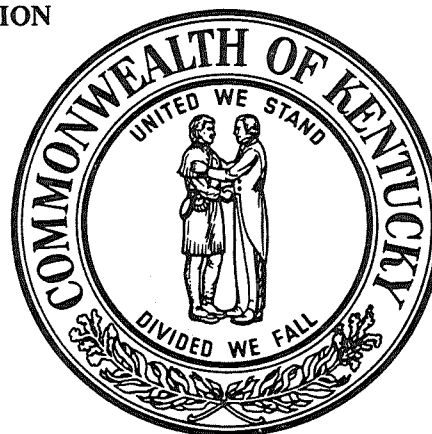


LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 6, NUMBER 10
THURSDAY, MAY 1, 1980



IN THIS ISSUE

Public Hearing Scheduled	525
Amended Regulations Now in Effect:	
Board of Examiners of Social Work	525
Department of Education:	
Minimum unit requirements for high school graduation	526
Department for Human Resources:	
Certificate of Need and Licensure Board	527
Proposed Amendments:	
Department of Personnel— Personnel Rules	537
Department of Fish and Wildlife Resources— Game	539
Department of Agriculture— Pesticides	541
Department of Education:	
Planning	545
School District Finance	545
Instructional Services	546
Exceptional and Handicapped Programs	546
Kentucky School Building Authority	547
Department for Human Resources:	
Drug Formulary	547
Proposed Regulations Received Through April 15:	
Department of Fish and Wildlife Resources— Game	549
Department of Education:	
School District Finance	551
Elementary and Secondary Education Act	552
Department of Housing, Buildings and Construction:	
Plumbing	552
Minutes of Administrative Regulation Review Subcommittee	554

CUMULATIVE SUPPLEMENT

Locator Table— Effective Dates	K 2
KRS Cross-Reference Table	K 6
Cumulative Index	K 9

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.

The *Administrative Register of Kentucky* is the monthly advance sheets service for the 1980 Edition of KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.

HOW TO CITE: Cite all material in the *Administrative Register of Kentucky* by Volume number and Page number. Example: Volume 2, Kentucky Register, page 318 (short form: 2 Ky.R. 318).

KENTUCKY ADMINISTRATIVE REGULATIONS are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

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

Administrative Register of Kentucky

(ISSN 0096-1493)

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The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: \$24 per volume of 12 issues, beginning in August and ending with the July issue of the subsequent year.

Second class postage paid at Frankfort, Kentucky.
POSTMASTER: Send address changes to Administrative Register of Kentucky, Room 300, State Capitol, Frankfort, Kentucky 40601.

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Public Hearing Scheduled

DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

A public hearing will be held at 1 p.m. EDT May 15, 1980 in the Conference Room of the Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky on the following regulation:

815 KAR 20:141. Standards for subsurface sewage disposal systems. [6 Ky.R. 552]

Amended Regulations Now In Effect

DEPARTMENT OF FINANCE Division of Occupations and Professions Board of Examiners of Social Work As Amended

201 KAR 23:100. Hearing procedures.

RELATES TO: KRS Chapter 335

PURSUANT TO: KRS 13.082

EFFECTIVE: April 1, 1980

NECESSITY AND FUNCTION: KRS 335.070 authorizes the State Board of Examiners of Social Work to conduct hearings on charges calling for the denial, revocation or suspension of a license and to adopt rules for the conduct of such hearings.

Section 1. The board will hold a formal hearing whenever: (1) Any person refused licensure by the board shall so request; or

(2) Any licensee is alleged to have committed any act which constitutes a violation of any applicable statute or regulation and there appear to be reasonable grounds to believe that such a violation has, in fact, occurred.

Section 2. Hearings to determine matters of licensure shall be conducted in the following manner: (1) When the board denies licensure or relicensure to any applicant, the board shall inform the applicant of the reason(s) for the actions and of the applicant's right to appeal the decision in a formal hearing before the board. After thirty (30) days from the date of such notification, if no response is received from the applicant, the disapproval shall become final and the matter deemed closed. An explanation of this time limit shall be included in the notification of disapproval.

(2) When an applicant informs the board that he desires to pursue such an appeal, he shall be informed by certified mail, *return receipt requested*, of the following:

- (a) The time, date and place of hearing.
- (b) His right to representation by counsel.
- (c) His right to present witnesses and evidence in his behalf and to cross-examine any witnesses who may appear against him.
- (d) A concise statement of the nature of the hearing and the issues to be discussed by the board.
- (3) The hearing shall not be scheduled sooner than thirty (30) days later than the date of such notice.
- (4) The hearing shall be governed by this regulation and by the rules of evidence for civil proceedings in the Com-

monwealth of Kentucky unless the presiding officer determines that a relaxation or modification of those rules is advisable and proper. All testimony shall be sworn.

(5) The subject matter of the hearings shall be limited to the statement of reasons for non-licensure contained in the original notification thereof. If it appears that additional subject matter should be considered, the presiding officer shall order an adjournment for an appropriate period to permit preparation by counsel in regard to the new matters unless said adjournment is waived by the applicant.

(6) The hearing need not be adversary in nature unless the board shall have previously determined such structure to be appropriate and necessary. [If such determination is made, the board shall appoint some qualified person to present the case against the applicant before the board.] Absent special circumstances necessitating an adversary hearing, the proceedings shall be conducted in as informal a manner as is consistent with a proper resolution of the matter before the board. During the proceedings, members of the board and/or counsel shall be free to question any witness or other party. A verbatim record of the proceedings shall be made by stenographic or mechanical means and preserved for a reasonable period of the time and at least sixty (60) days from the date of the board's final order.

(7) Requests for continuances and adjournments shall be dealt with in a manner which the presiding officer shall deem fair and proper.

(8) After hearing all the evidence, the board shall make findings of fact and conclusions of law as appropriate and shall inform the applicant of its decision as soon as reasonably practicable. The decision of the board shall be by majority *vote thereof* [of the members voting].

Section 3. Hearings to determine matters of misconduct shall be conducted in the following manner: (1) Any person may bring to the board's attention a complaint or report of a violation by a licensee of an applicable statute or regulation. A criminal conviction for the same charge shall not bar proceedings under this regulation, nor shall an acquittal on such criminal charges prevent action by the board. The board shall, as soon as reasonably possible, determine whether, based on the evidence then available to it, there are reasonable grounds to believe that such a violation has occurred.

(2) If the board shall determine that reasonable grounds exist to believe that a serious violation has occurred, the board shall issue a citation to the licensee. The citation

shall include a statement of the charge against the licensee and the alleged facts underlying that charge. It shall further include notice of the time, date and place of the hearing and of the licensee's right to representation by counsel, to examine and cross-examine witnesses and to produce evidence in his behalf. Such citation shall be sent by certified mail, *return receipt requested*, no later than thirty (30) calendar days before the date of such hearing.

(3) If the board shall determine from the evidence then available to it that the violation or misconduct alleged is of a non-serious nature, it may, at its discretion, resolve the matter by sending to the licensee a letter of admonishment in lieu of formal action. If the board so elects, it shall include in the letter of admonishment the underlying facts upon which the letter is based and shall inform the licensee of his right to a formal hearing to refute that information. If the licensee elects to pursue such hearing, the procedure in subsection (2) shall apply as if the violation had been deemed serious in nature. A letter of admonishment shall have no further effect and shall not be evidence of adjudication of misconduct.

(4) The hearing shall be adversary in nature and the charges and evidence against the licensee shall be presented by an attorney representing the board.

(5) The hearing shall be governed by the rules of evidence for civil proceedings in the Commonwealth of Kentucky and this regulation. Said rules of evidence may be modified or relaxed when, in the judgment of the presiding officer, such modification shall best serve the ends of justice.

(6) The subject matter of the hearing shall be strictly limited to those charges set forth in the citation. If it appears that additional subject matter should be considered, the presiding officer shall order an adjournment for an appropriate period to provide notice of said matters to be communicated to the licensee and to allow reasonable time to prepare for the defense of said charges, unless said adjournment and notice are waived by the licensee.

(7) A verbatim record of the proceedings shall be made by stenographic or mechanical means and preserved for a reasonable period of time thereafter and not less than sixty (60) days from the date of the board's final order.

(8) At the conclusion of the hearing, the board will make findings of fact and conclusions of law and issue a judgment and final order. The results of the hearing shall be communicated to the licensee by certified, *return receipt requested*, mail as soon as is reasonably practicable. The decision of the board shall be by majority of the vote thereof [members voting].

(9) If the board has determined by a preponderance of the evidence that a violation has occurred, it may invoke one of the following penalties:

(a) Revocation of the license; or
(b) Suspension of the license for not more than three (3) years; or

(c) Issuance of a letter of reprimand.

(10) If the board shall suspend the license, all or any portion of the period of suspension may be probated and the board may attach any reasonable conditions to such probation as it shall deem appropriate.

WILLIAM T. BURKETT, ACSW, Chairman

ADOPTED: April 1, 1980

RECEIVED BY LRC: April 3, 1980 at 1 p.m.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
As Amended

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

EFFECTIVE: April 1, 1980

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] credits and additional requirements as may be imposed by a [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.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: January 23, 1980

RECEIVED BY LRC: February 4, 1980 at 3 p.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Certificate of Need and Licensure Board
As Amended

902 KAR 20:050. Intermediate care facilities; operation and services.

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

PURSUANT TO: KRS 13.082, 216.425

EFFECTIVE: April 1, 1980

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

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

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

- (1) A governing authority legally responsible for the conduct of the facility;
- (2) An administrator licensed by the Kentucky Board of Licensure for Nursing Home Administrators to whom the governing authority delegates full-time responsibility for the operation of the facility in accordance with established policy;
- (3) Inpatient care;
- (4) Twenty-four (24) hour supervision (at various levels) according to patient need;
- (5) Diagnostic care and evaluation according to need;
- (6) Treatment and/or training of the type and frequency required by specific patient needs as detailed in an individual "plan of care;"
- (7) Cooperation with appropriate community planning and referral agencies where available for admission and discharge of patients;

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

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

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

(11) A plan for independent and group activities;

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

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

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

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

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

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

Section 3. Licensure. No person shall provide intermediate care services without having first obtained a license from the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board. Licenses issued by the board shall include designation thereon of "conforming" or "non-conforming" with the standards set forth in this regulation. A license shall not be issued to any facility which cannot meet the minimum requirements as set forth in the life safety codes and standards, and federal, state and local requirements for environment and sanitation as set forth in these standards. The license shall be posted in a public area of the facility in plain view of visitors. An "existing facility" is defined as a long term care facility in operation prior to January 1, 1974 and continuously thereafter.

Section 4. Minimum Standards for Operation: The following minimum standards for operation as set forth in this regulation shall apply to all intermediate care facilities services in a distinct part, or other facilities providing intermediate care services. (1) Organization:

(a) The facility shall comply with all applicable laws and regulations.

(b) The facility shall have a governing authority that has overall legal responsibility for the conduct of the facility.

(c) The governing authority shall establish bylaws or policies in accordance with legal requirements, setting forth the purposes of the facility and the means of fulfilling them.

(d) The facility shall admit only those persons whose needs can be met by the facility directly or in cooperation

with community resources or other providers of care with which it is affiliated or has contracts.

(c) *The facility shall provide and maintain an adequate system for identifying each patient's personal property and facilities for safekeeping of his valuables. Each patient's clothing and other property shall be reserved for his own use.*

(2) Administrative management:

(a) The facility shall have available a written statement of objectives, goals and policies which shall include a statement of rights of its patients and its relationship to its patients or their surrogates.

(b) The administrator may or may not serve in the capacity of supervisor, but shall be responsible for satisfactory compliance with state and local laws, rules and regulations: The administrator:

1. Shall be licensed and be responsible for meeting all laws governing licensure requirements for intermediate care facilities;

2. May be the director of nursing services in a facility of sixty (60) beds or less;

3. Shall, in his absence, designate a responsible person on his staff to act in an emergency during his absence, and shall designate a full-time person in charge of each shift in the facility to be responsible for patient care;

4. Shall be responsible for the services required in the daily care of the patients and for supervision of the personnel who are employed;

5. Shall be in good physical and mental health, have the ability to establish a program to meet the needs of the patients in relation to their community and families, and be capable of directing and supervising persons working in a facility;

6. Shall attend education programs appropriate to the responsibilities of the position and shall arrange for other professionals to attend appropriate educational programs in supervision, subjects related to personal care, activities, nutrition and other pertinent subjects as often as possible; and

7. Shall be responsible for and participate in recruiting, hiring, assigning and development of the staff.

(c) The administrator shall be responsible for coordinating and directing the day-to-day activities of the facility in accordance with the policies established by the governing body. He shall:

1. Serve as liaison between the governing authority and the staff of the facility;

2. Assist the governing authority in the formulation and implementation of policies;

3. Develop an organizational structure including lines of authority, responsibility and communication subject to the approval of the governing authority; and

4. Perform other duties that may be designated to him by the governing authority.

(d) The administrator shall appoint qualified personnel as needed to assume the responsibility for the routine functioning of the various aspects of the program. He shall:

1. Carry out the administration of their program in keeping with established policies;

2. Participate in decisions affecting program development such as staffing and budgeting; and

3. Coordinate activities and policies through regularly scheduled meetings of the appropriate staff members.

(e) According to the policies set by the governing authority, the administrator shall contract for professional and supportive services as appropriate to the needs of the patient. These contracts shall be available for review by appropriate representatives of the Department for Human Resources. The contractors shall:

1. Be required to meet the standards as herein contained; and,

2. Coordinate the service(s) they render to the existing patient care program.

(f) Reports:

1. Administrative reports shall be established, maintained, and utilized as necessary to guide the operation, and reflect the program of the facility. Such reports shall include, where applicable: minutes of the governing body, financial meetings and reports, personnel records, inspection reports, incident investigation reports, and other pertinent reports made in the regular course of the business of the intermediate care facility.

2. Each facility shall furnish an annual report to the Department for Human Resources which shall consist of statistical data on utilization of services, plus other information as requested by the Department for Human Resources on forms supplied by the department; however, financial records previously submitted to the department for Medicare and/or Medicaid shall be excluded.

(g) There shall be full disclosure annually to the licensure board of the names and addresses, and any changes in these, if:

1. Each person having (directly or indirectly) ownership interest of ten (10) percent or more in such facility; and

2. Each officer and director of the corporation where a facility is organized as a corporation; and

3. Each partner where a facility is organized as a partnership; and prompt reporting if;

4. Any change of ownership occurs.

(h) Admission and discharge:

1. The facility shall have written policies which provide that a patient is admitted when it has been determined that the patient is in need of the care and services provided by such facility consistent with the medical recommendation stated in subsection (11) of this section.

2. As changes occur in their physical or mental condition, necessitating service or care which cannot be adequately provided by the facility, patients, upon physician's orders, (except in cases of emergency) shall be transferred promptly to hospitals, skilled nursing facilities or other appropriate facilities; or services shall be contracted for from another community resource to be provided either in the intermediate care facility or in the resource facility as an outpatient.

3. It may be, by reason of remote location or other good and sufficient reason, that the facility is unable to effect such an arrangement with a hospital, skilled nursing facility or other type of facility required for appropriate patient care. These findings may be made by the Department for Human Resources when:

a. There is no general hospital or skilled nursing facility serving the area in which the facility is located; or

b. There are one (1) or more general hospitals or skilled nursing facilities serving the area and the facility has attempted in good faith and has exhausted all reasonable possibilities to enter into an agreement with such other facilities; and

c. The facility has provided copies of letters, records of conferences, or other evidence to support its claim that it has attempted in good faith to enter into an agreement;

d. Hospitals or skilled nursing facilities in the area have, in fact, refused to enter into an agreement with the facility in question.

4. Similarly, as validated changes, and progress occur which would enable the patient to function in a less structured and restrictive environment, the facility shall offer assistance in making arrangements for patients to be transferred to facilities providing appropriate services and

the less restrictive environment cannot be offered at the facility.

5. Except in an emergency, the patient, his next of kin, the attending physician, and the responsible agency, if any, are consulted in advance of the transfer, release or discharge of any patient, and social services, or other means, are utilized to assure that adequate arrangements exist for meeting his needs through other resources.

6. Upon the direction of a qualified physician or physicians, the facility shall have the right to discharge to an appropriate resource, any patient for whom such action is indicated.

7. No patient shall knowingly be admitted to an intermediate care facility with a communicable disease, which is reportable to the health department, except a (non-infectious) tuberculosis patient under continuing medical supervision for his/her tuberculosis disease.

(3) Personnel and staffing:

(a) The facility shall employ, or offer access to, a sufficient number of qualified personnel as may be required to provide services necessary to fully implement the facility's program. Responsible staff member shall be on duty and awake at all times to assure prompt, appropriate action in cases of injury, illness, fire, or other emergencies.

1. Volunteers shall be used, when available, to supplement staff, but shall not be counted on to make up minimum staffing requirements.

2. The working hours of the personnel shall be spaced over all shifts so that the needs of the patients are adequately met over any twenty-four (24) hour period.

3. The number and classification of personnel to be provided, including staff to provide personal care, shall be based on the following: number of patients; amount and kind of personal care, nursing care, supervision, and program needed to meet the needs of the patients as determined by the definition and essential characteristics of this regulation; and/or, medical orders.

(b) Written job descriptions and standards of qualifications shall be developed for each category of personnel. Job descriptions shall include necessary qualifications, lines of authority and specific duty assignments. Job descriptions shall be reviewed and revised as necessary.

(c) Current employee records shall be maintained and shall include a resume of each employee's training and experience, evidence of current licensure or registration where required by law, health records and evaluation of performance, along with employee's name, address and social security number.

(d) Supportive personnel, consultants, assistants and volunteers shall be supervised and shall function within the policies and procedures of the facility.

(e) Each employee shall present, at time of employment, or within one (1) week of employment, evidence of freedom from communicable disease.

(f) All employees shall have a test for tuberculosis either prior to or within the first week of employment and annually thereafter.

(g) The staff shall be knowledgeable and well-trained in relation to policies and procedures regarding their roles within the program.

(h) There shall be a planned in-service program including orientation, skilled training and ongoing education provided for all levels of employees.

(i) Immediate supervision of the facility's health services, on all days of the week, shall be by a registered nurse or a licensed practical (or vocational) nurse employed full-time on the day shift.

(j) In the facility where a licensed practical (or vocational) nurse serves as health services supervisor, consultation shall be provided by a registered nurse under formal contract at regular intervals, but not less than four (4) hours weekly.

(4) Community involvement and relations:

(a) The facility shall develop its programs and services to meet the needs of the community which it serves.

(b) Identification of available services and resources, i.e., emergency, transportation, medical care shall be made and use of these services shall be in cooperation with other groups (in the service community) concerned with health and welfare. The facility shall have communication with other facilities in the community to allow temporary or permanent placement of patients at the appropriate levels of care when advisable for the benefit of the patients.

(c) The staff and/or administrator of the program shall be encouraged to be involved in interagency and community planning and activities.

(d) If and when the facility conducts or participates in public information programs to promote understanding of the facility's programs and goals, either separately or in cooperation with agencies and groups in the service community, or in fund raising, it shall protect the confidential relationship of persons served.

1. The program and its representatives shall employ only ethical methods of publicity, promotion and solicitation of funds. Promotional materials shall not contain portrayals of the disabled as helpless.

2. No use shall be made of any living, deceased or disabled person's name or picture without prior permission of the individual or guardian concerned.

3. No rights shall be granted to profit making or non-profit making groups to couple their support of programs for the disabled with their sales promotions in such a manner as to exploit the disabled.

(5) Case records:

(a) The facility shall develop and maintain a system of records retention and filing to insure completeness and prompt location of each patient's records. These records shall be the property of the facility and shall be held confidential. The records shall be in ink or typed and shall be legible. Each entry shall be dated and signed. These shall include but not limited to the following:

1. Identification data including the patient's name, address and social security number (if available); name, address and telephone number of referral agency; name and telephone number of personal physician; name, address and telephone number of next of kin or other responsible person.

2. The patient's physician shall transmit a medical evaluation including medical history, physical examination and diagnosis. This admission information shall also include current medical findings, summary of the course of treatment in the transferring institution and verification of freedom from all contagious disease. The medical evaluation may be a copy of the discharge summary or history and physical report from a hospital or skilled nursing facility if done within fourteen (14) days prior to admission. The physician's orders shall include all medication, diet, treatment and any other orders required for the safety and well-being of the patient. These shall be dated and signed by the physician. The discharge and/or release summary shall be dated and signed by the attending physician.

3. A progress record shall be maintained relating to patient goals. It shall indicate any changes in the patient's condition, actions, responses, attitude, appetite and other

changes as noted by the staff; and shall include a discharge summary within one (1) month of discharge from the facility.

4. If consultants are involved in the intermediate care program, they shall make a written report of their findings and recommendations at the time of their visits. These shall be included in the patient's record.

5. A medication sheet shall be maintained which contains the date, time given, name of medication or prescription number, dosage and name of prescribing physician.

6. Nurse's notes shall indicate changes in patient's condition, actions, responses, attitudes, appetite, etc. These changes shall be recorded as they occur. Nursing personnel shall make notation of significant response to special treatment, medication, etc. There shall be a written assessment of the patient's general condition at least monthly by the nursing supervisor.

7. Reports of social services, dental, laboratory, x-ray and special reports shall be included in the case record.

8. A full written report of any incident or accident involving a patient, including medication errors or drug reactions, shall be made and signed by the administrator/health services supervisor and any staff member who may have been witness to the incident.

9. Records shall be retained for a minimum of five (5) years and for such additional time as deemed necessary by the governing body of the facility.

(b) Storage and transfer of records:

1. After death or discharge, the completed case record shall be placed in an inactive file and retained in accordance with applicable regulations governing the storage and retention of medical records.

2. In the event of a transfer to another health care facility, a copy of the patient's record or summary thereof, shall accompany the patient.

3. In multi-level facilities, the complete patient record shall be transferred with the patient.

(c) Responsibility for medical records: If the facility does not have a full or part-time medical records librarian, an employee shall be assigned to the responsibility of assuring that the medical records are maintained, completed and preserved according to *paragraph* [Section 4, subsection (5),] (a), 9, of this subsection [in this regulation].

(6) Administrative records:

(a) The facility shall maintain a bound, permanent, chronological patient registry showing date of admission, name of patient, and date of discharge.

(b) The facility shall keep records of any personal money, regardless of source, or valuables kept by the facility for a patient. When purchases are made for a patient from personal monies, proper accounting shall be made.

(c) The facility shall require and maintain written recommendations or comments from consultants regarding the program and its development on a per visit basis.

(d) Menu and food purchase records shall be maintained.

(e) There shall be quarterly reports for all employees as needed for Social Security and Unemployment Compensation. Copies of these reports shall be made available to the department upon request.

(7) Fire control or disaster plan:

(a) The facility shall have a written procedure to be followed in case of fire, explosion or other emergency. It shall specify persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating patients, frequency of fire drills, and assignment of specific tasks and responsibilities to the personnel of each shift.

1. The plan shall be developed with the assistance of qualified fire and safety experts.

2. All personnel shall be trained to perform assigned tasks.

3. Simulated drill testing the effectiveness of the plan shall be conducted involving each shift at least one (1) time per quarter.

4. The plan shall be posted throughout the facility.

(b) Fire extinguishers, alarm signals and exits shall be clearly marked and visible.

(8) Environment:

(a) Infection control:

1. The intermediate care facility shall provide a sanitary environment to avoid sources and transmission of infections.

2. There shall be a plan for isolation of patients with contagious diseases.

(b) Housekeeping services:

1. The facility shall provide sufficient housekeeping and maintenance personnel to maintain the exterior and interior of the facility in a safe, clean, orderly and attractive manner.

2. Housekeeping personnel and staff, using accepted procedures and practices, shall keep the facility free from offensive odors, safety hazards, and accumulations of dirt, rubbish and dust.

3. Floors shall be cleaned regularly. Polishes on floors shall provide a non-slip finish; throw or scatter rugs shall not be used except for non-slip entrance mats.

4. Walls and ceilings shall be maintained free from cracks and falling plaster, and shall be cleaned and painted regularly.

5. Deodorizers shall not be used to cover odors caused by unsanitary conditions or poor housekeeping practices.

6. Combustibles such as cleaning rags and compounds shall be kept in closed metal containers.

7. The grounds shall be kept free from refuse and litter. Areas around buildings, sidewalks, gardens and patios shall be kept clear of dense undergrowth.

8. The facility shall be maintained free from insects and rodents.

9. A pest control program shall be in operation in the facility. Pest control services shall be provided by maintenance personnel of the facility or by contract with a pest control service.

10. Windows and doors shall be appropriately screened.

11. Harborages and entrances for insects and rodents shall be eliminated.

12. Garbage and trash shall be stored in areas separate from those used for the preparation and storage of food and shall be removed from the premises regularly. Containers shall be cleaned regularly.

13. Bathtubs, shower stalls and/or lavatories shall not be used for laundering, janitorial or storage purposes.

14. All cleaning compounds, insecticides and all other potentially hazardous compounds or agents shall be stored in locked cabinets or rooms.

(9) Transportation:

(a) If transportation of patients is provided by the facility to community agencies or other activities, the following shall apply:

1. Special provision shall be made for patients who use wheelchairs.

2. An escort or assistant to the driver shall be provided in transporting patients to and from the facility if necessary for patient's safety.

(b) The facility shall arrange for appropriate transportation, if available, when necessary for medical emergencies.

(10) Communicable disease policies:

(a) The administrator shall assume the responsibility of assuring that there is a minimum danger of transmission of communicable diseases.

(b) No person with a serious communicable disease shall knowingly be admitted to the facility. If, after admission, such a condition is suspected or diagnosed, the individual shall be placed in isolation until a transfer from the facility can be arranged. No individual may remain in the facility for more than seventy-two (72) hours after a diagnosis of a serious communicable disease has been made except a (non-infectious) tuberculosis patient under continuing medical supervision for his or her tuberculosis disease.

(c) A patient may be admitted with a diagnosis of tuberculosis with a physician's statement indicating that the patient is not infectious to others.

(11) Medical supervision of patients: The facility shall maintain policies and procedures to assure that each patient shall be under the medical supervision of a licensed physician.

(a) The patient (or his guardian) shall be permitted his choice of physician.

(b) The physician shall visit the patients as often as necessary and in no case less often than every sixty (60) days, unless justified otherwise and documented by the attending physician.

(c) Physician services shall include a complete physical examination at least annually and formal arrangements to provide for medical emergencies on a twenty-four (24) hour, seven (7) days-a-week basis.

(12) Psychiatric emergencies:

(a) If a patient becomes disturbed or unmanageable, his doctor will be notified immediately and the patient will be seen as soon as possible.

(b) Restraints can be used if ordered by the attending physician. In an emergency, restraints may be used temporarily, but in no case for a period to exceed twelve (12) hours. Restraints shall be applied only by personnel trained in proper application and observation of this equipment. Restraints as referred to by this regulation shall be those devices utilized to confine a patient that has become unmanageable thus requiring restraints as protection against [self-] endangering acts to self, other patients or staff. In no case shall a locking device be used.

(c) Mechanical restraints shall be employed only when absolutely necessary to protect the patient from injury to himself or to others. This does not include safety devices such as Posey vests, and other similar non-locking devices.

1. The facility shall have a written policy that defines the use of restraints and a mechanism for monitoring and controlling their use.

2. Restraints or safety devices shall not be employed as a punishment, for the convenience of staff or as a substitute for appropriate programs.

(d) During the psychiatric emergency an employee shall remain in the area of the patient under restraint at all times.

(e) The reason for ordering and using restraints shall be recorded in the clinical record. There shall be written policies covering the use of restraints.

(13) Patient care and safety:

(a) Missing, lost or runaway patient procedures shall include:

1. A written procedure for all three (3) shifts, which will specify in a step-by-step manner[,] the actions which shall be taken by staff when a patient is determined to be lost,

runaway, unaccounted for or on other unauthorized absence.

2. Specific, individualized staff responsibilities for search of all locations in the facility and of its surroundings and, if necessary, notification of specific authorities and law enforcement agencies for assistance.

(b) A patient shall not be held in isolation except in the case of an emergency or suspicion of communicable disease; and in the case of an emergency, shall be attended by an employee until a change of condition has occurred or until the patient is transferred to a different facility.

(c) No patient, whose need for care shall exceed the abilities of the personnel of the facility to provide, shall be retained in that facility for a period longer than is required to obtain transfer to a facility where the required level of care can be provided.

(d) Utmost safety precautions relating to conditions and maintenance of floors, steps, doorways, furniture placement, beds, equipment of any type which may be contacted by patient (including heating and cooking equipment) shall be taken to prevent injury or accident. Poisonous cleansing supplies shall be kept in locked storage areas.

(14) Patient accommodations:

(a) Furnishings:

1. There shall be a standard size bed for each patient which is at least thirty-six (36) inches wide, of standard length with head board and foot board, and which is of sturdy construction and in good repair. Cots, roll-away, double or folding beds shall not be used.

2. Each bed shall be provided with satisfactory type springs or similar support structure in good repair and a clean, firm, comfortable mattress and covers of appropriate size for the bed.

3. Each bed shall be provided with a minimum of one (1) clean, comfortable pillow. If the pillow is not made with a waterproof washable fabric, the pillow shall be sterilized after it has been used by one (1) patient before it is used by another.

4. Bedroom windows shall have window shades or equivalent in good repair.

5. For each patient unit, the following shall be furnished: individual reading light; bedside cabinet; comfortable chair; accessible storage space for clothing and other possessions.

6. Each patient's room shall have a night light. In multipatient rooms, each bed shall have flame retardant cubicle curtains or partitions.

7. There shall be a sufficient number of tables provided that can be rolled over a patient's bed, or one that can be placed next to a bed to serve every patient that does not eat in a dining room or area.

8. Each living room or lounge area and recreation area used for patients shall be provided with an adequate number of reading lamps, tables and chairs or settees. These furnishings shall be well constructed and of satisfactory design for the patients.

9. Dining room furnishings shall be adequate in number, well constructed, and of satisfactory design for the patients.

10. *Each patient shall be permitted to have his own radio and/or television set in his room unless it interferes with or is disturbing to other patients.*

(b) Equipment: There shall be a sufficient quantity of patient care equipment of satisfactory design and in good condition to carry out established patient care procedures. This shall include, but not be limited to, the following:

1. Wheelchairs with brakes;
2. Walkers;

3. Metal bedside rails;
4. Bedpans and urinals (permanent or disposable);
5. Emesis basins and wash basins (permanent or disposable);
6. Footstools;
7. Bedside metal commodes;
8. Foot cradles;
9. Foot boards;
10. Under the mattress bed boards;
11. Trapeze frames;
12. Transfer board; and
13. An autoclave for sterilization of nursing equipment and supplies or an equivalent alternate method of sterilization is provided.

(c) Linens: There shall be a sufficient supply of linen and bedding in good condition to provide proper care and comfort to the patients. The following procedures will be followed for the handling of soiled and cleaned linen:

1. Soiled linen shall be placed in washable or disposable containers, transported in a sanitary manner and stored in separate, well-ventilated areas in a manner to prevent contamination and odors.

2. Soiled linen shall not be permitted to accumulate excessively in any area of the facility.

3. Soiled linen shall be handled and stored in such a manner as to prevent contamination of clean linen. Equipment of areas used to transport or store soiled linen shall not be used for handling or storing of clean linen.

4. Soiled linen shall not be stored, laundered, rinsed or stored in bathrooms, patients' rooms, kitchens or food storage areas.

5. Handwashing facilities with hot and cold running water, soap dispenser and paper towels shall be available in the laundry area where soiled linen is handled or sorted.

6. Personal laundry of patients, or staff shall also be collected, transported, sorted, washed and dried in a sanitary manner, separate from bed linens.

7. Clean linen shall be sorted, dried, ironed, and folded in a specified area separate from soiled linens and in a sanitary manner.

8. Clean linen shall be transported, stored and distributed in a sanitary manner.

9. Clean linen and clothing shall be stored in clean, dry, dust-free closets on each floor that are easily accessible to the nurses' station and such closets shall not be used for any other purpose.

10. When feasible, arrangements shall be made so that patients who wish to do so have a safe and convenient place to wash out and dry a small amount of personal laundry.

11. When applicable, laundry personnel shall be appropriately uniformed and adequate storage space shall be provided for the storage of their street clothing.

(15) *Patients' rights: Patient rights shall be provided for pursuant to KRS 216.510 to 216.525. [216.515 to 216.530 policies governing patient rights:]*

[(a) The patient's family, guardian, or committee appointed by the state authority responsible for the patient, and if indicated, the private or public agency financially responsible for his care, shall be notified immediately, if possible, of accidents, sudden illness, disease, unexplained absences, or anything unusual happening to the patient.]

[(b) The patient's family, guardian, or committee and, if indicated, the private or public agency financially responsible for his care, shall be notified, if possible, prior to the patient being transferred to a hospital, to another facility, or discharged.]

[(c) The facility shall provide and maintain an adequate system for indentifying each patient's personal property and facilities for safekeeping of his valuables. Each patient's clothing and other property shall be reserved for his own use.]

[(d) A written account, available to patients and their families is maintained on a current basis for each patient with written receipts for all personal possessions and funds received by or deposited with the facility and for all disbursements made to or on behalf of the patients.]

[(e) The facility shall return to the patient his valuables, personal possessions, and any unused balance of monies from his account at the time of his transfer or discharge from the facility. In case of his death, or for valid reasons when he is transferred or discharged, they shall be returned promptly to any legally authorized person.]

[(f) Every patient shall be permitted and/or assisted in attending religious services if he desires. His spiritual advisor shall be permitted to visit him at all reasonable hours. Privacy for consultation with his spiritual advisor and for communion shall be provided.]

[(g) Visitors shall be permitted for each patient. Provision shall be made for privacy with his visitors, physician, and any agency representative who has a responsibility for his care.]

[(h) Each patient shall be permitted to have his own radio and/or television set in his room unless it interferes with or is disturbing to other patients.]

[(i) Each patient shall be permitted to send and receive mail. His mail shall be delivered to him unopened unless the patient's physician has requested in writing that the mail be reviewed. His outgoing mail shall not be censored.]

[(j) Patients shall have access to a telephone at a convenient location within the building for making and receiving telephone calls.]

[(k) Patients shall be permitted to go outdoors and leave the premises as they wish to visit, shop, attend church, see a movie, attend a social function, or for any similar reason, unless a legitimate reason can be shown for refusing such activity.]

Section 5. Services-General: All programs and services shall have: (1) Written policies and procedures which govern all areas of services provided by the facility which shall be developed with the assistance of a registered nurse, and/or other professional staff employed by the facility or under contract to the facility.

(2) An orientation program conducted for all new employees that includes review of facility policies, patient care and service policies, and emergency and disaster instructions.

Section 6. Nutrition and Dietary Services: The facility shall provide or contract for food service to meet the dietary needs of the patients including modified diets or dietary restrictions as prescribed by the attending physician.

(1) Director of food service: Each facility shall have a full-time person qualified by training and experience designated by the administrator, responsible for the total food service operation of the facility and who shall be on duty a minimum of thirty-five (35) to forty (40) hours each week. Such a person may be a qualified dietitian or nutritionist. If the facility provides therapeutic diets, and the food service director is not a qualified dietitian or nutritionist, consultation by a qualified dietitian shall be provided or the diets shall be reviewed and approved by the attending physician.

(2) Dietary staffing: There shall be sufficient number of food service personnel employed and their working hours, schedules of hours, on duty and days off shall be posted. Employees personal hygiene:

(a) No person, while afflicted with any disease in a communicable stage, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or acute respiratory infections, shall work in areas in any capacity in which there is likelihood of such person contaminating food, or food surfaces with pathogenic organism, or transmitting disease to other individuals.

(b) If any food service personnel are assigned duties outside the dietary department, the duties shall not interfere with the sanitation, safety or time required from regular dietary assignments.

(c) Employees shall wear apparel appropriate to their jobs and shall adhere to good sanitation practices.

(d) Hairnets, caps or other effective hair restraints shall be used by all employees (male and female) engaged in the preparation and serving of food.

(e) Dietary employees shall not use tobacco in any form while engaged in any dietary department procedure.

(3) Food service functions and areas:

(a) Physician's diet order: The diet order shall be specific, complete and in writing.

(b) Menu planning:

1. Menus shall be planned, written and rotated according to a definite pattern. Nutrition needs shall be met in accordance with the current recommended dietary allowances of the nationally accepted dietary authorities, and in accordance with physician's orders.

2. Meals shall correspond with the posted menu; when changes in the menu are necessary, substitutions shall provide equal nutritive value and the changes shall be recorded on the menu and kept on file for thirty (30) days.

3. The daily menu shall include daily diet for all modified diets served within the facility based on an approved diet manual. (The diet manual shall be a current manual with copies available in the dietary department, that has the approval of the professional staff of the facility. The diet manual shall indicate nutritional deficiencies of any diet. The dietitian shall correlate and integrate the dietary aspects of the patient care with the patient and patient's chart through such methods as patient instruction, recording diet histories and participation in rounds and conferences.)

(c) Quality of food:

1. At least three (3) meals or their equivalent shall be served daily with not more than a fourteen (14) hour span existing between substantial evening meal and breakfast.

2. Meals shall be served at regular times with between meals or bedtime snacks of nourishing quality offered.

(d) Preparation and serving of food: Foods shall be prepared by methods that conserve nutritive value, flavor and appearance and attractively served at the proper temperatures, and in a form to meet the individual needs. (A file of tested recipes, adjusted to appropriate yield shall be maintained.)

1. Food shall be cut, chopped or ground to meet individual needs. If a patient refuses foods served, substitutions shall be offered.

2. Trays provided bedfast patients shall rest on firm supports such as overbed tables. Sturdy tray stands of proper height are provided for patients able to be out of bed.

3. Correct positioning of the patient to receive his tray shall be the responsibility of the direct patient care staff. Patients requiring help in eating shall be assisted by trained personnel.

4. Adaptive self-help devices shall be provided to contribute to the patient's independence in eating.

(e) Maintenance of sanitary conditions:

1. Equipment and work areas shall be clean and orderly. Effective procedures for cleaning all equipment and work areas shall be followed consistently to safeguard the health of the patient. The dietary department shall be routinely inspected and approved by the state or local health agencies as a food handling establishment. Written reports of the inspection shall be on file with recommendations.

2. Dry or staple food items shall be stored at least six (6) inches off the floor in a ventilated room which is not subject to sewage or waste water back-flow, or contamination by condensation, leakage, rodents, or vermin.

3. All cleaning agents and supplies shall be stored separately from food supplies.

4. All perishable foods shall be refrigerated at the appropriate temperature and in an orderly and sanitary manner. All refrigerators shall have thermometers conveniently located to spot check frequently.

5. Foods being displayed or transported shall be protected from contamination by being properly covered.

6. Only appropriate personnel shall be allowed in the food production and serving areas of the dietary department at any time.

7. Where mechanical dishwashers are used, dishwashing procedures and techniques shall be well-developed, understood, and carried out in compliance with the state and local health codes and with periodic check on: detergent dispenser operation, washing, rinsing, and sanitizing temperature of 180 degrees Fahrenheit for rinse cycle, machine and jets.

8. Where dishes are washed manually, the following techniques shall be employed: A three (3) compartment sink shall be provided; the utensils shall be washed in hot water at a temperature of 110 to 120 degrees Fahrenheit containing an adequate amount of an effective soap or detergent. Water shall be kept clean by changing it frequently.

9. Sanitizing of hand-washed dishes: Following hand washing, all utensils shall be sanitized by either submerging all utensils for thirty (30) seconds in clean water maintained at a temperature of 180 degrees Fahrenheit, or more, or all utensils shall be submerged for at least two (2) minutes in a hypochlorite solution. The solution shall be made up with chlorine concentration of at least 100 parts per million and shall be discarded when the chlorine concentration goes below fifty (50) parts per million. All hypochlorite solutions shall be prepared fresh at least three (3) times each day prior to its use in sanitizing the dishes used at each main meal period, and at least twice each day if only glassware is sanitized. Soaps, water softeners, washing compounds and detergents shall not be added to hypochlorite solutions. Utensils should be racked by baskets so that all surfaces will be reached by the chemical solution while submerged. Other chemical sanitizing solutions shall be approved for use by the state health officer in which case the concentration will be specified.

10. Thermometer: A suitable thermometer shall be provided for frequent determination of the temperature of the water used for sanitizing, washing, and rinsing utensils.

11. All garbage and kitchen refuse shall be disposed of through a disposal or kept in leak proof, nonabsorbent containers with close fitting covers and shall be disposed of daily in a manner that will not permit transmission of disease, a nuisance, or a breeding place for flies. All garbage containers shall be thoroughly cleaned inside and out each day.

Section 7. Activities and Therapeutic Recreation: (1) All facilities shall provide or shall designate a person as an activity director who is responsible for developing and implementing the activity program.

(2) Patients, both ambulatory and non-ambulatory, are encouraged, but not forced, to participate in planned activities appropriate to the patients' needs.

(3) The patient activities program is designed to:

(a) Stimulate physical and mental abilities to the fullest extent;

(b) Encourage and develop a sense of usefulness and self respect;

(c) Include activities which inhibit, prevent, or overcome the development of symptoms of physical and mental regression due to illness or old age;

(d) Include, whenever possible, the patient and his family in planning of and participation in activities;

(e) Be of sufficient variety that they meet the needs of the various types of patients in the facility;

(f) Include religious activities for each patient if it is the desire of the patient to participate; requests from a patient to be seen by a clergyman are acted upon as soon as possible, and an area for consultation is made available to the patient who desires a private visit from the clergyman;

(g) Allow the patient to leave the facility to visit, shop, attend church, or other social activities provided this does not endanger his health; and

(h) Be planned in group and individual projects and programs and available to all patients.

(4) An activities program is developed for each patient, incorporated in the overall patient's plan of care and reviewed and revised, if necessary, every four (4) months.

(5) The patient's participation in the activities program and significant changes in his response to activities are entered into his patient record.

(6) The activities director maintains a current list of patients on which precautions are noted regarding a patient's condition that might restrict or modify his participation in the program.

(7) The schedule and/or calendar for the activity program shall be current and shall be posted on a general patient area within the facility.

(8) The facility provides indoor and outdoor space, supplies, and equipment for the program.

Section 8. Social Services: The facility provides or arranges for social services as needed by the patient, designed to promote preservation of the patient's physical and mental health.

(1) A designated staff member suited by training or experience is responsible for arranging for social services and for the integration of social services with other elements of the plan of care.

(2) A plan for such care is recorded in the patient's record and is periodically evaluated in conjunction with the patient's total plan of care.

(3) Social services patient records shall be maintained as an integral part of the patient's case record.

Section 9. Pharmaceutical Services: Whether drugs are generally procured from community or institutional pharmacists or stocked by the facility, the facility shall have methods for its pharmaceutical services that are in accordance with accepted professional practices.

(1) Procedures for administration of pharmaceutical services: The facility shall provide appropriate methods and procedures for obtaining, dispensing, and administering of drugs and biologicals, developed with the advice of a staff

pharmacist, a consultant pharmacist, or a pharmaceutical advisory committee which includes one (1) or more licensed pharmacists.

(a) If the facility has a pharmacy department, a licensed pharmacist shall be employed to administer the pharmacy department.

(b) If the facility does not have a pharmacy department, it shall have provision for promptly and conveniently obtaining prescribed drugs and biologicals from a licensed community or institutional pharmacy.

(c) An emergency medication kit approved by the facility's group of professional personnel shall be kept readily available.

(d) The facility shall have written policies covering pharmaceutical services which shall be developed with the advice of a group of professional personnel and which shall be reviewed at least annually. Pharmacy policies and procedures shall be developed with the advice of a committee of the professional staff of the facility.

(2) Conformance with physician's orders: All medications administered to patients shall be ordered in writing. Oral orders shall be given only to a licensed nurse or pharmacist, immediately reduced to writing, and signed. Medications not specifically limited as to time or number of doses, when ordered, shall be automatically stopped in accordance with written policy on stop orders. A nurse and the prescribing physician shall review, not necessarily at the same time, as a committee, the patient's medication profile at least every three (3) months. The patient's attending physician shall be notified of stop order policies and contacted promptly for renewal of such orders so that continuity of the patient's therapeutic regimen is not interrupted. Medications are released to patients on discharge or visits only after being labeled appropriately and on the written authorization of the physician.

(3) Administration of medications: All medications shall be administered by trained personnel. Each dose administered shall be recorded in the clinical record. If in case of emergency, intravenous injections are necessary, they shall be administered by a licensed physician or a registered nurse.

(a) The nursing station shall have readily available items necessary for the proper administration of medication.

(b) Medications prescribed for one (1) patient shall not be administered to any other patient.

(c) Self-administration of medications by patients shall not be permitted except for drugs on special order of the patient's physician or in a predischARGE program under the supervision of a licensed nurse or pharmacist. (The medication shall remain in the container provided by the pharmacist.)

(d) Medication errors and drug reactions shall be immediately reported to the patient's physician and pharmacist and an entry thereof made in the patient's clinical record as well as on an incident report.

(e) Up-to-date medication reference texts (P.D.R.) and other sources of information shall be provided, such as the American Hospital Formulary Service of the American Society of Hospital Pharmacists or other suitable references.

(4) Labeling and storing medications: Patient's medications shall be properly labeled and stored in a locked cabinet at the nurses' station.

(a) The label of each patient's individual medication container clearly indicates the patient's full name, physician's name, prescription number, name and strength of drug, date of issue, and expiration date of all time-dated drugs.

(b) Medication containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist or pharmacy for relabeling or disposal. Containers having no labels shall be destroyed in accordance with state and federal laws.

(c) The medications of each patient shall be kept and stored in their originally received containers and transferring between containers shall be forbidden, except as noted in subsection (3)(c) of this section.

(d) Separately locked boxes, or drawers securely fastened down within the locked medicine cabinet shall be provided for storage of narcotics, barbiturates, amphetamines, and other dangerous drugs subject to the current Controlled Substance Act or subsequent amendments thereof.

(e) Cabinets shall be well lighted and of sufficient size to permit storage without crowding.

(f) Medications requiring refrigeration shall be kept in a separate locked box within a refrigerator at or near the nursing station.

(g) Medications for "external use only" shall be kept in a locked cabinet and separate from other medications.

(h) Medications no longer in use shall be disposed of or destroyed in accordance with federal and state laws and regulations.

(i) Medications having an expiration date shall be removed from usage and properly disposed of after such date.

(5) Controlled substances: The facility complies with all federal and state laws and regulations relating to the procurement, storage, dispensing, administration and disposal of controlled substances, those drugs subject to the federal and state Controlled Substance Acts, and other legend drugs. A controlled substances record shall be maintained which lists on separate sheets for each type and strength of controlled substances the following information: date, time administered, name of patient, dose, physician's name, signature of person administering dose and balance.

Section 10. Dental Services: The facility shall assist patients in obtaining dental services. Conditions necessitating dental services shall be noted and such dental procedures and services shall be recorded in the patient's record.

Section 11. Nursing Services: (1) Immediate supervision of the facility's health services on all days of each week is by a registered nurse or licensed practical nurse employed on the day shift.

(a) In the case of facilities where a licensed practical nurse serves as supervisor of health services, consultation is provided in the facility by a registered nurse, through formal contract, at regular intervals, but not less than four (4) hours weekly.

(b) The supervisor of health services shall have training and knowledge in restorative nursing.

(2) The responsibilities of the health services supervisor shall be in:

(a) Developing and/or maintaining nursing service objectives, standards of nursing practice, nursing procedure manuals, and written job description for each level of nursing personnel.

(b) Recommending to the administrator the number and levels of nursing personnel to be employed, participating in their recruitment and selection and recommending termination of employment when necessary.

(c) Assigning and supervising all levels of nursing care.

(d) Participating in planning and budgeting for nursing care.

(e) Participating with the interdisciplinary team in the development and implementation of patient care policies.

(f) Coordinating nursing services with other patient care services.

(g) Participating in the screening of prospective patients in terms of required nursing services and nursing competencies available.

(h) Assuring that a current nursing care plan is established for each patient and that his plan is reviewed and modified as necessary (but not less than quarterly). Plan shall indicate (long and short term goals), nursing care needed, how it is to be accomplished, and methods, approaches and modifications necessary to insure best results for the patient.

(i) Assuring that all medications are administered by licensed personnel (physician or nurse) or by other personnel who have completed a state-approved training program. There shall be trained personnel in the facility at all times for supervision. Intravenous medication shall be limited to emergency situations and shall be administered by physicians, or registered nurse. Each dose shall be promptly charted in the patient's medical record.

(j) Assuring that the registered nurse reviews, monthly, each patient's medications and notifies the physician when changes are appropriate of pertinent information; the registered nurse or consultant participates with the physician (not necessarily at the same time) in a review of medication orders at least quarterly.

(k) Assuring that acceptable in-service and/or continuing education for all nursing personnel shall be conducted at least quarterly or its equivalent. (Provided by in-service or continuing education.) Also assuring that an orientation program shall be written and implemented for all levels of nursing personnel.

(l) Assuring that minutes of all meetings and in-service educational programs are recorded and available to staff members involved in patient care.

(m) Assuring the accuracy and legibility of the nurse's notes which must contain but are not limited to the following situations or circumstances: frequency of treatments rendered; response to treatments rendered; mode and frequency of p.r.n. medications administered; symptoms or condition necessitating administration of p.r.n. medication when indicated; reaction following p.r.n. medication when indicated; visits by the physician and phone calls to the physician; unusual conditions or symptoms as they occur; the recording of medically prescribed diets in the patient's clinical record; (The patient shall be observed at all meals and persistent failure to eat shall be noted.); and restorative nursing measures.

(n) Restorative measures shall be practiced on a twenty-four (24) hour, seven (7) day week basis in the care of patients. Those procedures requiring medical approval shall be ordered by the attending physician. Restorative measures shall include, but are not limited to the following procedures:

1. Positioning and turning: Nursing personnel shall encourage and/or assist patients in maintaining good body alignment while standing, sitting, or lying in bed.

2. Exercises: Nursing personnel shall assist patients in maintaining maximum joint range of motion and/or active range of motion.

3. Bowel and bladder training: Nursing personnel shall assist incontinent patients to gain bowel and bladder control.

4. Training in activities of daily living: Nursing personnel shall encourage and when necessary, teach patients to function at their maximum level in appropriate activities of

daily living for as long as, and to the degree that, they are able.

5. Ambulation: Nursing personnel shall assist and encourage patients with daily ambulation unless otherwise ordered by the physician.

(3) Nursing services shall include but not be limited to:

(a) Assessment of nursing needs and, where appropriate, direct nursing intervention; by:

1. Proper administration of medications including oral, rectal, hypodermic, and intramuscular;

2. The proper carrying out of treatments such as: enemas, irrigations, catheterizations, applications of dressings or bandages, supervision of special diets, restorative measures and other treatments involving a like level of skill;

3. Objective observations of changes in a patient's condition, (including mental and emotional changes, as a means for analyzing and determining care required and/or the need for further medical evaluation and treatment);

4. Personal care and hygiene such as clean, neat, well-groomed hair; clean, trimmed fingernails and toenails; clean skin and freedom from offensive odors; clean mouth and teeth; and care of the lips to prevent dryness and cracking; and

5. Encouragement of patients to be dressed in their own clothing whenever possible (unless otherwise indicated by the physician, this should be street clothes and shoes).

(b) Implementing a regular program with special emphasis on the following to prevent decubiti:

1. A system to maintain cleanliness of the patient, his clothes and linens, shall be followed each time the bed or the clothing is soiled. Rubber, plastic, or other type of linen protectors (newspapers not acceptable) shall be properly cleaned and completely covered to prevent direct contact with the patient.

2. Special effort shall be made to assist the patient in being up and out of bed as much as his condition permits. The patient may be denied this assistance only upon the written order of his physician. If the patient cannot move himself, he shall have his position changed as often as necessary but not less than every two (2) hours.

3. Treatment of decubitus in the facility will depend on the physician's judgment of the capability of the facility.

(c) Instruction and supervision of nursing staff in the following:

1. Basic skills required to meet the nursing needs of the patients;

2. Basic first aid practices to minimize injury from commonly encountered emergencies; and

3. Personnel should be knowledgeable of the proper use and location of emergency and life-supporting equipment.

(d) Participation on appropriate facility committees.

Section 12. Separability. If any clause, sentence, paragraph, section or part of these regulations shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which the judgment was rendered.

MASON C. RUDD, Chairman

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Certificate of Need and Licensure Board
As Amended

902 KAR 20:125. Hearings and appeals.

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

PURSUANT TO: KRS 13.082, 216.425

EFFECTIVE: April 1, 1980

NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Hearings and Appeals, 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 denial, suspension, probation, or revocation of health facilities and health services licenses and certificates of need; hearings and review.

Section 2. Denial, Suspension, Probation and Revocation of Licenses and Certificates of Need. The Kentucky Certificate of Need and Licensure Board may deny, suspend, probate, or revoke a license or certificate of need in any case in which it finds that there has been a failure to comply with the requirements established under KRS 216.405 to 216.485 and 216.990(2) or the regulations adopted thereunder.

Section 3. Notices. (1) Notices of a hearing shall be issued in the name of the board by the secretary thereof and shall state the time, date and place of the hearing, which shall not be less than twenty (20) days from service of the notice, and shall also contain a concise statement of the reason for the hearing and sufficient information to reasonably apprise the applicant or licensee of the substance of the facts claimed to constitute a violation of KRS 216.405 to 216.485 and 216.990(2) or the regulations adopted thereunder.

(2) The board shall give notice in writing to applicants whose applications have been tentatively denied stating the reasons therefore. Such denial shall become final unless the applicant makes application to the board for a hearing within ten (10) days after service of such notice.

Section 4. Service. Service of such notices may be effected in the manner prescribed by law for the service of civil process or by the board forwarding same to the applicant or licensee, by United States registered or certified mail postage prepaid at the address of the applicant or licensee as reflected by the records of the board.

Section 5. Hearings. The hearing may be conducted by the board in person or by a hearing officer or a hearing committee appointed by the board. All members of the board and all persons appointed by the board as hearing officers or as members of a hearing committee are authorized to administer oaths, issue subpoenas for the attendance of witnesses and for the production of books, papers, and documents and to cite for contempt, before the *district* [circuit or quarterly] court in the county in which the hearing is held, for disobedience of its process or for contumacious or disrespectful conduct. The applicant or licensee proceeded against shall be known as "respondent" and shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to in-

produce testimony by witnesses or, if the board so permits, by depositions. *If the hearing is an appeal of a preliminary or interlocutory order of the board, the issue to be addressed shall be whether the order was justified when issued, in the light of evidence presented at the hearing.* Hearing officers and hearing committees shall prepare a proposed findings of fact and conclusions of law.

Section 6. Decisions and Appeals. All decisions revoking, suspending, probating, or denying licenses, certificates

of need or applications shall be made by the board and shall be recorded in the minutes of the board. The secretary of the board shall notify, by registered or certified United States mail postage prepaid, the applicant or licensee of the decision of the board, which decision shall become final and conclusive thirty (30) days after notice thereof is given as above provided.

MASON C. RUDD, Chairman

Proposed Amendments

SECRETARY OF THE CABINET Department of Personnel (Proposed Amendment)

101 KAR 1:130. Appeals.

RELATES TO: KRS 18.170, 18.270, 18.272

PURSUANT TO: KRS 13.082, 18.170, 18.210, 18.270

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

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

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

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

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

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

Section 4. Appeal From Removal From Register. An eligible whose name has been removed from a register for any of the reasons specified in 101 KAR 1:070, Section 6(1) and (2), may appeal to the board for reconsideration.

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

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

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

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

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

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

(4) If the board finds that the action complained of was taken by the appointing authority for any political, religious, or ethnic reason, or due to sex, race, age (between forty (40) and seventy (70)), or handicap, the employee shall be reinstated to his former position or a position of like status and pay, without loss of pay for the period of his penalization, and without penalization, or shall otherwise be made whole.

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

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

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

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

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

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

[(c) If felt necessary by any member of the board requesting the commissioner to prepare a copy of the

stenographic record taken at the hearing and reserve ruling on the case until each member has been allowed a reasonable opportunity to consider the entire record;]

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

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

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

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

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

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

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

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

(5) [Transcripts:] At any time after a hearing but prior to a final order of the Personnel Board, either party may request a copy of the transcript of the evidence presented at the hearing [that an official transcript be prepared concerning said hearing]. *Such request shall be in writing to the board. Any [The] party [so] requesting such [official] transcript shall bear the [entire] expense of preparing the copy of the transcript at the rate of ten (10) cents per page [thereto] unless otherwise ordered by the Personnel Board. Payment for the transcript copy shall be tendered by certified check or money order prior to the preparation of said copy, and, in the case of an appointing authority, may be tendered by interaccount voucher. [Said request shall be in written motion or request to the board and said motion or request shall be served on the opposing party. A certified check or money order for not less than \$100 made payable to the official court reporter shall accompany said motion or request. The balance due said official court reporter shall be paid in full before said reporter shall file said transcript with the board. Said transcript shall be filed within sixty (60) days after said motion or request is made unless the court reporter, for good reason, requests a thirty (30) day extension in writing. If the court reporter is not paid in full or to her satisfaction as to credit extended, she shall not file said transcript and the deposit described above shall be retained by her for expenses incurred in preparing the transcript.]*

(6) In all appeals pending before the personnel board, the taking of depositions for proof, either prior to or subsequent to the hearing, shall not be permitted except where the deponent is a licensed physician or a non-resident of the State of Kentucky, or where the taking of said deposition for purposes of proof is agreed to by the opposing party, or where other extenuating circumstances of such magnitude exist that the hearing officer by order authorizes the taking of such deposition. All hearings of appeals shall be held in Frankfort, Kentucky, unless otherwise designated by the board for good cause. The duly appointed hearing officer shall have the power to issue all intermediate orders concerning said appeal, prior to the final decision of the board; upon request of the hearing officer, such orders shall be issued by the commissioner acting as secretary to the board.

PHILIP TALIAFERRO, Chairman
DICK ROBINSON, Commissioner

ADOPTED: April 8, 1980

RECEIVED BY LRC: April 9, 1980 at 11:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Commissioner Dick Robinson, Department of Personnel, Room 373, New Capitol Annex Building, Frankfort, Kentucky 40601.

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

301 KAR 2:047. Specified areas; seasons, limits for birds and small game.

RELATES TO: KRS 150.025, 150.170, 150.175, 150.176, 150.330, 150.340, 150.360, 150.370

PURSUANT TO: KRS 13.082

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

Section 1. All statewide and specified area regulations, seasons, bag and possession limits apply to the following wildlife management areas, and refuges unless exceptions are listed herein.

Section 2. The following wildlife management areas are closed to all hunting at all times[:] *except for deer hunting as authorized by regulation 301 KAR 2:109.*

(1) Grayson Wildlife Management Area in Carter and Elliott Counties.

(2) Beaver Creek Wildlife Management Area, including all private inholdings, in Pulaski and McCreary Counties.

(3) Cane Creek Wildlife Management Area, including all private inholdings, in Laurel County.

(4) Robinson Forest Wildlife Management Area in Breathitt, Perry and Knott Counties.

(5) Red Bird Wildlife Management Area including all private inholdings, in Leslie and Clay Counties.

(6) Mill Creek Wildlife Management Area, including all private inholdings, in Jackson County.

(7) Dewey Lake Wildlife Management Area located in Floyd County.

Section 3. Exceptions to statewide small game hunting regulations for wildlife management areas and refuges:

(1) West Kentucky Wildlife Management Area located in McCracken County.

(a) Quail: Third Thursday in November through February 15 [17] on Tracts 2, 3, 6 and 7.

(b) Rabbit: Third Thursday in November through February 15 [January 21] on Tracts 2, 3, 6 and 7. Other tracts may be opened and will be designated at the check station.

(c) Squirrel (gray and fox): Third Saturday in August through October 31 [14] on Tracts 1, 2, 3, 4, 5 and 6. Third Thursday in November through December 31 on Tract 6 only.

(d) Raccoon and opossum: During the regular statewide season with gun or dog on Tracts 1, 2, 3, 4, 5 and 6 and night training on all tracts and shake-out on Tracts 1 through 6.

(e) Rabbit and quail hunters must check in and out at the designated check station.

(f) All tracts designated by number followed by the letter "A" are closed to gun hunting.

(g) Weapon restrictions. No rifles, or ball or slug ammunition of any type shall be permitted for taking small game on this area.

(2) Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties. Areas open to hunting for the following species are located north of the state line to Barkley Canal, except that no hunting is allowed in developed public use areas, safety zones and posted areas unless otherwise noted.

(a) Squirrel (gray and fox): Third Saturday in August through October 1; December 1 through January 31.

(b) Quail: December 1 through February.

(c) Rabbit: December 1 through January.

(d) Raccoon and opossum: Mondays, Tuesdays, Fridays and Saturdays during the period December 1 through January. Daily bag limit two (2) per person per night.

(e) Raccoon field trials: February 1 through May. Scheduled basis only. Written requests must be received by Land Between the Lakes at least ten (10) days prior to the proposed hunt date. Approval must be given by Land Between the Lakes and the Department of Fish and Wildlife Resources District Supervisor. Field trials must be recognized club hunts and each participant must be on a club roster for that hunt and must have a valid score card in his or her possession.

(f) Fox chasing: From sunset to sunrise; Third Saturday in August through October 1 south of highway 68 to state line.

(g) Gray fox and coyote taking: [Gray fox only during] Daylight hours only; December 1 through February and October 8 through November 9 only by legally licensed and equipped deer archery hunters.

(h) Woodchuck: Hunting during daylight hours only. March 18 [5] through March 31 [16] and October 8 through November 9 only by legally licensed and equipped deer archery hunters. No hunting in the Environmental Education Center Area including a one-quarter (¼) mile safety zone around the outside boundary. No hunting within one-quarter (¼) mile of The Trace, U.S. Highway 68, Energy Lake Road and Shaw Branch Road. A special Land Between the Lakes woodchuck permit required. All woodchucks harvested must be removed from the area. Legal weapons include center-fire rifles .17 caliber or larger, .22 caliber rimfire magnum rifles, muzzle-loading rifles [of .31 caliber or larger], and longbows and compound bows according to state regulations. All other weapons are prohibited. Bow hunting only allowed in Hunt Area 8 and in that portion of Hunt Area 9 designated as the ORV Area.

(i) Bird dog and beagle hound training season: During the entire month of October on Turkey Creek portion of the ORV Area only. A permit is required from Land Between the Lakes.

(j) For Land Between the Lakes hunting rules refer to regulation 301 KAR 2:050.

(k) Permits. All required permits may be obtained by writing the Wildlife Management Section, Land Between the Lakes, Golden Pond, Kentucky 42231, or in person during open hours at the two information stations or the main office.

(l) *Weapon restrictions: Unless otherwise specified, small game hunting is limited to muzzle-loading and breech-loading shotguns using No. 2 shot or smaller, rifles using .22 caliber rimfire ammunition, muzzle-loading rifles and arrows with blunt-tipped or field points.*

(3) Reelfoot National Wildlife Refuge located in Fulton County.

(a) Squirrel (gray and fox): August 23 [25] through October 15 [14] only in areas designated by signs as open to public hunting.

(b) Raccoon: September 24 [26] through September 27 [29] and October 1 [3] through October 4 [6] on the Long Point refuge unit, with hunting allowed only during the hours of 7:30 p.m. to 12:00 midnight. No bag or possession limits.

(c) Permits: All hunters are required to have a special hunting permit which can be obtained at refuge headquarters, P.O. Box 295, Samburg, Tennessee 38254, or at designated check stations.

(d) Age limit. Hunters under age seventeen (17) must be accompanied by an adult. For safety reasons, the ratio should be one (1) adult to one (1) juvenile, but in no case more than two (2) juveniles per adult.

(e) Firearms. Only shotguns incapable of holding more than three (3) shells and .22 caliber rimfire rifles are permitted.

(f) Dogs are permitted only for raccoon hunting.

(g) Open fires and cutting trees are not permitted.

(4) Ballard County Wildlife Management Area located in Ballard County.

(a) Squirrel (gray and fox): Third Saturday in August through October 14 on the whole management area.

(b) All statewide game seasons, bag and possession limits apply only to the wooded area south of Terrell Landing Road and designated by signs reading "Wildlife Management Area for Public Hunting."

(5) Central Kentucky Wildlife Management Area located in Madison County.

(a) Squirrel (gray and fox): Third Saturday in August through October 14.

(b) This area is closed to all hunting except dove (see statewide dove regulation) and squirrel.

(6) Curtis Gates Lloyd Wildlife and Recreation Area located in Grant County: Areas closed to hunting are designated by refuge signs. *All statewide hunting seasons apply to remainder of the area.*

(7) Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties. Hunters on this area are restricted to pioneer weapons only. These include muzzle-loading rifles, muzzle-loading pistols, muzzle-loading shotguns, longbows and crossbows. Muzzle-loading shotguns for taking squirrels, quail, grouse and rabbits must not use shot larger than No. 2 in size.

(8) Fort Campbell Wildlife Management Area located in Christain and Trigg Counties; there will be no hunting on December 25 and January 1 and Mondays and Tuesdays except when Monday is a federal holiday, then hunting will be permitted.

(a) Seasons, bag and possession limits:

1. Squirrel (gray and fox): September 3 [1] through September 21 [30], November 26 [22] through December 12 [7], December 13 [8] through December 31 [30] on selected areas; and January 2 through January 31.

2. Quail: November 26 [22] through December 12 [7], December 13 [8] through December 31 [30] on selected areas; January 2 through February.

3. Rabbit: November 26 [22] through December 12 [7], December 13 [8] through December 31 [30] on selected areas; January 2 through February; bag limit five (5); possession limit ten (10).

4. Raccoon and opossum: Taking with gun and/or dogs, November 26 [22] through December 12 [7], December 13 [8] through December 31 [30] on selected

areas. January 2 through January 31; possession limit one (1) per person.

5. Gray fox and woodchuck: September 3 [1] through September 21 [30]. January 2 through February.

6. Red fox: November 26 [22] through December 12 [7], December 13 [8] through December 31 [30] on selected areas. January 2 through January 31.

7. Bobcat: The season is closed on bobcat.

(b) Permission must be obtained for each hunt at building #6645 and hunters must stay within their assigned area. A hunting permit costing fifteen dollars (\$15) is required and is good for all species hunting for the season.

(c) All hunters between the ages of twelve (12) and sixteen (16), must possess a valid hunter safety certificate.

(9) Knob State Forest located in Nelson County. Closed to all small game hunting except squirrels during the regular statewide seasons. Squirrel hunting weapons are limited to shotguns using shotshells and .22 caliber rimfire rifles and longbows and compound bows.

(10) Clay Wildlife Management Area located in Nicholas County is closed to the training of all dogs during the period October 1 through November 15.

(11) Pine Mountain Wildlife Management Area located in Letcher County is closed to training of all dogs during the period March 1 through August 1.

[(11) Dewey Lake Wildlife Management Area located in Floyd County is closed to all hunting except for deer archery with longbows and compound bows only on October 13 through November 9.]

CARL E. KAYS, Commissioner
MIKE BOATWRIGHT, Chairman

ADOPTED: March 3, 1980

APPROVED: JAMES NAVOLIO, Deputy Secretary

RECEIVED BY LRC: April 9, 1980 at 11:20 a.m.

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

CABINET FOR DEVELOPMENT Department of Agriculture (Proposed Amendment)

302 KAR 31:015. Certification.

RELATES TO: KRS Chapter 217B

PURSUANT TO: KRS 13.082, 217B.050, Executive Order No. 79-1065

NECESSITY AND FUNCTION: KRS 217B.050 authorizes the Department for Natural Resources and Environmental Protection to adopt rules and regulations relating to the use and application of pesticides. This regulation establishes a system of certification for persons who purchase, use, or apply restricted-use pesticides pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act of 1972, as amended. By Executive Order 79-1065, Governor Julian M. Carroll transferred the pesticide control program including regulatory authority to the Department of Agriculture.

Section 1. Applicability. No person may purchase, use or apply restricted-use pesticides unless that person is cer-

tified in a category consistent with such purchase, use, or application, as provided in this regulation or is acting under the direct supervision of a person so certified.

Section 2. Certification. Certification under this regulation may be obtained from the department as a private applicator pursuant to 302 KAR 31:005, Section 9, or in the following categories of restricted-use pesticide use or application:

(1) Agricultural pest control. This category includes:

(a) Plant. This category includes persons using or supervising the use of restricted-use pesticides in production of agricultural crops including but not limited to tobacco, peanuts, cotton, feed grains, soybeans and forage, vegetables, small fruits, tree fruits and nuts, as well as on grasslands and non-crop agricultural lands.

(b) Animal. This category includes persons using or supervising the use of restricted-use pesticides on animals, including but not limited to beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and livestock, and to places on or in which animals are confined. Doctors of veterinary medicine engaged in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators, or engaged in large-scale use of pesticides are included in this category.

(2) Forest pest control. This category includes persons using or supervising the use of restricted-use pesticides in forests, forest nurseries, and forest seed-producing areas.

(3) Ornamental and turf pest control. This category includes persons using or supervising the use of restricted-use pesticides to control pests in the maintenance and production of ornamental trees, shrubs, flowers, and turf.

(4) Seed treatment. This category includes persons using or supervising the use of restricted-use pesticides on seeds.

(5) Aquatic pest control. This category includes persons using or supervising the use of any restricted-use pesticide purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in subsection (8) of this section.

(6) Right-of-way pest control. This category includes persons using or supervising the use of restricted-use pesticides in the maintenance of public roads, electric power-lines, pipelines, railway rights-of-way or other similar areas.

(7) Industrial, institutional, structural, and health-related pest control. This category covers all applicators using or supervising the use of restricted-use pesticides in, on, or around food handling establishments, human dwellings, institutions such as schools and hospitals, industrial establishments, including warehouses and grain elevators, and any other structures and adjacent areas, public or private; and for the protection of stored, processed, or manufactured products. Industrial, institutional, structural and health-related pest control is divided into the following subcategories:

(a) Structural pest control certification covers the use of restricted-use pesticides in the control of general pests and wood-destroying organisms by all means other than fumigation, and covers all elements of "wood-destroying organism certification" in paragraph (c) of this subsection.

(b) Structural fumigation certification covers the use of restricted-use pesticides in the form of poisonous gases.

(c) Wood-destroying organism certification covers the use of restricted-use pesticides to control wood-destroying organisms only.

(d) General pest certification covers the use of restricted-use pesticides to control general pests only.

(8) Public health pest control. This category includes state, federal or other governmental employees using or supervising the use of restricted-use pesticides in public health programs for the management and control of pests having medical and public health importance.

(9) Regulatory pest control. This category includes state, federal or other governmental employees who use or supervise the use of restricted-use pesticides in the control of regulated pests.

(10) Demonstration and research pest control. This category includes:

(a) Individuals who demonstrate to the public the proper use and techniques of application of restricted-use pesticides or supervise such demonstration. Included in this group are such persons as extension specialists and county agents, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in public programs; and

(b) Persons conducting field research with pesticides, who in so doing, use or supervise the use of restricted-use pesticides. This group includes state, federal, commercial, and other persons conducting field research on or utilizing restricted-use pesticides.

Section 3. General Requirements. To obtain certification, a person shall pay an application fee of twenty-five dollars (\$25), submit a completed application form specifying the category or categories in which certification is requested, and satisfactorily demonstrate competence in the use and handling of pesticides in those categories. Competency in the use and handling of pesticides shall be determined on the basis of written examinations, and, as appropriate, performance testing, based upon standards set forth below. Such examination and testing shall include the general standards applicable to all categories and the additional standards specifically identified for each category or subcategory in which a person desires to be certified.

Section 4. General Standards of Competency. All persons shall demonstrate practical knowledge of the principles and practices of pest control and safe use of pesticides, including standards for the supervision of non-certified persons as established by regulation. Testing shall be based on examples of problems and situations appropriate to the particular category or subcategory of the person's requested certification and the following areas of competency:

(1) Label and labeling comprehension:

(a) The understanding in instructions, warnings, terms, symbols, and other information commonly appearing on pesticide labeling;

(b) Classification of the product, general or restricted;

(c) Necessity for use consistent with the labeling.

(2) Safety factors, including:

(a) Pesticides' toxicity, hazard to man and common exposure routes;

(b) Common types and causes of pesticide accidents;

(c) Precautions necessary to guard against injury to applicator and other individuals in or near treated areas;

(d) Need for and use of protective clothing and equipment;

(e) Symptoms of pesticide poisoning;

(f) First aid and other procedures to be followed in case of a pesticide accident;

(g) Proper identification, storage, transport, handling, mixing procedures and disposal methods for pesticides and used pesticide containers, including precautions to be

taken to prevent children from having access to pesticide containers.

(3) The potential environmental consequences of the use and misuse of pesticides as may be influenced by such factors as:

(a) Weather and other climatic conditions;

(b) Types of terrain, soil, or other substrata;

(c) Presence of fish, wildlife, and other non-target organisms;

(d) Drainage patterns.

(4) Pest identification, including consideration of the following factors:

(a) Common features of pest organisms and characteristics of damage necessary to facilitate pest recognition;

(b) Pest maturation and development as it may be related to the problem of identification and control.

(5) Pesticides, including consideration of the following factors:

(a) Types of pesticides;

(b) Types of pesticide formulations;

(c) Compatibility, synergism, persistence and animal and plant toxicity of the formulation;

(d) Hazards and residues associated with use;

(e) Factors which influence effectiveness or lead to such problems as resistance to pesticides;

(f) Dilution procedures.

(6) Equipment, including consideration of the following factors:

(a) Types of pesticide application equipment and advantages and limitations of each;

(b) Uses, maintenance and calibration of equipment.

(7) Application techniques; factors including:

(a) Methods used to apply various formulations of pesticides, solutions, and gases together with a knowledge of which technique or application to use in a given situation;

(b) Relationship of discharge and placement of pesticides to proper use, unnecessary use, and misuse;

(c) Prevention of drift and pesticide loss into the environment.

(8) Laws and regulations. Knowledge of pertinent aspects of the Federal Environmental Pesticides Control Act, KRS Chapter 217, KRS 217B.010 to 217B.260, and where applicable, KRS 217B.500 to 217B.585, plus regulations promulgated pursuant to those chapters.

Section 5. Specific Standards of Competency. In addition to meeting the requirements of Sections 3 and 4, persons requesting certification for a specific category must demonstrate competence related to that category as follows:

(1) Agricultural. This category is subdivided as follows:

(a) Plant. Persons requesting agricultural plant certification must demonstrate practical knowledge of crops and specific pests of those crops on which they may be using pesticides. Practical knowledge is required concerning soil and water problems, pre-harvest intervals, re-entry intervals, phytotoxicity, and potential for environmental contamination, non-target injury and community problems resulting from the use of pesticides in agricultural areas.

(b) Animal. Persons requesting agricultural animal certification must demonstrate practical knowledge of such animals and their associated pests. A practical knowledge is also required concerning specific pesticide toxicities and residue potentials, since host animals will frequently be used for food. Further, the person must know the relative

hazards associated with such factors as formulation, application techniques, age of animals, stress and extent of treatment.

(2) Forestry. Persons requesting forest certification shall demonstrate practical knowledge of types of forests, forest nurseries, and seed production in the Commonwealth and the pests involved therein. They should possess practical knowledge of the cyclic occurrence of certain pests and their specific population dynamics as a basis for programming pesticide applications. A practical knowledge is required of the relative biotic agents and their vulnerability to the pesticides to be applied. Because forest stands may be large and frequently include natural aquatic habitation and harbor wildlife, the consequences of pesticide use may be difficult to assess. The applicator must therefore demonstrate practical knowledge of control methods which will minimize the possibility of secondary problems such as unintentional effects on wildlife. Proper use of specialized equipment must be demonstrated, especially as it may relate to meteorological factors and adjacent land use.

(3) Ornamental and turf. Persons requesting ornamental and turf certification shall demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, plantings, and turf, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift, and persistence beyond the intended period of pest control. Because of the frequent proximity of human habitations to application activities, applicators in this category must demonstrate practical knowledge of application methods which will minimize or prevent hazards to humans, pets, and other domestic animals.

(4) Seed treatment. Persons requesting seed certification shall demonstrate practical knowledge of types of seeds that require chemical protection against pests and factors such as seed coloration, carriers, and surface active agents which influence pesticide binding and may affect germination. They must demonstrate practical knowledge of hazards associated with handling, sorting, and mixing, and misuse of treated seed such as introduction of treated seed into food and feed channels as well as proper disposal of unused treated seeds.

(5) Aquatic. Persons requesting aquatic certification shall demonstrate practical knowledge of the secondary effects which can be caused by improper application rates, incorrect formulations, and faulty application of pesticides used in this category. They shall demonstrate practical knowledge of various water use situations and potential pesticide effects on plants, fish, birds, beneficial insects and other organisms which may be present in aquatic environments. They shall also demonstrate practical knowledge of the principles of limited-area application.

(6) Right-of-way. Persons requesting right-of-way certification shall demonstrate practical knowledge of a wide variety of environments, since rights-of-way can traverse many different terrains, including waterways. They shall demonstrate practical knowledge of problems of runoff, drift, and excessive foliage destruction and the ability to recognize target organisms. They shall also demonstrate practical knowledge of the nature of herbicides and the need for containment of these pesticides within the right-of-way area, and the impact of their application activities upon the adjacent areas and communities.

(7) Industrial, institutional, structural and health-related pest control. This category is subdivided as follows:

(a) Structural pest control certification. Persons requesting certification in this subcategory shall demonstrate

practical knowledge of a wide variety of pests including general pests and wood-destroying organisms. This practical knowledge shall include their life cycles, types of formulations appropriate for their control, minimum standards of application and methods of application that avoid contamination of habitat and exposure of people and pets. Since human exposure, including babies, pregnant women, and elderly people, is frequently a potential problem, applicants must demonstrate practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure to the various situations encountered in this category. Because health-related pest control may involve outdoor applications, applicators must also demonstrate practical knowledge of environmental conditions, particularly related to this activity.

(b) Structural fumigation certification. Persons requesting certification in this subcategory shall demonstrate a practical knowledge of those pests for which treatment by fumigation is an appropriate control technique. This practical knowledge shall include their life cycles, fumigants appropriate for their control and alternative control techniques. Because of the potential dangers inherent in the use of fumigant gases, the applicant shall demonstrate knowledge of the dangers involved and the safety precautions established by these regulations and by good operating practice.

(c) Wood-destroying organism pest control. Persons requesting certification in this subcategory shall demonstrate a practical knowledge of wood-destroying organisms, formulations appropriate for their control, minimum standards of application established by regulations, potential dangers and effective methods of application which minimize risks to persons and to the environment.

(d) General pest control. Persons requesting certification in this subcategory shall demonstrate a practical knowledge of a wide variety of pests including but not limited to arthropods, mollusks, annelid worms, rodents or other pestiferous vermin, vertebrate animals, and fungi. This practical knowledge shall include their life cycles, types of formulations appropriate for their control, minimum standards of application and methods of application that avoid contamination of habitat and exposure of people and pets. Since human exposure, including babies, pregnant women, and elderly people, is frequently a potential problem, applicants must demonstrate practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure to the various situations encountered in this category. Because health-related pest control may involve outdoor applications, applicators must also demonstrate practical knowledge of environmental conditions, particularly related to this activity.

(8) Public health. Persons requesting public health certification shall demonstrate practical knowledge of vector-disease transmission as it relates to and influences application programs. A wide variety of pests is involved, and it is essential that they be known and recognized and appropriate life cycles and habitats be understood as a basis for control strategy. These applicants shall have practical knowledge of a great variety of environments ranging from streams to those conditions found in buildings. They should also have practical knowledge of the importance and employment of such non-chemical control methods as sanitation, waste disposal and drainage.

(9) Regulatory. Persons applying for certification in this category shall demonstrate practical knowledge of regulated pests, applicable laws relating to quarantine and other regulation of pests, and the potential impact on the

environment of pesticides used in suppression and eradication programs. They shall demonstrate knowledge of factors influencing introduction, spread, and population dynamics of relevant pests. Their knowledge shall extend beyond that required by their immediate duties, since their services are frequently required in other areas of the country where emergency measures are invoked to control regulated pests and where individual judgments must be made in new situations.

(10) Demonstration and research:

(a) Persons demonstrating the safe and effective use of pesticides to other persons and the public shall meet comprehensive standards reflecting a broad spectrum of pesticide use. Many different pest related problem situations will be encountered in the course of activities associated with demonstration. Practical knowledge of problems, pests, and population levels occurring in each demonstration situation is also required. Further, such persons should demonstrate an understanding of pesticide-organism interactions and the importance of integrating pesticide use with other control methods. In general, persons conducting demonstration pest control work shall possess a practical knowledge of all of the standards detailed in this regulation. In addition, they shall meet the specific standards required under subsections (1) through (10) as may be applicable to their particular activities.

(b) Persons conducting field research or method improvement work with pesticides shall be required to demonstrate knowledge of general and specific standards applicable to their particular activities, or alternatively, to meet the more inclusive requirements listed under this subsection.

Section 6. Aerial Certification. Persons desiring to apply restricted-use pesticides using aircraft shall obtain aerial certification in addition to certification in the appropriate category of pesticide use. Additional standards shall include the possession by aerial applicators of special knowledge of aerial application equipment and of particular expertise with regard to calibration of that equipment. Their knowledge shall extend to such areas as spray efficiency testing, field flight patterns, swath marking, turning procedures and subsequent considerations, awareness of obstacles and obstructions, and personal safety of pilot, flagman, and ground crew. Knowledge should also include information that is commonly on pre-flight checklists of spray personnel.

Section 7. License Examination. (1) General. The examination administered by the department for licenses to do business as pesticide applicators, pesticide operators, and public operators shall incorporate the certification requirements for the requested categories. A person obtaining a pesticide applicator, pesticide operator, or public operator license after the effective date of this regulation, shall be certified to purchase, use, or apply restricted-use pesticides in the categories for which the person was tested.

(2) Structural. The examinations administered by the department pursuant to KRS 217B.530 and 302 KAR 31:025 for licenses to do business as structural pest control applicators, structural pest control managers, structural fumigation applicators, and structural fumigation managers shall contain all the requirements for certification to apply restricted-use pesticides under this section. Should a person obtain a license to do business in one or

more of the above categories, then that person shall be certified to purchase, use or apply restricted-use pesticides in the appropriate subcategory of industrial, institutional, structural, and health-related pest control.

Section 8. Certification Maintenance. To maintain certification, each person certified to purchase, use or apply restricted-use pesticides, other than a private applicator, shall in any five (5) year period, attend at least two (2) training programs approved by the department in the use and application of pesticides, with the exception of seed treatment applicators who shall attend one (1) training course. Training received before the promulgation of these rules and regulations will be eligible for retroactive credit toward certification maintenance.

Section 9. Credentials. (1) When a person meets all the requirements to obtain a license to do business under KRS 217B.010 to 217B.260 or under KRS 217B.500 to 217B.585, the department shall issue that person a document signifying that the person is licensed to do business in the category for which a person qualifies.

(2) When a person meets all the requirements to obtain certification to purchase, use or apply restricted-use pesticides, then the department shall issue that person a document signifying that the person is certified to purchase, use or apply restricted-use pesticides in the categories for which the person qualifies.

(3) When a person qualifies for certification incident to qualification for a license to do business, then the department shall issue that person two (2) documents. One (1) document shall be the license to do business. The other document shall be the certification to purchase, use or apply restricted-use pesticides.

(4) A certification to purchase, use or apply restricted-use pesticides issued under this regulation is separate and distinct from any licenses to do business issued under KRS 217B.010 to 217B.260 or under KRS 217B.500 to 217B.585. A certification may be granted or denied, or modified, suspended, or revoked independent of the grant or denial, modification, suspension, or revocation of any license to do business. In a like manner, any license to do business may be modified, suspended, or revoked independent of the grant or denial, modification, suspension, or revocation of any certification.

ALBEN W. BARKLEY, II, Commissioner

ADOPTED: April 11, 1980

APPROVED: JAMES NAVOLIO, Deputy Secretary

RECEIVED BY LRC: April 15, 1980 at 12:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alben W. Barkley, II, Commissioner, Kentucky Department of Agriculture, 7th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
(Proposed Amendment)

701 KAR 1:020. State plan for the administration of ESEA, Title IV.

RELATES TO: KRS 156.070

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 Title IV, PL 95-561.

Section 1. Pursuant to the authority vested in the Kentucky State Board for Elementary and Secondary Education, the Kentucky State Plan for the Administration of ESEA, Title IV 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 U. S. Commissioner of Education for his approval. This document is incorporated by reference and hereinafter shall be referred to as the "State Plan," revised March 13, 1979, *amended March 11, 1980, for fiscal years ending September 30, 1983.* Copies of the State Plan may be obtained from the Division of Title IV, State Department of Education.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: March 12, 1980

RECEIVED BY LRC: March 25, 1980 at 10:30 a.m.

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

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 3:010. Guidelines for use of foundation program capital outlay funds.

RELATES TO: KRS 157.420(3)(e)

PURSUANT TO: KRS 13.082, 156.030, 156.070, [156.130,] 156.160

NECESSITY AND FUNCTION: To provide guidelines for the use of foundation program capital outlay funds in districts which have a special levy for capital outlay or debt service.

Section 1. A district levying a special voted tax under the provisions of KRS 160.477 or a sinking fund tax under the provisions of KRS 162.080 may with the approval of the Superintendent of Public Instruction retain all or a proportionate fraction of *its* [their] foundation program capital outlay fund in the general fund for current expenses.

Section 2. In considering the approval of application to use foundation program capital outlay funds in the general fund, the Superintendent of Public Instruction shall ascertain that the local school district presenting the application

is making satisfactory progress toward meeting its capital outlay needs as reflected by the latest *adopted* school facility *plan* [survey] acceptable to the Department of Education.

Section 3. The amount of foundation program capital outlay funds retained in the general fund shall not exceed the amount of revenues produced by KRS 160.477 or 162.080.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: March 11, 1980

RECEIVED BY LRC: March 25, 1980 at 10:30 a.m.

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

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 3:040. Check issuing policy.

RELATES TO: KRS 160.560

PURSUANT TO: KRS 13.082, 156.030, 156.070, [156.130,] 156.160

NECESSITY AND FUNCTION: To provide local boards of education some uniformity in a policy of issuing checks.

Section 1. The local board of education shall submit to the Superintendent of Public Instruction prior to July 1 each year, or before issuing any check, a copy of the minutes stating its local policy for issuing checks:

(1) The treasurer shall receive Department of Education Form F-40, properly executed including signatures of the chairman and the secretary of the board before issuing checks.

(2) Authorized payments made between local board meetings shall be limited: to contract salaries, [payments made] to take advantage of discounts, [and payments made] to prevent penalties and disruption of services, and shall be specified in the board's policy statement approved by the Superintendent of Public Instruction.

(3) The board of education shall give subsequent approval to all disbursements made in accordance with their approved policy between meetings of the board.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: March 11, 1980

RECEIVED BY LRC: March 25, 1980 at 10:30 a.m.

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

EDUCATION AND ARTS CABINET
Department of Education
Office of Superintendent
(Proposed Amendment)

704 KAR 3:292. Title I, ESEA migrant plan.

RELATES TO: KRS 156.035
PURSUANT TO: KRS 13.082, 156.030, 156.070, 156.160

NECESSITY AND FUNCTION: In accordance with Section 435 of the General Education Provisions Act and Sections 141, 142, and 143 of the Amendments to Title I of the Elementary and Secondary Education Act of 1965 (P.L. 95-561), the Department of Education, when applying to the U.S. Office of Education for participation in programs for migratory children under Title I of the Elementary and Secondary Education Act, must submit an approvable plan and satisfactory assurances that all requirements of the law will be met.

Section 1. Pursuant to the authority vested in the Kentucky State Board for Elementary and Secondary Education by KRS 156.030, the Title I, ESEA Migrant Education Annual Program Plan for fiscal year ending *September 30, 1981*, [September 30, 1980,] is presented herewith for filing with the Legislative Research Commission, and incorporated by reference.

Section 2. Local educational agency program applications, or any amendment thereto, must be approved by the local board of education prior to submission to the Kentucky Department of Education.

RAYMOND BARBER
Superintendent of Public Instruction

ADOPTED: March 12, 1980
RECEIVED BY LRC: March 25, 1980 at 10:30 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Office of Superintendent
(Proposed Amendment)

704 KAR 3:312. Follow-through plan for technical assistance grant.

RELATES TO: KRS 156.030, 156.070
PURSUANT TO: KRS 13.082, 156.070, 156.160
NECESSITY AND FUNCTION: In accordance with the Economic Opportunity Act of 1964, the Kentucky Department of Education must serve as the administrative agency to allow local school districts participating in the Follow-Through Program to receive the benefits of the Technical Assistance Grant.

Section 1. Pursuant to the authority vested in the Kentucky State Board for Elementary and Secondary Education by KRS 156.030, the "Follow-Through Technical

Assistance Annual Plan" for fiscal year ending *June 30, 1981*, [June 30, 1980,] is presented herewith for filing with the Legislative Research Commission, and incorporated by reference.

RAYMOND BARBER
Superintendent of Public Schools

ADOPTED: March 12, 1980
RECEIVED BY LRC: March 25, 1980 at 10:30 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children
(Proposed Amendment)

707 KAR 1:003. Annual program plan for the administration of the education of the handicapped act.

RELATES TO: KRS 156.035, 157.200 to 157.305
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: The State Plan for the Administration of Education of the Handicapped Act, Part B, must be amended annually in order to be eligible to receive Federal funds under P.L. 93-380, as amended by P.L. 94-142.

Section 1. Pursuant to the authority vested in the Kentucky State Board for Elementary and Secondary Education, the Kentucky Annual Program Plan for the Administration of the Education of the Handicapped Act is hereby approved by the State Board for Elementary and Secondary Education in accordance with the approved federal guidelines and submitted to the U. S. Commissioner of Education for his approval. This plan is incorporated by reference and hereinafter should be referred to as the "Kentucky Annual Program Plan for the Administration of the Education of the Handicapped Act," *revised 1980*. Copies of the plan may be obtained from the Bureau of Education for Exceptional Children, State Department of Education, Frankfort, Kentucky 40601.

RAYMOND BARBER
Superintendent of Public Instruction

ADOPTED: March 12, 1980
RECEIVED BY LRC: March 25, 1980 at 10:30 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

**Kentucky School Building Authority
(Proposed Amendment)**

723 KAR 1:005. Funding procedure.

RELATES TO: KRS 157.820, 157.895

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To establish procedures for funding Department of Education projects.

Section 1. The authority shall act upon projects recommended by the Superintendent of Public Instruction and approved by the appropriate state board of education.

Section 2. The authority shall consider funding projects based upon the order of priorities established by the appropriate state board of education after approval by the authority.

Section 3. In the absence of legislative determination, the authority shall determine the allocation of funds available to the authority which shall be made to the various types of projects.

Section 4. In the event funding for projects recommended by the Department of Education exceed the limit of resources established by the School Building Authority for such projects, the chairman of the authority shall notify the chairman of either affected board of the amount by which such resources have been or will be exceeded and such board, upon recommendation of the Superintendent of Public Instruction, shall eliminate or reduce the scope of the projects recommended in order to stay within resources available.

Section 5. Upon recommendation of the Superintendent of Public Instruction, the authority shall employ a fiscal agent(s) for such project or projects which have been approved by the authority.

Section 6. Fiscal agent(s) employed by the authority shall carry out all functions normally performed by such agents and shall include but not be limited to preparing conveyances of property, preparing contracts of lease and rent, and all other functions normally associated with the preparation and sale of bonds issued by the authority.

Section 7. Upon direction of the authority, the Bureau of Facilities Management will enter into a contract with an architect and/or engineer for such project or projects which have been approved by the authority.

Section 8. Architects and/or engineers shall be employed through the use of contract form B210-26, as adopted by the Bureau of Facilities Management, Department of Finance, with such amendments thereto as may be required from time to time by the Bureau of Facilities Management.

Section 9. Architects and/or engineers so employed shall be responsible for the preparation of preliminary and completed plans and specifications which shall have the approval of the Superintendent of Public Instruction prior to bids being taken for construction of the project or projects. Such architect and/or engineer shall also be responsible for obtaining approval of their plans and specifications

from all authorities having jurisdiction. This provision shall be included in every contract into which the authority enters.

Section 10. Architects and/or engineers so employed shall at the end of each month for each construction project prepare an estimate of work completed and materials used on each project. Such an estimate shall be provided the Superintendent of Public Instruction for his approval on or before the tenth day of each month and shall cause to be withheld ten (10) percent of the first one (1) million dollars and five (5) percent of the completed performance above one (1) million dollars of the contract price of the work until the work is substantially completed. Upon substantial completion of the work, the ten (10) percent retainage may be reduced to five (5) percent with certification of the architect or engineer and approval of the Superintendent of Public Instruction. No part of the five (5) percent retainage shall be paid until the Superintendent of Public Instruction has made final inspection of the completed construction in accordance with approved plans, specifications and contract documents. When certified for payment by the Superintendent of Public Instruction, such estimate shall provide the basis for all authority payments. This provision shall be included in every contract into which the authority enters.

Section 11. On all properties which are to be deeded to the Kentucky School Building Authority for the purposes of constructing a project, the School Building Authority will receive a fee simple title in conformance with KRS 162.010. A copy of the deed and an attorney's title certificate, along with evidence of title insurance, based on current appraised value of the site, from an acceptable insurance company will be provided the director of the School Building Authority.

ARNOLD GUESS, Director

ADOPTED: February 27, 1980

RECEIVED BY LRC: March 17, 1980 at 2:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary, Kentucky School Building Authority,
Room 109, Capital Plaza Tower, Frankfort, Kentucky
40601.

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

902 KAR 1:316. Amitriptyline hydrochloride 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 Amitriptyline Hydrochloride Tablet pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

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

- (1) Amitriptyline Hydrochloride 10 mg. Tablet Form:
 - (a) *Amitid: E. R. Squibb and Sons;*
 - (b) [(a)] Amitriptyline: Bell Pharmacal Company, Generix Drug Corporation, Geneva Generics, H. L. Moore Drug Exchange, Lederle Laboratories, Murray Drug Corporation, Richie Pharmacal Company, Rugby Laboratories, Theda Corporation, United Research Laboratories, Vanguard Laboratories;
 - (c) [(b)] Elavil: Merck, Sharp and Dohme;
 - (d) [(c)] Endep: Roche Laboratories.
- (2) Amitriptyline Hydrochloride 25 mg. Tablet Form:
 - (a) *Amitid: E. R. Squibb and Sons;*
 - (b) [(a)] Amitriptyline: Bell Pharmacal Company, Generix Drug Corporation, Geneva Generics, H. L. Moore Drug Exchange, Lederle Laboratories, Murray Drug Corporation, Richie Pharmacal Company, Rugby Laboratories, Theda Corporation, United Research Laboratories, Vanguard Laboratories;
 - (c) [(b)] Elavil: Merck, Sharp and Dohme;
 - (d) [(c)] Endep: Roche Laboratories.
- (3) Amitriptyline Hydrochloride 50 mg. Tablet Form:
 - (a) *Amitid: E. R. Squibb and Sons;*
 - (b) [(a)] Amitriptyline: Bell Pharmacal Company, Generix Drug Corporation, Geneva Generics, H. L. Moore Drug Exchange, Lederle Laboratories, Murray Drug Corporation, Richie Pharmacal Company, Rugby Laboratories, Theda Corporation, United Research Laboratories, Vanguard Laboratories;
 - (c) [(b)] Elavil: Merck, Sharp and Dohme;
 - (d) [(c)] Endep: Roche Laboratories.
- (4) Amitriptyline Hydrochloride 75 mg. Tablet Form:
 - (a) *Amitid: E. R. Squibb and Sons;*
 - (b) [(a)] Amitriptyline: Bell Pharmacal Company, Generix Drug Corporation, Geneva Generics, H. L. Moore Drug Exchange, Lederle Laboratories, Murray Drug Corporation, Rugby Laboratories, Theda Corporation, United Research Laboratories, Vanguard Laboratories;
 - (c) [(b)] Elavil: Merck, Sharp and Dohme;
 - (d) [(c)] Endep: Roche Laboratories.
- (5) Amitriptyline Hydrochloride 100 mg. Tablet Form:
 - (a) *Amitid: E. R. Squibb and Sons;*
 - (b) [(a)] Amitriptyline: Geneva Generics, Vanguard Laboratories;
 - (c) [(b)] Elavil: Merck, Sharp and Dohme.

Section 2. After a re-review of Prednisolone products by the Kentucky Drug Formulary Council on February 19, 1980, it was decided that there was not sufficient data available to determine therapeutic equivalence. Therefore, 902 KAR 1:065 is hereby repealed.

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

ADOPTED: March 6, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 2, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Andy Naff, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Ky. 40601.

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

902 KAR 1:328. Chlordiazepoxide 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 Chlordiazepoxide Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

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

- (1) Chlordiazepoxide Hydrochloride 5 mg. Capsule Form:
 - (a) C.D.P.: Generix Drug Corporation;
 - (b) Chlordiazepoxide Hydrochloride: Barr Laboratories, Bell Pharmacal, Bioline Laboratories, Geneva Generics, Halsey Drug Company, H. L. Moore Drug Exchange, Interstate Drug Exchange, Lederle Laboratories, McKesson Laboratories, Murray Drug Corporation, Mylan Laboratories, Parmed Pharmaceuticals, Philips-Roxane Laboratories, *Federal/Premo* [Pierrel America, Inc.], Purepac Pharmaceuticals, Rachelle Laboratories, Rexall Drug Company, Richie Pharmacal Company, Rugby Laboratories, Spencer-Mead, Inc., *E. R. Squibb and Sons*, Theda Corporation, Three P Products, Trust Pharmaceuticals, United Research Laboratories, Vanguard Laboratories, Western Research Laboratories, Zenith Laboratories;
 - (c) Librium: Roche Laboratories;
 - (d) Murcil: Tutag Pharmaceuticals;
 - (e) SK-Lygen: Smith, Kline and French Laboratories.
- (2) Chlordiazepoxide Hydrochloride 10 mg. Capsule Form:
 - (a) C.D.P.: Generix Drug Corporation;
 - (b) Chlordiazepoxide Hydrochloride: Barr Laboratories, Bell Pharmacal, Bioline Laboratories, Geneva Generics, Halsey Drug Company, H. L. Moore Drug Exchange, Interstate Drug Exchange, Lederle Laboratories, McKesson Laboratories, Murray Drug Corporation, Mylan Laboratories, Parmed Pharmaceuticals, Philips-Roxane Laboratories, *Federal/Premo* [Pierrel America, Inc.], Purepac Pharmaceuticals, Rexall Drug Company, Richie Pharmacal Company, Rugby Laboratories, Spencer-Mead, Inc., *E. R. Squibb and Sons*, Theda Corporation, Three P Products, Trust Pharmaceuticals, United Research Laboratories, Vanguard Laboratories, Western Research Laboratories, Zenith Laboratories;
 - (c) Librium: Roche Laboratories;
 - (d) Murcil: Tutag Pharmaceuticals;
 - (e) SK-Lygen: Smith, Kline and French Laboratories;
 - (f) Tenax: Reid-Provident Laboratories.
- (3) Chlordiazepoxide Hydrochloride 25 mg. Capsule Form:
 - (a) C.D.P.: Generix Drug Corporation;

(b) Chlordiazepoxide Hydrochloride: Barr Laboratories, Bell Pharmacal, Bioline Laboratories, Generix Drug Corporation, Geneva Generics, Halsey Drug Company, H. L. Moore Drug Exchange, Interstate Drug Exchange, Lederle Laboratories, McKesson Laboratories, Murray Drug Corporation, Mylan Laboratories, Parmed Pharmaceuticals, Philips-Roxane Laboratories, Federal/Premo [Pierrel America, Inc.], Purepac Pharmaceuticals, Rachelle Laboratories, Rexall Drug Company, Richie Pharmacal Company, Rugby Laboratories, Spencer-Mead, Inc., E. R. Squibb and Sons, Theda Corporation, Three P Products, United Research Laboratories, Vanguard Laboratories, Western Research Laboratories, Zenith Laboratories;

(c) Librium: Roche Laboratories;

(d) Mucril: Tutag Pharmaceuticals;

(e) SK-Lygen: Smith, Kline and French Laboratories;

(f) Tenax: Reid-Provident Laboratories.

Section 2. After a re-review of Promethazine Hydrochloride products by the Kentucky Drug Formulary Council on February 19, 1980, it was decided that there was not sufficient data available to determine therapeutic equivalence. Therefore, 902 KAR 1:120 is hereby repealed.

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

ADOPTED: March 6, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 2, 1980 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

CABINET FOR DEVELOPMENT Department of Fish and Wildlife Resources

301 KAR 2:111. Deer and turkey hunting on special areas.

RELATES TO: KRS 150.025, 150.170, 150.175, 150.305, 150.330, 150.340, 150.360, 150.370, 150.390

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the deer gun and archery season and the turkey archery season on special deer areas. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of deer and turkey within reasonable limits based upon an adequate supply.

Section 1. Deer and Turkey Season on Special Deer Areas. Unless stated herein, statewide deer gun and archery season regulations apply.

(1) Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties:

(a) Deer archery hunts (either sex): White-tailed or fallow deer. October 8 through November 9. December 13 through December 31.

(b) Quota deer hunts:

1. Quota gun hunts: White-tailed or fallow deer. Antlered deer only. Some areas either sex as specified on permit. November 14, 18-19, 25-26 and 29-30.

2. Quota archery hunts: Only antlerless white-tailed or fallow deer unless otherwise specified on the permit, in that portion of the Environmental Education Center designated as hunt area 17. November 14, 18-19, 22-23, 25-26 and 29-30.

(c) Turkey archery hunts: Gobblers only with visible beards. Statewide limit of one (1) per calendar year applies. October 8 through November 9 and December 13 through December 31. Hunter must have a valid wild turkey permit in possession when a turkey is taken. Turkey hunting will not be allowed after a hunter has harvested a deer.

(d) Quota deer gun hunt for youths only: One (1) white-tailed or fallow deer of either sex on November 22-23. Hunting is restricted to persons at least ten (10) years of age but who have not reached their sixteenth (16th) birthday. Each youth must be accompanied by an adult and must have a valid Kentucky hunting license, a state deer permit, a Land Between the Lakes Youth Hunt Permit and a Hunter Safety Certificate.

(e) Bag limits: The deer bag limit for the Kentucky portion of Land Between the Lakes is two (2) deer; provided only one (1) deer of either sex is taken during the Land Between the Lakes deer archery season October 8 through November 9 and December 13 through December 31, and one (1) deer is taken during any quota gun or archery hunts at Land Between the Lakes. Persons who have taken their first deer elsewhere in Kentucky, including other designated special deer areas, may take a second deer at Land Between the Lakes by means of any type of legal weapon permitted on this area. Persons who take their first deer at Land Between the Lakes are eligible to take their second deer elsewhere in Kentucky including other designated special deer areas by means of any legal deer hunting weapon. Under no circumstances may an individual hunter take more than two (2) deer anywhere in the state.

(f) Areas open and closed to hunting: State line to Barkley Canal is open to hunting except for developed public use areas (unless posted as open), safety zones and posted areas. Duncan Bay Area on Kentucky Lake is closed to all activity during the dates designated by signs posted along the boundary as an eagle and waterfowl refuge.

(g) Youth and quota hunt applications: A drawing by computer will select hunters for each of these hunts. Application forms are available from, and must be submitted to, Kentucky Deer Hunt, Land Between the Lakes, Golden Pond, Kentucky 42231. Completed applications must be received by the wildlife staff at the Land Between the Lakes Administrative Office no later than 3:30 p.m. on the last Wednesday in July.

(h) Checking in and out:

1. Quota gun hunters. All gun hunters, including those camping in Land Between the Lakes, must check in, but

will not be required to check out unless a deer is harvested. Hunters must check in between 9:00 a.m. and 5:00 p.m. the day before the hunt, or after 4:00 a.m. on hunt days. Check stations will be open from 4:00 a.m. to 6:30 p.m. (CST) on hunt days.

2. Archery hunters. Archery hunters are not required to check in or out except on quota hunts. All deer and turkey harvested must be checked out.

(i) Permits and tagging requirements:

1. Permits. A Land Between the Lakes hunting permit is required for each hunter participating in the deer archery season and a computer card permit is required for each hunter participating in the quota deer gun or archery hunts.

2. Tags. All harvested deer and turkey must be tagged with a Land Between the Lakes permanent game tag before being removed from the area. In addition, all deer and turkey harvested must have the state tag attached. Hunters eligible to harvest a second deer at Land Between the Lakes must present their copy of the Land Between the Lakes permanent game tag which was attached to the first deer harvested or the stamped (at a check station) and punched "A" tag portion of their Kentucky first deer permit. They will be issued a free Land Between the Lakes second deer permit which must be accompanied by a Kentucky second deer permit to be valid. Permanent Land Between the Lakes game tags will be attached to all harvested deer and turkey at Land Between the Lakes check stations.

(j) Prohibited and permitted weapons. All deer hunting weapons listed in the statewide deer gun and archery season regulation are permitted except for crossbows and muzzle-loading handguns.

(k) For Land Between the Lakes general hunting rules refer to 301 KAR 2:050.

(2) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties. There will be no hunting on Mondays and Tuesdays except when Monday is a federal holiday. An exception to this is December 25 and January 1 when no hunting will be permitted.

(a) Deer archery (either sex): September 27 through October 5 and October 11 through November 23 on selected areas. December 13-14, 20-21 and December 24 through December 31 on selected areas.

(b) Deer gun (either sex): October 11 through November 23. December 13-14, 20-21 and December 24 through December 31 on selected areas. Rifles on December 20-21 only, on selected areas.

(c) Bag limits: The bag limit for Kentucky license holders hunting on Fort Campbell will be two (2) deer of either sex taken by either gun or bow; provided only one (1) deer of either sex is taken by gun or bow during the first hunting period of September 27 through November 23 and one (1) deer of either sex by gun or bow during the second hunting period of December 13 through December 31. If no deer is taken during the first hunting period, this does not entitle the hunter to take two (2) deer during the second hunting period. Persons who have taken their first deer elsewhere in Kentucky, including other designated special deer areas, may take a second deer at Fort Campbell by means of any type of legal weapon permitted on this area. Persons who take their first deer at Fort Campbell are eligible to take their second deer elsewhere in Kentucky including other designated special deer areas by means of any legal deer hunting weapon. Each deer taken must be tagged with a valid Kentucky first or second deer tag. Under no circumstances may an individual hunter take more than two (2) deer anywhere in the state.

(d) Permits and tagging requirements:

1. Deer hunters must purchase a fifteen dollar (\$15) post hunting and fishing permit which includes a Fort Campbell deer tag, at building #6645. All Fort Campbell deer hunters must also have a valid Kentucky deer permit. Persons sixty-five (65) years of age or older are not required to purchase a post hunting and fishing permit.

2. All deer taken on post by Kentucky hunters must have a valid Kentucky first or second deer tag attached to the carcass and the "A" tag portion of the permit stamped by post authorities at building #6645.

(e) Prohibited and permitted weapons: Handguns and crossbows are prohibited. Center-fire rifles of .240 caliber or larger will be permitted only during a special two (2) day rifle hunt on specified areas. Hunting arrows must be not less than twenty-four (24) inches in length, equipped with broadhead barbed blades not less than seven-eighths (7/8) inch nor more than one and one-half (1 1/2) inches wide for single two (2) edged blades, or not more than three (3) inches in circumference for three (3) or more blades. The minimum weight for all broadheads is 100 grains. Explosive heads are prohibited on arrows.

(f) Hunter safety certificate: All deer hunters between the ages of twelve (12) and sixteen (16) must possess a hunter safety certificate.

(g) Special clothing requirements: All deer gun hunters must wear a cap and jacket or panels of daylight fluorescent orange totaling 500 square inches.

(h) Deer hunting information: Information on deer hunting, hunting permits and drawings may be obtained by writing the Recreation Services Division, attention: Outdoor Recreation Branch, Hunting and Fishing Unit, Fort Campbell, Kentucky 42223, or by calling AC502-798-2175.

(3) Fort Knox Wildlife Management Area located in Hardin, Bullitt and Meade Counties:

(a) Deer archery hunt (either sex): October 4 through November 9.

(b) Deer gun hunt, first phase (either sex): November 27-28 and November 29-30.

(c) Deer gun hunt, second phase (either sex): December 1-20 on selected areas.

(d) Bag limits: The post bag limit is one (1) deer of either sex. Persons who have taken their first deer elsewhere in Kentucky, including other designated special deer areas may take their second deer at Fort Knox by any legal weapon permitted on this area. Persons who take their first deer on Fort Knox are eligible to take their second deer elsewhere in Kentucky, including other designated special deer areas, by means of any legal deer hunting weapon. Under no circumstances may an individual hunter take more than two (2) deer anywhere in the state.

(e) Applications: Separate applications are required for archery and gun hunts. For inquiries concerning deer hunting call AC502-624-7311.

1. Archery hunts: Civilians not working on post must apply for weekend archery hunts by mail. No more than five (5) hunters may apply on any one (1) application. Applications must not be postmarked earlier than August 1 or later than August 15 to be considered for the drawing for weekend archery hunts. Applicants drawn will be assigned two (2) weekends of archery hunting. Applications must include type of hunt (archery), name and address of each hunter and a twenty-five dollar (\$25) money order, certified check or cashier's check for each hunter, made payable to Treasurer of the United States. Mail applications to Conservation and Beautification Committee, P.O. Box 1052, Fort Knox, Kentucky 40121. Weekday archery

hunting will be on a first come, first served basis. Sign-up for weekday hunts must be made forty-eight (48) hours in advance at Hunt Control Headquarters Building 1060.

2. Gun hunts, first phase: Civilians not working on post must apply for a two (2) day gun hunt by mail. No more than five (5) hunters may apply on any one (1) application. Applications must not be postmarked earlier than September 1 or later than September 12 to be considered for a random drawing. Hunters will be assigned one (1), two (2) day hunting period (November 27-28 or November 29-30). Applications must contain the type of hunt (gun), names and addresses of each hunter, and a twenty-five dollar (\$25) money order, certified check or cashier's check for each hunter, made payable to Treasurer of the United States. Mail applications to Conservation and Beautification Committee, P.O. Box 1052, Fort Knox, Kentucky 40121.

3. Gun hunts, second phase: All hunters must sign up for a drawing for weekend hunting on the Monday or Tuesday prior to the weekend of the desired hunt. Week-day hunters will be required to register the day prior to hunting. Civilians not working on post must sign up from 11:00 a.m. to 3:00 p.m. at Hunt Control Headquarters, Building 1060, Fort Knox, Kentucky 40121.

(f) Check stations and validation of state deer permit: All deer taken during the archery season and the December 1-20 gun hunts must be checked in at Building 1060. Deer taken during the November 27-30 gun hunts must be checked in at Building 7334 on 9th Avenue. Deer tags must be stamped "Taken at Fort Knox" to be valid.

(g) Hunting hours: One-half (½) hour before sunrise until 5:00 p.m. local prevailing time. Hunters must clear hunt control by 7:00 p.m.

(h) Prohibited and permitted weapons: Only breech-loading and muzzle-loading shotguns of twelve (12) gauge maximum and twenty (20) gauge minimum firing a single projectile, and muzzle-loading rifles of .38 caliber to .58 caliber firing a single projectile will be permitted. Crossbows are prohibited. Longbows and compound bows must have a minimum pull weight of forty (40) pounds.

(i) Hunter safety certificates: All deer hunters under the age of sixteen (16) must possess a hunter safety certificate.

(4) Blue Grass Ordnance Depot located in Madison County:

(a) Deer archery hunts (either sex): October 11, 18 and 25.

(b) Deer gun hunts (either sex): December 6, 13 and 20.

(c) Bag limits: The post bag limit is one (1) deer of either sex. Persons who have taken their first deer elsewhere in Kentucky, including other designated special areas, may take their second deer on Blue Grass Ordnance Depot by any legal weapon permitted on this area. Persons who take their first deer on Blue Grass Ordnance Depot are eligible to take their second deer elsewhere in Kentucky, including other designated special deer areas by means of any legal deer hunting weapon. Under no circumstances may an individual hunter take more than two (2) deer anywhere in the state.

(d) Applications: Separate applications are required for archery and gun hunts. For inquiries concerning deer hunting call AC606-623-8383 between the hours of 7:30 a.m. to 4:00 p.m. Applications for the drawings must be made on a postcard with only one (1) hunter allowed per card. More than one (1) postcard per individual will disqualify the applicant. When a husband or wife or father (or other adult) and juvenile desire to hunt together, the required information may be written on individual three (3) inch by

five (5) inch cards, stapled together, and mailed in one (1) envelope. Each applicant must furnish name and address (including zip code), telephone number and specify whether gun or archery hunting is desired. Hunting dates and areas will be decided by a drawing. All cards or envelopes must be postmarked no earlier than August 10 or later than September 10 to be eligible for the drawing. A ten dollar (\$10) per person fee will be charged for hunting payable on the assigned hunting date. Mail all applications to: Deer Hunt, Building S-14, BGA, Lexington Blue Grass Depot Activity, Lexington, Kentucky 40511.

(e) Age limits: No one under the age of fourteen (14) will be allowed to hunt. Hunters under sixteen (16) must be accompanied by an adult.

(f) Prohibited and permitted weapons: Only breech-loading or muzzle-loading shotguns of ten (10) gauge maximum and twenty (20) gauge minimum firing a single projectile are permitted. Crossbows are prohibited.

(g) Harvest quota: Hunting will be discontinued whenever the designated deer harvest quota is reached.

Section 2. 301 KAR 2:108 is hereby repealed.

CARL E. KAYS, Commissioner
MIKE BOATWRIGHT, Chairman

ADOPTED: March 3, 1980

APPROVED: JAMES NAVOLIO, Deputy Secretary
RECEIVED BY LRC: April 9, 1980 at 11:20 a.m.

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

EDUCATION AND ARTS CABINET Department of Education Bureau of Administration and Finance

702 KAR 3:161. Repeal of 702 KAR 3:160.

RELATES TO: KRS 157.360(10)

PURSUANT TO: KRS 13.082, 156.030, 156.070, 156.160

NECESSITY AND FUNCTION: This regulation originally established regulations related to allocation of classroom units on the basis of an area larger than a district in conjunction with the educational development districts. These districts no longer function as such and the regulation is therefore no longer needed.

Section 1. 702 KAR 3:160 is hereby repealed.

RAYMOND BARBER
Superintendent of Public Instruction

ADOPTED: March 11, 1980

RECEIVED BY LRC: March 25, 1980 at 10:30 a.m.

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

EDUCATION AND ARTS CABINET
Department for Elementary and Secondary Education
Bureau of Instruction

704 KAR 10:011. Repeal of 704 KAR 10:010.

RELATES TO: KRS 156.100

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: ESEA Title III, PL 89-10, is no longer in existence in the U.S. Office of Education. The Department is not receiving federal funds or implementing programs under the law.

Section 1. 704 KAR 10:010 is hereby repealed.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: March 12, 1980

RECEIVED BY LRC: March 25, 1980 at 10:30 a.m.

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

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction

815 KAR 20:141. Standards for subsurface sewage disposal systems.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 198B.040(10), 318.130, 318.134

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 and through the State Plumbing Code Committee to adopt and put into effect a state plumbing code. This regulation establishes uniform standards for subsurface sewage disposal systems. This regulation is necessary to adequately evaluate soil conditions, as well as to designate the type and size of the on-site sewage disposal system that is suitable for any particular project, prior to the issuance of KRS 318.134 plumbing construction permits.

Section 1. Citation of Regulation. This regulation may be cited as the "Kentucky Subsurface Sewage Disposal Regulation."

Section 2. Permit Required. No person shall construct, install or alter a subsurface sewage disposal system or dispose of sewage below the surface of the earth without first having received a permit pursuant to this regulation. The permit may be obtained from the department or from a local board of health which has been authorized to act for the department.

Section 3. Definitions. As used in this regulation the following terms shall have the meanings set forth below: (1) "Approved percolation test" means a test conducted on a parcel of property at the location where the subsurface sewage system is to be installed and the written results of which are given in the following manner:

(a) Four (4) test holes at least thirty (30) inches deep and four (4) inches to twelve (12) inches in diameter shall be dug to the bottom depth of the drain field;

(b) The sides and bottom of the holes shall be scarified to remove any smeared surfaces;

(c) All loose material shall be removed from the holes;

(d) The holes shall be presoaked by filling with water for at least fourteen (14) hours prior to the test;

(e) Prior to the commencement of readings the water in the test holes shall be adjusted to a six (6) inch depth to begin the test;

(f) A reading shall be taken each hour over a four (4) hour period and the depth shall be readjusted to the six (6) inch level after each hourly reading;

(g) A fixed point shall be established for evaluating each test hole (e.g. by placing a stake approximately three (3) feet long in the test hole with two (2) nails in the stake, one four (4) and the other ten (10) inches from the bottom of the stake. The stake shall be driven into the ground with the first nail resting on the bottom of the hole. The first nail shall be used as a bench mark for each hourly reading and the second nail shall be used as a guide in adjusting the waterlevel);

(h) The hourly rate of absorption shall be recorded and the average fourth hour rate shall be considered the equilibrium rate;

(i) Four (4) rock sounding tests shall be conducted to detect the presence of rock formation at a depth of six (6) feet or less;

(j) Test holes for determining the equilibrium rate and rock sounding tests shall be conducted in separate locations and shall be so spaced as to accurately reflect the general configuration of the proposed lateral system;

(k) Seasonal high water table within six (6) feet of the surface shall be ascertained and reported whenever the percolation test is conducted in the months of May, June, July, August or September;

(l) Where soil maps are available, soil characteristics at the location of the proposed system shall be reported on the percolation test sheet;

(m) The percolation tests results shall be reported on a departmental form and certified by a person authorized to perform such a test. The report shall include, as a minimum, a sketch of the shape and dimensions of the lot lines, location of the test holes in relation thereto and proposed location of the building;

(n) The percolation test shall be void if the area in which the percolation test was conducted is regraded, or if the system is not to be installed in the area where the test was conducted. The regrading of an area after the system has been installed shall also void the test. If an area is filled, the site shall not be utilized for subsurface disposal for a period of one (1) year; this requirement may be waived after review and approval by the department of soil compaction test results prepared and certified by a professional engineer registered in Kentucky.

(2) "Drain field" means a system of piping installed in a two (2) foot wide trench approximately thirty (30) inches deep. The piping shall be either four (4) inch open joint or four (4) inch perforated pipe. Six (6) inches of number three (3) rock shall be placed below the pipe, six (6) inches of number three (3) rock shall be placed over the (above the crown of the) pipe, with a total depth of sixteen (16) inches.

(3) "Subsurface disposal system" means an installation intended for the treatment and disposal of sewage by means of a septic tank, or other approved device, and in-

cludes the drain field into which the effluent will disperse. (See Section 5.)

(4) "Equilibrium rate" means the average fourth hour absorption rate of the test holes. However, if review of the data indicates that the rate of fall is not consistent, tests shall be continued until such time as a consistent absorption rate is obtained. This consistent absorption rate is the equilibrium rate.

Section 4. Standards for Issuing Subsurface Sewage Disposal Permits. No permit shall be issued for a subsurface sewage disposal system unless: (1) The rock sounding test indicated the absence of rock formation at a depth of at least four (4) feet; and

(2) The seasonal high water table was not within four (4) feet of the surface; and

(3) The septic tank (or other approved treatment device) and drain field are sized in accordance with Sections 5 and 6; and

(4) An approved percolation test was conducted and reported and the results thereof indicate that the equilibrium rate was at least one (1) inch per hour; however, in the event the equilibrium rate is greater than one-half ($\frac{1}{2}$) inch per hour the site may be approved provided:

(a) The parcel of property is of sufficient size to reconstruct the drain field in an alternate location should the initial installation malfunction; and

(b) That additional approved treatment is given the waste water before disposal to the drain field; and

(5) Plans for the proposed system have been submitted which when taken together with the percolation test report show the following: the location of the building; the distances from the proposed system to the property line and nearby wells and streams; size and shape of lot lines, including length and width of the site; the location of the proposed system in relation to the percolation test holes; and elevations where the department or person authorized to conduct the percolation test deems it necessary to adequately evaluate the site.

(6) In the event a proposed site fails to meet the criteria set forth in this section, a permit may be issued for an approved alternative system, other than a septic tank, which is appropriate to the individual characteristics of the site or a variance may be granted if the department or authorized local board of health finds that health standards and water quality criteria are not jeopardized.

(7) Any person who wishes a variance to the requirements of this section, must petition the department or authorized board of health in writing. Such request shall be accompanied by a statement of the reasons for seeking the variance. Variances may be issued for any lot which can safely accommodate the proposed system.

Section 5. Table I. Size of Septic Tank:

Minimum Capacity for Septic Tank and Other Sewage Treatment Devices

Number of Bedrooms	Size in Gallons
2 or less	750
3	900
4	1,000
each additional	250

Section 6. Table II. Length of Drain Field:

Footage of Drainage Lines Required

Equilibrium Rate (Greater than inches per hour)	Bedrooms (feet)			
	2	3	4	5
1 1/2	495	660	825	990
1	330	495	660	825
1 1/8	320	480	640	800
1 1/4	315	475	630	790
1 3/8	310	465	620	775
1 1/2	300	450	600	750
1 5/8	290	435	580	725
1 3/4	275	415	550	690
1 7/8	260	390	520	650
2	250	375	500	625

Section 7. Authorized Local Boards of Health and Persons Approved to Conduct Percolation Tests. (1) The Commissioner of the Department of Housing shall, upon written request from a local board of health, authorize such board to serve as its agent to issue permits for on-site sewage disposal systems within that area of local board jurisdiction. Such request shall include a method of administering this regulation. As agent, the authorized local board of health shall act for the department in issuing permits and granting variances for on-site sewage disposal systems. Actions by the local board of health shall comply with the requirements of KRS 318.134 and 318.160 and with the regulations established by the department for on-site sewage disposal systems. Whenever the local health board grants a subsurface sewage system permit, a copy of same shall be placed on file in the Department of Housing, Buildings and Construction, Division of Plumbing.

(2) All persons who propose to conduct percolation tests shall submit their name, occupation, registration number and address to the department.

(3) In the event the department finds that an authorized local board of health, professional engineer or land surveyor, registered sanitarian or other person authorized by the department to conduct and report percolation tests is not complying with the terms of this regulation, the commissioner may suspend or revoke such authorization after a hearing thereon.

Section 8. Effect on Local Regulation. This regulation shall not supersede more stringent regulations of any local government body.

JOHN T. GROVES, JR., Commissioner

ADOPTED: April 2, 1980

APPROVED:

H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: April 15, 1980 at 8:30 a.m.

PUBLIC HEARING: A public hearing will be held on this regulation at 1:00 p.m., on May 15, 1980 in the Conference Room of the Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the April 1, 1980 Meeting

(Subject to Subcommittee approval at its May 7, 1980 Meeting)

The Administrative Regulation Review Subcommittee held its regularly scheduled monthly meeting on Tuesday, April 1, 1980, at 10 a.m., in Room A of the Capitol Annex. The minutes of the March 5, 1980 meeting were approved. Present were:

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

Guests: Janet Straub, Certificate of Need and Licensure Board; Dr. Dan W. Hanke, Drug Formulary Council; Robert Harrison and Kenneth E. Hollis, Department of Labor; Joyce Bell and Ked Fitzpatrick, Department for Human Resources; Ed Fossett and Conley Manning, Department of Education; Carl B. Larsen, Harness Racing Commission; Sharon M. Weisenbeck and Martin Glazer, Board of Nursing; Tom Graham and Bill Burkett, Cancer Commission; Chuck Cotton and Carl Smoak, Department of Housing, Buildings and Construction; Carroll Roberts, Board of Hairdressers; W. Thom Rogers, Department of Justice; and William T. Burkett, Board of Examiners of Social Work.

LRC Staff: Mabel D. Robertson, Deborah Herd, Garnett Evins, Joe Hood and Chuck Hardin.

The following regulations were deferred at the request of the issuing agencies:

KENTUCKY EMPLOYEES RETIREMENT SYSTEM**General Rules**

105 KAR 1:010. Contribution and interest rates.

CRIME VICTIMS COMPENSATION BOARD**Claims and Awards**

107 KAR 1:010. Financial hardship standards.

DEPARTMENT OF FINANCE**Occupations and Professions****Board of Hairdressers and Cosmetologists**

201 KAR 12:105. School districts.

Board of Nursing Education and Nurse Registration

201 KAR 20:130. Retaking examination.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION**Bureau of Surface Mining****Reclamation and Enforcement****Strip Mining of Coal**

405 KAR 1:260. Contemporaneous reclamation.

The following regulations were deferred, by unanimous vote of Subcommittee members, because no one appeared on behalf of the School Building Authority to discuss the proposals:

KENTUCKY SCHOOL BUILDING AUTHORITY**School Building Construction**

723 KAR 1:045. Project architects, engineers and fiscal agents.

723 KAR 1:055. Insurance coverage.

Consideration of 902 KAR 45:005, Food service code, was deferred until the May meeting because a requested hearing had been held and "affirmative consideration" and amended regulation were received too late to be reviewed for the April meeting.

On motion of Senator Quinlan, seconded by Representative Robinson, the following regulations were approved and ordered filed:

KENTUCKY CANCER COMMISSION**Procedures**

110 KAR 1:010. Definitions.

110 KAR 1:020. General provisions.

110 KAR 1:030. Commission procedures.

110 KAR 1:040. Advisory committees.

110 KAR 1:050. Grant procedures.

DEPARTMENT OF FINANCE**Occupations and Professions****Board of Hairdressers and Cosmetologists**

201 KAR 12:065. Inspection of new, relocated and change of owner salons.

Board of Nursing Education and Nurse Registration

201 KAR 20:015. Faculty standards.

201 KAR 20:030. Registered nurse schools.

201 KAR 20:050. Practical nurse schools.

201 KAR 20:070. Licensing; examination.

201 KAR 20:090. Temporary permit.

201 KAR 20:150. Experimental programs.

Board of Examiners of Social Work

201 KAR 23:100. Hearing procedures. (This regulation was approved on condition the agency, with the assistance of the compiler, amend the regulation to conform with the subcommittee's objection.)

DEPARTMENT OF JUSTICE**Bureau of Training****Kentucky Law Enforcement Council**

503 KAR 1:040. Basic training certification.

Law Enforcement Foundation Program Fund

503 KAR 5:050. Salary provisions.

DEPARTMENT OF EDUCATION**Bureau of Administration and Finance****School District Finance**

702 KAR 3:141. Repeal of 702 KAR 3:140.

Buildings and Grounds

702 KAR 4:010. Construction project application.

702 KAR 4:020. Plans and specifications for construction.

702 KAR 4:040. Contract completion; changes; retainage.

702 KAR 4:070. Mechanical, electrical, sanitary, heating and ventilation design.

Bureau of Instruction**Instructional Services**

704 KAR 3:304. Required program of studies.

704 KAR 3:305. Minimum unit requirements for high school graduation. (Amended after hearing.) (Representative Robinson abstained.)

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.

KENTUCKY HARNESS RACING COMMISSION**Harness Racing Rules**

- 811 KAR 1:030. Eligibility and classification.
- 811 KAR 1:035. Claiming races.
- 811 KAR 1:055. Declaration to start; drawing horses.
- 811 KAR 1:070. Licensing; owners, drivers, trainers.
- 811 KAR 1:125. Pari-mutuel rules.
- 811 KAR 1:150. Officials; deputies and assistants.

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

- 815 KAR 7:012. Departmental plan review.

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

- 902 KAR 1:010. Distribution of generic drug formulary.

902 KAR 1:075. Prednisone.

902 KAR 1:318. Dexamethasone.

Certificate of Need and Licensure Board

902 KAR 20:007. License and fee schedule.

902 KAR 20:040. Family care homes.

902 KAR 20:047. Nursing home services.

902 KAR 20:050. Intermediate care facilities; operation and services. (As amended.)

902 KAR 20:125. Hearings and appeals. (As amended.)

Bureau for Social Insurance**Medical Assistance**

904 KAR 1:075. Hearings and appeals for mentally retarded.

The meeting was adjourned at 10:45 a.m., to meet again on Wednesday, May 7, 1980, in Room 327 of the Capitol Building.

Administrative Register ^{of} kentucky

Cumulative Supplement

Regulation Locator—Effective Dates K 2

KRS Sections Cited or Related to KAR K 6

Cumulative Index to Volume 6 K 9

Regulation Locator—Effective Dates

Volume 5

Regulation	5 Ky.R. Page No.	Effective Date	Regulation	5 Ky.R. Page No.	Effective Date	Regulation	5 Ky.R. Page No.	Effective Date
103 KAR 41:040 Amended	1070	9-5-79	704 KAR 3:030 Amended	1084	8-1-79	704 KAR 3:270 Repealed	1110	8-1-79
103 KAR 41:050 Amended	1070	8-1-79	704 KAR 3:040 Repealed	1110	8-1-79	704 KAR 3:280 Amended	1085	8-1-79
106 KAR 1:030 Amended	1071	8-1-79	704 KAR 3:050 Repealed	1110	8-1-79	704 KAR 4:010 Amended	1086	8-1-79
201 KAR 5:010 Amended	927	8-1-79	704 KAR 3:055 Repealed	1110	8-1-79	704 KAR 4:015 Amended	1112	8-1-79
201 KAR 5:037 Amended	954	11-7-79	704 KAR 3:060 Repealed	1110	8-1-79	704 KAR 4:020 Amended	1086	8-1-79
201 KAR 5:040 Amended	927	8-1-79	704 KAR 3:070 Repealed	1110	8-1-79	704 KAR 5:010 Amended	1088	8-1-79
201 KAR 6:010 Amended	1072	8-1-79	704 KAR 3:080 Repealed	1110	8-1-79	704 KAR 5:050 Amended	1090	8-1-79
201 KAR 9:040 Amended	1075	8-1-79	704 KAR 3:090 Repealed	1110	8-1-79	704 KAR 10:050 Amended	707	8-1-79
201 KAR 9:085 Amended	1101	8-1-79	704 KAR 3:100 Repealed	1110	8-1-79	705 KAR 7:050 Amended	1090	8-1-79
201 KAR 12:130 Amended	1076	8-1-79	704 KAR 3:110 Repealed	1110	8-1-79	723 KAR 1:010 Amended	1113	8-1-79
201 KAR 27:005 Amended	1102	11-7-79	704 KAR 3:120 Repealed	1110	8-1-79	803 KAR 25:010 Amended	1091	10-3-79
201 KAR 27:015 Amended	1104	11-7-79	704 KAR 3:130 Repealed	1110	8-1-79	804 KAR 2:015 Amended	1095	8-1-79
201 KAR 27:020 Amended	1105	11-7-79	704 KAR 3:140 Repealed	1110	8-1-79	804 KAR 4:030 Amended	1095	8-1-79
201 KAR 27:025 Amended	1105	11-7-79	704 KAR 3:150 Repealed	1110	8-1-79	804 KAR 4:130 Amended	1096	8-1-79
201 KAR 27:035 Amended	1106	11-7-79	704 KAR 3:160 Repealed	1110	8-1-79	804 KAR 4:140 Amended	1097	8-1-79
201 KAR 27:040 Amended	1107	11-7-79	704 KAR 3:170 Repealed	1110	8-1-79	804 KAR 4:160 Amended	1097	8-1-79
201 KAR 27:045 Amended	1107	11-7-79	704 KAR 3:180 Repealed	1110	8-1-79	804 KAR 4:170 Amended	1098	8-1-79
201 KAR 27:050 Amended	1107	11-7-79	704 KAR 3:190 Repealed	1110	8-1-79	804 KAR 4:180 Amended	1098	8-1-79
201 KAR 27:060 Amended	1108	11-7-79	704 KAR 3:200 Repealed	1110	8-1-79	804 KAR 4:200 Amended	1098	8-1-79
201 KAR 27:065 Amended	1109	11-7-79	704 KAR 3:210 Repealed	1110	8-1-79	804 KAR 5:030 Amended	1099	8-1-79
201 KAR 27:070 Amended	1109	11-7-79	704 KAR 3:220 Repealed	1110	8-1-79	804 KAR 8:060 Amended	1099	8-1-79
301 KAR 1:115 Amended	1077	8-1-79	704 KAR 3:230 Repealed	1110	8-1-79	804 KAR 12:010 Repealed	1113	8-1-79
301 KAR 1:120 Amended	1077	8-1-79	704 KAR 3:240 Repealed	1110	8-1-79	804 KAR 12:020 Repealed	1113	8-1-79
301 KAR 1:140 Amended	1078	8-1-79	704 KAR 3:250 Repealed	1110	8-1-79	804 KAR 12:011 Amended	1100	8-1-79
301 KAR 1:155 Amended	1078	8-1-79	704 KAR 3:260 Repealed	1110	8-1-79	811 KAR 1:200 Amended	1100	8-1-79
301 KAR 2:040 Amended	1079	8-1-79				815 KAR 7:030 Rejected		10-23-79
301 KAR 2:120 Amended	1081	8-1-79				Effective	1121	10-3-79
702 KAR 1:020 Amended	1081	8-1-79						
702 KAR 3:050 Amended	1082	8-1-79						
703 KAR 2:010 Amended	1082	8-1-79						
704 KAR 3:010 Amended	1083	8-1-79						
704 KAR 3:011 Amended	1110	8-1-79						
704 KAR 3:025 Amended	1110	8-1-79						

Volume 6

Emergency Regulation	6 Ky.R. Page No.	Effective Date	Emergency Regulation	6 Ky.R. Page No.	Effective Date	Emergency Regulation	6 Ky.R. Page No.	Effective Date
301 KAR 2:028E Expired	175	8-21-79	401 KAR 2:066E Expires	404	2-14-80	401 KAR 2:120E Expired	251	10-17-79
301 KAR 2:106E Expired	176	9-5-79	401 KAR 2:071E Expires	406	2-14-80	401 KAR 2:130E Expired	253	10-17-79
302 KAR 20:044E Expires	397	11-12-79	401 KAR 2:076E Expires	409	6-12-80	401 KAR 2:140E Expired	255	10-17-79
401 KAR 2:051E Expires	398	1-25-89	401 KAR 2:081E Expires	410	2-14-80	401 KAR 2:150E Expired	258	10-17-79
401 KAR 2:056E Expires	401	5-24-80	401 KAR 2:100E Expired	248	6-12-80	401 KAR 2:160E Expired	259	10-17-79
401 KAR 2:061E Expires	402	6-12-80	401 KAR 2:110E Expired	250	2-14-80	405 KAR 1:051E Expired	337	10-17-79
		2-14-80			10-17-79			12-7-79
		6-12-80			2-14-80			4-5-80

ADMINISTRATIVE REGISTER

K3

Emergency Regulation	6 Ky.R. Page No.	Effective Date	Regulation	6 Ky.R. Page No.	Effective Date	Regulation	6 Ky.R. Page No.	Effective Date
405 KAR 1:141E Expired	2	6-26-79	201 KAR 20:050 Amended	418	4-1-80	401 KAR 59:046	12	6-29-79
405 KAR 1:260E Expired	5	6-26-79	201 KAR 20:070 Amended	419	4-1-80	401 KAR 59:050	12	6-29-79
405 KAR 3:111E Expired	6	6-26-79	201 KAR 20:090 Amended	420	4-1-80	401 KAR 59:095	14	6-29-79
702 KAR 3:020E Expired	259	11-8-79	201 KAR 20:095 Amended	162	10-3-79	401 KAR 59:100	14	6-29-79
704 KAR 10:005E Expired	177	8-21-79	201 KAR 20:130 Amended	420		401 KAR 59:101	15	6-29-79
704 KAR 20:235E Expired	178	8-21-79	201 KAR 20:150 Amended	421	4-1-80	401 KAR 59:180	16	6-29-79
807 KAR 50:052E Expires	260	11-5-79	201 KAR 21:005 Repealed	163	10-3-79	401 KAR 59:185	18	6-29-79
815 KAR 7:012E Expires	410	2-12-80	201 KAR 21:010 Repealed	164	10-3-79	401 KAR 59:190	20	6-29-79
904 KAR 2:086E Expires	337	12-3-79	201 KAR 21:015 Repealed	168	10-3-79	401 KAR 59:195	21	6-29-79
904 KAR 2:087E Expires	412	4-1-80	201 KAR 21:025 Repealed	164	10-3-79	401 KAR 59:200	22	6-29-79
904 KAR 2:090E Expires	413	6-5-80	201 KAR 21:030 Repealed	165	10-3-79	401 KAR 59:210	23	6-29-79
			201 KAR 21:031 Repealed	165	10-3-79	401 KAR 59:215	25	6-29-79
			201 KAR 21:035 Repealed	168	10-3-79	401 KAR 59:220	26	6-29-79
			201 KAR 21:040 Repealed	168	10-3-79	401 KAR 61:005	27	6-29-79
			201 KAR 21:041 Repealed	165	10-3-79	401 KAR 61:045	31	6-29-79
			201 KAR 21:045 Repealed	167	10-3-79	401 KAR 61:050	32	6-29-79
			201 KAR 21:055 Repealed	167	10-3-79	401 KAR 61:055	34	6-29-79
			201 KAR 21:060 Repealed	168	10-3-79	401 KAR 61:056	35	6-29-79
			201 KAR 21:065 Repealed	168	10-3-79	401 KAR 61:060	36	6-29-79
			201 KAR 23:100 Amended	472	4-1-80	401 KAR 61:090	37	6-29-79
			201 KAR 27:010 Amended	261	11-7-79	401 KAR 61:095	39	6-29-79
			201 KAR 27:030 Amended	263	11-7-79	401 KAR 61:100	41	6-29-79
			201 KAR 27:055 Amended	264	11-7-79	401 KAR 61:105	43	6-29-79
			301 KAR 1:015 Amended	185		401 KAR 61:110	44	6-29-79
			301 KAR 1:055 Amended	383	1-2-80	401 KAR 61:120	45	6-29-79
			301 KAR 1:060 Amended	186	11-7-79	401 KAR 61:125	47	6-29-79
			301 KAR 2:045 Amended	186	11-7-79	401 KAR 61:130	48	6-29-79
			301 KAR 2:047 Amended	494		401 KAR 61:135	49	6-29-79
			301 KAR 2:060 Amended	537		401 KAR 63:010	50	6-29-79
			301 KAR 2:085 Amended	124	10-3-79	405 KAR 1:051	377	
			301 KAR 2:109 Amended	187	11-7-79	405 KAR 1:140 Repealed	2	6-26-79
			301 KAR 2:111 Amended	510		405 KAR 1:141	96	11-7-79
			301 KAR 3:053 Amended	549		405 KAR 1:260	99	
			302 KAR 31:005 Amended	354	2-6-80	405 KAR 3:110 Repealed	6	6-26-79
			302 KAR 31:015 Amended	319	2-6-80	405 KAR 3:111	99	11-7-79
			302 KAR 31:025 Amended	323	2-6-80	503 KAR 1:040 Amended	421	4-1-80
			302 KAR 31:050 Amended	541		503 KAR 5:050 Amended	422	4-1-80
			302 KAR 31:055 Amended	326	2-6-80	603 KAR 1:020 Amended	125	10-3-79
			302 KAR 31:060 Amended	473		603 KAR 3:020 Amended	55	
			302 KAR 31:065 Amended	476		603 KAR 3:050 Repealed	394	1-2-80
			302 KAR 31:070 Amended	477		603 KAR 3:051 Amended	51	7-17-79
			302 KAR 31:075 Amended	479		603 KAR 5:025 Amended	51	7-17-79
			302 KAR 31:080 Amended	481		603 KAR 5:050 Amended	282	1-2-80
			302 KAR 31:085 Amended	484		603 KAR 5:096 Amended	53	7-17-79
			302 KAR 31:090 Amended	485		701 KAR 1:020 Amended	189	11-7-79
			302 KAR 31:095 Amended	485		702 KAR 1:010 Amended	545	
			302 KAR 31:100 Amended	329		702 KAR 1:035 Amended	386	3-5-80
			302 KAR 31:105 Amended	341	12-5-79	702 KAR 1:040 Amended	495	
			302 KAR 31:110 Amended	339	12-5-79	702 KAR 1:080 Amended	496	
			302 KAR 31:115 Amended	341	12-5-79	702 KAR 1:090 Amended	496	
			302 KAR 31:120 Amended	344	12-5-79	702 KAR 1:095 Amended	497	
			302 KAR 31:125 Amended	348	12-5-79	702 KAR 3:010 Amended	545	
			302 KAR 31:130 Amended	278	2-6-80	702 KAR 3:020 Amended	283	
			302 KAR 31:135 Amended	201	11-12-79	702 KAR 3:030 Amended	383	1-2-80
			302 KAR 31:140 Amended	204		702 KAR 3:040 Amended	386	
			302 KAR 31:145 Amended	207	11-12-79	702 KAR 3:140 Repealed	545	
			302 KAR 31:150 Amended		11-12-79	702 KAR 3:141	486	4-1-80
			302 KAR 31:155 Amended				486	4-1-80

ADMINISTRATIVE REGISTER

Regulation	6 Ky.R. Page No.	Effective Date	Regulation	6 Ky.R. Page No.	Effective Date	Regulation	6 Ky.R. Page No.	Effective Date
702 KAR 3:161	551		803 KAR 50:010			902 KAR 1:014		
702 KAR 4:010			Amended	62	9-5-79	Amended	191	11-7-79
Amended	424	4-1-80	806 KAR 24:021	102		902 KAR 1:015	70	9-5-79
702 KAR 4:020			Withdrawn		1-8-80	Amended		
Amended	424	4-1-80	806 KAR 39:060			902 KAR 1:016	192	11-7-79
702 KAR 4:040			Amended	239		Amended		
Amended	425	4-1-80	Withdrawn		3-3-80	902 KAR 1:017	70	9-5-79
702 KAR 4:050			807 KAR 25:010			Amended	355	2-6-80
Amended	425	3-17-80	Amended	500		Amended		
Withdrawn			807 KAR 25:025	181	9-5-79	902 KAR 1:020	71	9-5-79
Amended	498		807 KAR 50:005			Amended		
702 KAR 4:060			Amended	505		902 KAR 1:025	140	10-3-79
Amended	498		807 KAR 50:015	113	8-1-79	Amended	105	9-5-79
702 KAR 4:070			807 KAR 50:020	182	9-5-79	902 KAR 1:027		
Amended	426	4-1-80	807 KAR 50:052	332	1-2-80	902 KAR 1:030	141	10-3-79
704 KAR 2:010			807 KAR 50:075	54	7-17-79	Amended	106	9-5-79
Repealed	102	9-5-79	808 KAR 7:010	211	11-7-79	902 KAR 1:032	314	1-2-80
704 KAR 2:011	102	9-5-79	810 KAR 1:004			Amended		
704 KAR 2:020			Amended	131	10-3-79	902 KAR 1:035	141	10-3-79
Amended	60	9-5-79	810 KAR 1:006			Amended	356	2-6-80
704 KAR 3:265	243	12-5-79	Amended	287	1-2-80	Amended	106	9-5-79
704 KAR 3:292			810 KAR 1:009			902 KAR 1:037		
Amended	546		Amended	290		902 KAR 1:040	142	10-3-79
704 KAR 3:304	486	4-1-80	810 KAR 1:015			Amended	106	9-5-79
704 KAR 3:305	53	7-17-79	Amended	292	1-2-80	902 KAR 1:042		
Amended	238		811 KAR 1:015			902 KAR 1:045	357	2-6-80
Amended	526	4-1-80	Amended	294	1-2-80	Amended	107	9-5-79
704 KAR 3:312			811 KAR 1:020			902 KAR 1:047	107	9-5-79
Amended	546		Amended	298	1-2-80	902 KAR 1:052		
704 KAR 10:005	169		811 KAR 1:030			902 KAR 1:055	72	9-5-79
Rejected	246	10-3-79	Amended	299	1-2-80	Amended	240	12-5-79
Withdrawn		1-2-80	Amended	431	4-1-80	902 KAR 1:057	107	9-5-79
704 KAR 10:011	552		811 KAR 1:035			Amended	357	2-6-80
704 KAR 10:022			Amended	433	4-1-80	902 KAR 1:060	73	9-5-79
Amended	60	9-5-79	811 KAR 1:050			Amended	216	11-7-79
704 KAR 20:005			Amended	301	1-2-80	902 KAR 1:061		
Amended	387	3-5-80	811 KAR 1:055			902 KAR 1:075	192	11-7-79
704 KAR 20:132	332	1-2-80	Amended	302	1-2-80	Amended	446	4-1-80
704 KAR 20:140			Amended	435	4-1-80	902 KAR 1:080	143	10-3-79
Amended	387	3-5-80	811 KAR 1:065			Amended		
704 KAR 20:229	393	3-5-80	Amended	304	1-2-80	902 KAR 1:081	144	10-3-79
704 KAR 20:235			811 KAR 1:070			Amended		
Amended	126		Amended	437	4-1-80	902 KAR 1:085	192	11-7-79
Amended	349	12-5-79	811 KAR 1:075			Amended	73	9-5-79
705 KAR 1:010			Amended	305	1-2-80	902 KAR 1:100	193	11-7-79
Amended	61	9-5-79	811 KAR 1:090			Amended	445	4-1-80
706 KAR 1:010			Amended	307	1-2-80	902 KAR 1:110	74	9-5-79
Amended	127	10-3-79	811 KAR 1:125			Amended	240	12-5-79
706 KAR 1:020	514		Amended	309	1-2-80	902 KAR 1:125	194	11-7-79
706 KAR 1:030	514		Amended	439	4-1-80	Amended		
707 KAR 1:003			811 KAR 1:150			Repealed		
Amended	546		Amended	444	4-1-80	902 KAR 1:130	194	11-7-79
707 KAR 1:040			815 KAR 7:010			Amended	144	10-3-79
Amended	284	1-2-80	Rejected	246	10-3-79	902 KAR 1:141	358	2-6-80
707 KAR 1:060			Amended	265	10-23-79	Amended	74	9-5-79
Amended	191	2-6-80	815 KAR 7:012	486	4-1-80	902 KAR 1:180	76	9-5-79
723 KAR 1:005			815 KAR 7:020			Amended		
Amended	547		Rejected	246	10-3-79	902 KAR 1:210	145	10-3-79
723 KAR 1:045			Amended	271	10-23-79	Amended		
Amended	427		815 KAR 10:020	515		902 KAR 1:260	76	9-5-79
723 KAR 1:055			815 KAR 20:060			Amended		
Amended	428		Amended	133		902 KAR 1:270	145	10-3-79
725 KAR 2:010			Amended	384	1-2-80	Amended	77	9-5-79
Amended	388	3-5-80	815 KAR 20:090			Amended	241	12-5-79
801 KAR 1:007			Amended	134	1-2-80	902 KAR 1:290	145	10-3-79
Withdrawn		1-4-80	815 KAR 20:110			Amended		
803 KAR 1:020			Amended	138	11-7-79	902 KAR 1:300	77	9-5-79
Withdrawn		7-24-79	815 KAR 20:120			Amended		
803 KAR 1:100			Amended	139		902 KAR 1:316	547	
Amended	61		Withdrawn		9-18-79			
Amended	179	9-5-79	815 KAR 20:141	552				
803 KAR 2:020			815 KAR 30:050	212	12-5-79			
Amended	111	8-1-79	815 KAR 45:020	213	11-7-79			
Amended	127	10-3-79	815 KAR 45:030	214	11-7-79			
Amended	284	1-2-80	900 KAR 1:005	216	11-7-79			
Amended	428	4-1-80	901 KAR 1:041	377	2-6-80			
803 KAR 2:027	210	11-7-79	901 KAR 5:100	104	9-5-79			
803 KAR 2:030			902 KAR 1:010					
Amended	130	10-3-79	Amended	445	4-1-80			
Amended	286	1-2-80	902 KAR 1:013					
Amended	430	4-1-80	Repealed	195	11-7-79			

ADMINISTRATIVE REGISTER

K5

Regulation	6 Ky.R. Page No.	Effective Date	Regulation	6 Ky.R. Page No.	Effective Date	Regulation	6 Ky.R. Page No.	Effective Date
902 KAR 1:318			904 KAR 1:075	487	4-1-80			
Amended	195	11-7-79	904 KAR 2:005					
Amended	446	4-1-80	Amended	315				
902 KAR 1:320			904 KAR 2:008	119	8-1-79			
Amended	195	11-7-79	904 KAR 2:010					
902 KAR 1:322			Amended	317				
Amended	146	10-3-79	904 KAR 2:015					
902 KAR 1:324			Amended	151	10-3-79			
Amended	147	10-3-79	904 KAR 2:020	183	9-5-79			
Amended	358	2-6-80	904 KAR 2:055					
902 KAR 1:326			Amended	152	10-3-79			
Amended	78	9-5-79	904 KAR 2:081	273	11-7-79			
902 KAR 1:328			904 KAR 2:085	275	11-7-79			
Amended	78	9-5-79	904 KAR 3:010					
Amended	548		Amended	154	10-3-79			
902 KAR 1:331	377	2-6-80	904 KAR 3:020					
902 KAR 1:332	378	2-6-80	Amended	156	10-3-79			
902 KAR 4:020			904 KAR 3:030					
Amended	147	10-3-79	Amended	158	10-3-79			
902 KAR 4:030			904 KAR 3:035	171	10-3-79			
Amended	314	1-2-80	904 KAR 3:040					
902 KAR 6:020			Amended	160	10-3-79			
Amended	79	9-5-79	Amended	374				
902 KAR 6:030			904 KAR 3:050					
Amended	80	9-5-79	Amended	161	10-3-79			
902 KAR 6:050			904 KAR 3:060	379				
Amended	83	9-5-79	904 KAR 3:070	380				
902 KAR 10:050	244	12-5-79	905 KAR 1:085	350	12-5-79			
902 KAR 20:007								
Amended	391	4-1-80						
902 KAR 20:025								
Amended	447							
902 KAR 20:040								
Amended	148	10-3-79						
Amended	456	4-1-80						
902 KAR 20:047								
Amended	459	4-1-80						
902 KAR 20:050								
Amended	460							
Amended	527	4-1-80						
902 KAR 20:060	169							
902 KAR 20:105								
Amended	196	11-7-79						
902 KAR 20:115								
Amended	359	2-6-80						
902 KAR 20:125								
Amended	392							
Amended	536	4-1-80						
902 KAR 45:005								
Amended	361							
902 KAR 45:010								
Amended	373							
902 KAR 50:030								
Amended	84	9-5-79						
902 KAR 100:012	378	2-6-80						
902 KAR 100:017	217	11-7-79						
902 KAR 100:051	218	12-5-79						
902 KAR 100:052	219	12-5-79						
902 KAR 100:055								
Repealed	217	11-7-79						
902 KAR 100:057	220	12-5-79						
902 KAR 100:058	221	12-5-79						
902 KAR 105:060								
Amended	200	11-7-79						
904 KAR 1:002								
Amended	90							
Amended	234	10-3-79						
904 KAR 1:009								
Amended	91	10-3-79						
904 KAR 1:010								
Amended	150	10-3-79						
904 KAR 1:021	222	11-7-79						
904 KAR 1:023								
Repealed	222	11-7-79						
904 KAR 1:026								
Amended	92	9-5-79						
904 KAR 1:034								
Amended	93							
Amended	415	2-6-80						
904 KAR 1:041								
Repealed	222	11-7-79						

KRS Sections Related to KAR

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
15.330	503 KAR 1:040	150.340	301 KAR 2:028	158.300	704 KAR 5:010
15.460	503 KAR 5:050		301 KAR 2:045		704 KAR 5:050
15.470	503 KAR 5:050		301 KAR 2:047	158.310	704 KAR 5:010
15.490	503 KAR 5:050		301 KAR 2:085	158.320	704 KAR 5:010
16.505-16.652	105 KAR 1:010		301 KAR 2:109	158.330	704 KAR 5:010
18.170	101 KAR 1:130		301 KAR 2:111	158.340	704 KAR 5:010
18.270	101 KAR 1:130	150.360	301 KAR 2:028	158.350	704 KAR 5:010
18.272	101 KAR 1:130		301 KAR 2:045	160.045	702 KAR 1:080
Chapter 45A	200 KAR 5:302		301 KAR 2:047	160.550	702 KAR 3:050
	200 KAR 5:303		301 KAR 2:085	160.560	702 KAR 3:040
	200 KAR 5:310		301 KAR 2:109	161.020	704 KAR 20:005
	200 KAR 5:315		301 KAR 2:111		704 KAR 20:132
	200 KAR 5:317		301 KAR 3:053		704 KAR 20:140
45A.340-45A.460	702 KAR 3:141	150.365	301 KAR 2:045		704 KAR 20:229
61.490	900 KAR 1:005		301 KAR 3:053		704 KAR 20:235
61.510-61.702	105 KAR 1:010	150.370	301 KAR 2:045	161.025	704 KAR 20:005
78.510-78.852	105 KAR 1:010		301 KAR 2:047		704 KAR 20:132
95A.040	815 KAR 45:020		301 KAR 2:109		704 KAR 20:140
	815 KAR 45:030		301 KAR 2:111		704 KAR 20:229
95A.050	815 KAR 45:020	150.390	301 KAR 2:045		704 KAR 20:235
138.130	103 KAR 41:040		301 KAR 2:106	161.030	704 KAR 20:005
	103 KAR 41:050		301 KAR 2:109		704 KAR 20:132
138.195	103 KAR 41:040		301 KAR 2:111		704 KAR 20:140
	103 KAR 41:050		301 KAR 3:053		704 KAR 20:229
Chapter 147A	109 KAR 5:010	150.400	301 KAR 2:045		704 KAR 20:235
150.010	301 KAR 1:060		301 KAR 2:109	161.159	702 KAR 1:035
	301 KAR 1:155	150.445	301 KAR 1:155	161.780	702 KAR 1:040
150.025	301 KAR 1:015	150.470	301 KAR 1:055	162.010	702 KAR 4:050
	301 KAR 1:055	150.620	301 KAR 1:015	162.060	702 KAR 3:020
	301 KAR 1:155	150.625	301 KAR 1:015		702 KAR 4:010
	301 KAR 2:040	150.990	301 KAR 1:055		702 KAR 4:020
	301 KAR 2:047	156.030	704 KAR 3:312		702 KAR 4:060
	301 KAR 2:085	156.035	704 KAR 3:265		702 KAR 4:070
	301 KAR 2:106		704 KAR 3:292	162.070	702 KAR 4:040
	301 KAR 2:109		707 KAR 1:003	162.140	702 KAR 3:030
	301 KAR 2:111	156.070	701 KAR 1:020	162.160	702 KAR 4:060
	301 KAR 3:053		704 KAR 3:312		702 KAR 4:070
150.090	301 KAR 1:015		704 KAR 4:015	162.170	702 KAR 3:020
150.170	301 KAR 1:155	156.095	704 KAR 3:280	162.180	702 KAR 3:020
	301 KAR 2:040	156.132	704 KAR 10:005	162.300	702 KAR 3:020
	301 KAR 2:047	156.160	702 KAR 1:090		702 KAR 3:030
	301 KAR 2:085		704 KAR 3:010	163.020	705 KAR 1:010
	301 KAR 2:109		704 KAR 3:011		705 KAR 7:050
	301 KAR 2:111		704 KAR 3:304	163.030	705 KAR 1:010
150.175	301 KAR 1:155		704 KAR 3:305		705 KAR 7:050
	301 KAR 2:040		704 KAR 4:010	163.110	706 KAR 1:010
	301 KAR 2:047		704 KAR 4:020		706 KAR 1:020
	301 KAR 2:085		704 KAR 10:022	163.120	706 KAR 1:010
	301 KAR 2:111		704 KAR 10:050		706 KAR 1:020
	301 KAR 3:053	156.200	702 KAR 3:020	163.130	706 KAR 1:010
150.176	301 KAR 2:047	156.400-156.476	704 KAR 2:020		706 KAR 1:020
	301 KAR 2:109	157.100-157.190	704 KAR 2:020	163.140	706 KAR 1:010
	301 KAR 3:053	157.200-157.305	707 KAR 1:003		706 KAR 1:020
150.180	301 KAR 1:120		707 KAR 1:060	163.160	706 KAR 1:010
150.190	301 KAR 1:140		704 KAR 5:050		706 KAR 1:020
150.235	301 KAR 1:120	157.312	704 KAR 5:050		706 KAR 1:030
	301 KAR 2:085	157.315		163.170	706 KAR 1:010
150.240	301 KAR 2:040	157.360	702 KAR 3:161	163.180	706 KAR 1:010
150.280	301 KAR 2:060		704 KAR 3:010	164.020	13 KAR 2:010
150.290	301 KAR 2:060		704 KAR 3:011	164.530	13 KAR 2:010
150.300	301 KAR 2:028		704 KAR 3:025	164.540	13 KAR 2:010
	301 KAR 2:045		704 KAR 3:030	167.210-167.240	707 KAR 1:040
	301 KAR 2:106	157.390	704 KAR 5:050	171.125-171.306	725 KAR 2:010
150.305	301 KAR 2:028	157.420	702 KAR 1:020		725 KAR 2:010
	301 KAR 2:045		702 KAR 1:010	171.150	725 KAR 2:010
	301 KAR 2:085	157.820	702 KAR 3:010	171.204	725 KAR 2:010
	301 KAR 2:109		723 KAR 1:005	176.050	603 KAR 1:020
	301 KAR 2:111		723 KAR 1:010	177.106	603 KAR 1:020
	301 KAR 3:053		723 KAR 1:045	177.220	603 KAR 5:025
150.330	301 KAR 2:028		723 KAR 1:055	177.230	603 KAR 5:025
	301 KAR 2:040	157.855	723 KAR 1:010	177.300	603 KAR 5:025
	301 KAR 2:045	157.870	723 KAR 1:055	177.830-177.890	603 KAR 3:020
	301 KAR 2:047	157.895	723 KAR 1:005	177.905-177.950	603 KAR 3:051
	301 KAR 2:085	158.060	703 KAR 2:010	189.190	603 KAR 5:025
	301 KAR 2:109	158.070	703 KAR 2:010	189.222	603 KAR 5:096
	301 KAR 2:111		704 KAR 5:050	189.337	603 KAR 5:050
	301 KAR 3:053	158.090	704 KAR 5:050	189.340	603 KAR 5:025

ADMINISTRATIVE REGISTER

K7

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
194.050	904 KAR 2:086 904 KAR 2:087 904 KAR 2:090 904 KAR 3:010 904 KAR 3:020 904 KAR 3:030 904 KAR 3:035 904 KAR 3:040 904 KAR 3:050 904 KAR 3:060 904 KAR 3:070	216.405-216.485	902 KAR 20:060 902 KAR 20:105 902 KAR 20:115 902 KAR 20:125 902 KAR 20:007 902 KAR 20:025 902 KAR 20:040 902 KAR 20:047 902 KAR 20:050 902 KAR 20:060 902 KAR 20:105 902 KAR 20:115 902 KAR 20:125	217.990	902 KAR 1:060 902 KAR 1:061 902 KAR 1:075 902 KAR 1:080 902 KAR 1:081 902 KAR 1:085 902 KAR 1:090 902 KAR 1:100 902 KAR 1:110 902 KAR 1:125 902 KAR 1:130 902 KAR 1:140 902 KAR 1:141
Chapter 198B	815 KAR 7:010 815 KAR 7:012 815 KAR 7:020 815 KAR 7:030	Chapter 216A	201 KAR 6:010		902 KAR 1:180 902 KAR 1:190 902 KAR 1:210 902 KAR 1:260 902 KAR 1:270 902 KAR 1:280 902 KAR 1:290 902 KAR 1:300 902 KAR 1:316 902 KAR 1:318 902 KAR 1:320 902 KAR 1:322 902 KAR 1:324 902 KAR 1:326 902 KAR 1:328 902 KAR 1:331 902 KAR 1:332
199.465	905 KAR 1:085	217.005-217.215	902 KAR 45:010		
205.010	904 KAR 2:005	217.814-217.826	902 KAR 1:010		
205.200	904 KAR 2:005 904 KAR 2:010 904 KAR 2:010 904 KAR 2:008 904 KAR 1:075 904 KAR 2:055 904 KAR 1:075 904 KAR 2:015 904 KAR 1:075 904 KAR 2:085 904 KAR 1:002 904 KAR 1:009 904 KAR 1:021 904 KAR 1:026 904 KAR 1:034 904 KAR 1:010 904 KAR 1:010 904 KAR 2:020 904 KAR 2:081 902 KAR 6:020 902 KAR 6:020 902 KAR 6:030 902 KAR 6:030 902 KAR 6:050 902 KAR 6:050 902 KAR 6:020 902 KAR 6:030 902 KAR 10:050 902 KAR 10:050 902 KAR 4:020 902 KAR 10:050		902 KAR 1:014 902 KAR 1:015 902 KAR 1:016 902 KAR 1:017 902 KAR 1:020 902 KAR 1:025 902 KAR 1:027 902 KAR 1:030 902 KAR 1:032 902 KAR 1:035 902 KAR 1:037 902 KAR 1:040 902 KAR 1:041 902 KAR 1:042 902 KAR 1:045 902 KAR 1:047 902 KAR 1:052 902 KAR 1:055 902 KAR 1:057 902 KAR 1:060 902 KAR 1:061 902 KAR 1:075 902 KAR 1:080 902 KAR 1:081 902 KAR 1:085 902 KAR 1:090 902 KAR 1:100 902 KAR 1:110 902 KAR 1:125 902 KAR 1:130 902 KAR 1:140 902 KAR 1:141 902 KAR 1:180 902 KAR 1:190 902 KAR 1:210 902 KAR 1:260 902 KAR 1:270 902 KAR 1:280 902 KAR 1:280 902 KAR 1:290 902 KAR 1:300 902 KAR 1:316 902 KAR 1:318 902 KAR 1:320 902 KAR 1:322 902 KAR 1:324 902 KAR 1:326 902 KAR 1:328 902 KAR 1:331 902 KAR 1:332		
205.210				217.992	902 KAR 45:010
205.215				Chapter 217B	302 KAR 31:005 302 KAR 31:015 302 KAR 31:025 401 KAR 7:010 401 KAR 7:020 401 KAR 7:030
205.231					902 KAR 50:030
205.237				217C.010-217C.990	901 KAR 1:041
205.245				Chapter 218A	902 KAR 45:005
205.270				219.011-219.081	902 KAR 45:005
205.400				219.991	401 KAR 6:040
205.520				Chapter 223	401 KAR 5:029
				Chapter 224	401 KAR 5:031 401 KAR 59:046 401 KAR 59:050 401 KAR 59:095 401 KAR 59:100 401 KAR 59:101 401 KAR 59:185 401 KAR 59:190 401 KAR 59:195 401 KAR 59:200 401 KAR 59:210 401 KAR 59:215 401 KAR 59:220 401 KAR 61:005 401 KAR 61:045 401 KAR 61:050 401 KAR 61:055 401 KAR 61:056 401 KAR 61:060 401 KAR 61:090 401 KAR 61:095 401 KAR 61:100 401 KAR 61:105 401 KAR 61:110 401 KAR 61:120 401 KAR 61:125 401 KAR 61:130 401 KAR 61:135 401 KAR 63:010
205.550					401 KAR 5:026 401 KAR 5:035 401 KAR 2:065 401 KAR 2:066 401 KAR 2:130 401 KAR 2:060 401 KAR 2:061 401 KAR 2:065 401 KAR 2:066 401 KAR 2:080 401 KAR 2:081
205.560					
205.795					
205.810					
210.120					
210.370					
210.400					
210.410					
210.420					
210.440					
210.450					
211.025					
211.090					
211.180					
211.840-211.852					
211.870					
211.890					
211.990					
211.993					
Chapter 213					
214.155					
214.500					
214.510					
214.520					
214.530					
216.405-216.485					

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
224.033	401 KAR 2:120	229.151	201 KAR 27:025	312.019	201 KAR 21:060
	401 KAR 2:130	229.171	201 KAR 27:010	312.021	201 KAR 21:065
	401 KAR 2:160	229.991	201 KAR 27:015	312.055	201 KAR 21:025
224.037	401 KAR 2:055	230.210-230.360	810 KAR 1:004	312.065	201 KAR 21:031
	401 KAR 2:056		810 KAR 1:006	312.085	201 KAR 21:041
	401 KAR 2:110		810 KAR 1:009		201 KAR 21:055
224.060	401 KAR 5:026		810 KAR 1:015	312.095	201 KAR 21:041
	401 KAR 5:035	230.630	811 KAR 1:015	312.105	201 KAR 21:041
224.071	401 KAR 2:065		811 KAR 1:020	312.115	201 KAR 21:041
	401 KAR 2:066		811 KAR 1:030	312.991	201 KAR 21:065
	401 KAR 2:070		811 KAR 1:035	313.080	201 KAR 8:140
	401 KAR 2:071		811 KAR 1:050	314.011	201 KAR 20:011
	401 KAR 2:130		811 KAR 1:055		201 KAR 20:015
	401 KAR 2:140		811 KAR 1:065		201 KAR 20:030
224.081	401 KAR 2:065		811 KAR 1:070		201 KAR 20:050
	401 KAR 2:066		811 KAR 1:075		201 KAR 20:150
	401 KAR 2:130		811 KAR 1:090	314.041	201 KAR 20:070
224.083	401 KAR 2:065		811 KAR 1:125		201 KAR 20:095
	401 KAR 2:066		811 KAR 1:150		201 KAR 20:130
	401 KAR 2:130	230.640	811 KAR 1:015	314.051	201 KAR 20:070
224.135	401 KAR 5:010		811 KAR 1:020		201 KAR 20:095
224.255	401 KAR 2:060		811 KAR 1:035		201 KAR 20:130
	401 KAR 2:061		811 KAR 1:050	314.101	201 KAR 20:090
	401 KAR 2:070		811 KAR 1:055	314.111	201 KAR 20:011
	401 KAR 2:071		811 KAR 1:065		201 KAR 20:015
	401 KAR 2:120		811 KAR 1:070		201 KAR 20:030
	401 KAR 2:140		811 KAR 1:075		201 KAR 20:050
224.855	401 KAR 2:060		811 KAR 1:090		201 KAR 20:150
	401 KAR 2:061		811 KAR 1:125	317A.050	201 KAR 12:065
	401 KAR 2:120		811 KAR 1:150	317A.060	201 KAR 12:065
224.860	401 KAR 2:060	230.660	811 KAR 1:015		201 KAR 12:105
	401 KAR 2:061	230.690	811 KAR 1:125		201 KAR 12:130
	401 KAR 2:120	230.700	811 KAR 1:015	Chapter 318	815 KAR 20:060
224.880	401 KAR 2:060		811 KAR 1:070		815 KAR 20:090
	401 KAR 2:061		811 KAR 1:090		815 KAR 20:110
	401 KAR 2:120	230.710	811 KAR 1:070		815 KAR 20:120
224.890	401 KAR 2:050		811 KAR 1:125		815 KAR 20:141
	401 KAR 2:051	230.720	811 KAR 1:015	320.220	201 KAR 5:010
	401 KAR 2:055	230.770	811 KAR 1:200	320.250	201 KAR 5:010
	401 KAR 2:056	243.030	804 KAR 4:030	320.270	201 KAR 5:010
	401 KAR 2:060		804 KAR 4:170	320.300	201 KAR 5:037
	401 KAR 2:061		804 KAR 4:180	320.310	201 KAR 5:040
	401 KAR 2:065		804 KAR 4:200	321.350	201 KAR 16:010
	401 KAR 2:066	243.040	804 KAR 4:130	323A.060	201 KAR 10:050
	401 KAR 2:070		804 KAR 4:140	323A.100	201 KAR 10:050
	401 KAR 2:071		804 KAR 4:160	325.261	201 KAR 1:061
	401 KAR 2:075		804 KAR 4:190	325.265	201 KAR 1:061
	401 KAR 2:076	243.110	804 KAR 8:060	325.270	201 KAR 1:061
	401 KAR 2:080	243.150	804 KAR 4:190	325.280	201 KAR 1:061
	401 KAR 2:081	243.200	804 KAR 4:030	326.060	201 KAR 5:037
	401 KAR 2:100		804 KAR 4:170	334A.020	201 KAR 17:050
	401 KAR 2:110		804 KAR 4:180		201 KAR 17:060
	401 KAR 2:120	243.210	804 KAR 4:160	334A.030	201 KAR 17:010
	401 KAR 2:130		804 KAR 8:060	334A.130	201 KAR 17:010
	401 KAR 2:140	243.250	804 KAR 12:011	334A.180	201 KAR 17:041
	401 KAR 2:150	243.300	804 KAR 12:011	Chapter 335	201 KAR 23:100
	401 KAR 2:160	243.720	804 KAR 12:011	Chapter 338	803 KAR 2:020
224.996	401 KAR 2:065	244.090	804 KAR 5:030		803 KAR 2:027
	401 KAR 2:066	244.130	804 KAR 2:015		803 KAR 2:030
	401 KAR 2:130	244.260	804 KAR 12:011		803 KAR 50:010
Chapter 227	815 KAR 10:020	244.310	804 KAR 12:011	339.210-339.450	803 KAR 1:100
	815 KAR 30:050	244.340	804 KAR 12:011	Chapter 342	803 KAR 25:010
229.011	201 KAR 27:005	Chapter 257	302 KAR 20:044	346.040	107 KAR 1:010
229.031	201 KAR 27:020	Chapter 278	807 KAR 25:010	350.060	405 KAR 1:051
229.071	201 KAR 27:010		807 KAR 25:025	350.093	405 KAR 1:260
229.081	201 KAR 27:015		807 KAR 50:005	350.100	405 KAR 1:260
	201 KAR 27:030		807 KAR 50:015	350.151	405 KAR 3:111
	201 KAR 27:035		807 KAR 50:020	350.440	405 KAR 1:141
	201 KAR 27:040		807 KAR 50:052	424.260	702 KAR 3:141
	201 KAR 27:045		807 KAR 50:075	433.750	603 KAR 5:025
	201 KAR 27:050		808 KAR 7:010	433.753	603 KAR 5:025
	201 KAR 27:055	289.441	806 KAR 24:021	Chapter 438	815 KAR 30:050
	201 KAR 27:060	304.24-410	806 KAR 39:060	438.065	201 KAR 5:037
	201 KAR 27:065	304.39-085			
	201 KAR 27:070	311.530-311.620	201 KAR 9:040		
229.091	201 KAR 27:015		201 KAR 9:085		
	201 KAR 27:030	311.990	201 KAR 9:040		
	201 KAR 27:035		201 KAR 9:085		
	201 KAR 27:040	312.015	201 KAR 21:065		
	201 KAR 27:045	312.019	201 KAR 21:005		
	201 KAR 27:050		201 KAR 21:015		
	201 KAR 27:055		201 KAR 21:025		
	201 KAR 27:060		201 KAR 21:031		
	201 KAR 27:065		201 KAR 21:035		
	201 KAR 27:070		201 KAR 21:045		
			201 KAR 21:055		

Subject Index

AGRICULTURE

Horses
Imported, treatment of for CEM; 302 KAR 20:044E
Pesticides
Certification; 302 KAR 31:015
Control, fumigation, commercial; 302 KAR 31:025
Provisions, general; 302 KAR 31:005

AIR POLLUTION

Existing Source Standards
Appliances, large, coating of; 401 KAR 61:110
Autos, trucks, coating of; 401 KAR 61:090
Bulk plants; 401 KAR 61:056
Bulk terminals; 401 KAR 61:055
Cans, coating of; 401 KAR 61:125
Coils, coating of; 401 KAR 61:130
Fabric, vinyl, paper, coating of; 401 KAR 61:120
Furniture, metal, coating of; 401 KAR 61:105
Magnet wire, insulation of; 401 KAR 61:100
Metal cleaning, equipment for; 401 KAR 61:095
Organic solvents, sources using; 401 KAR 61:060
Petroleum refining, equipment; 401 KAR 61:135
Petroleum, storage vessels for; 401 KAR 61:050
Provisions, general; 401 KAR 61:005
Water separators, oil-effluent; 401 KAR 61:045
General Standards of Performance
Emissions, fugitive; 401 KAR 63:010
New Source Standards
Appliances, large, coating of; 401 KAR 59:200
Bulk plants; 401 KAR 59:180
Bulk Terminal, loading facilities at; 401 KAR 59:100
Cans, coating of; 401 KAR 59:215
Coils, coating of; 401 KAR 59:220
Fabric, vinyl, paper, coating of; 401 KAR 59:210
Furniture, surface coating of; 401 KAR 59:195
Magnet wire, insulation of; 401 KAR 59:190
Metal cleaning equipment, solvent; 401 KAR 59:185
Oil-effluent water separators; 401 KAR 59:095
Petroleum refining, equipment; 401 KAR 59:046
Petroleum, storage vessels for; 401 KAR 59:050

ARCHITECTS, LANDSCAPE

Fees; 201 KAR 10:050

ARCHIVES

(See Library and Archives)

ARTS, EDUCATION

(See also Education)
Library and archives; 725 KAR 2:010

BANKING AND SECURITIES

Savings and Loans
Mortgages, variable-rate; 808 KAR 7:010

BILLBOARDS

(See Highways)

BOARDS

(See Particular Board)

BOATS AND BOATING

(See Fish and Wildlife; Water Enforcement)

CABINET

Crime victims compensation; 107 KAR 1:010
Local government; 109 KAR 5:010
Personnel; 101 KAR 1:130
Retirement systems; 105 KAR 1:010

CADAVERS

(See Vital Statistics)

CANCER COMMISSION

Procedures
Advisory committees; 110 KAR 1:040
Definitions; 110 KAR 1:010
Grants, procedure for; 110 KAR 1:050
Procedures, commission; 110 KAR 1:030
Provisions, general; 110 KAR 1:020

CERTIFICATE OF NEED, LICENSURE

Ambulance service, emergency care; 902 KAR 20:115
Family care homes; 902 KAR 20:040
Hearings, appeals; 902 KAR 20:125
Intermediate care facilities; 902 KAR 20:050
Licenses, fees; 902 KAR 20:007
Nursing homes; 902 KAR 20:047
Rural health clinics; 902 KAR 20:060
Skilled nursing facilities; 902 KAR 20:025
Surgical centers; ambulatory; 902 KAR 20:105

CHIROPRACTIC EXAMINERS

Advertising; 201 KAR 21:065
Board, meetings of; 201 KAR 21:031
Board, officers, duties; 201 KAR 21:025
Clinics, offices; 201 KAR 21:060
Colleges, approved; 201 KAR 21:055
Conduct, code of; 201 KAR 21:015
Definitions; 201 KAR 21:005
Licensing, fees; 201 KAR 21:041
Seal; 201 KAR 21:035
Specialties; 201 KAR 21:045

CONSUMER HEALTH

Food service, code for; 902 KAR 45:005
Food service, definitions for; 902 KAR 45:010
Refuse bins; 902 KAR 10:050

CONTROLLED SUBSTANCES

Prescriptions, exempt; 901 KAR 1:041

COUNCIL ON HIGHER EDUCATION

Public Educational Institutions
Contract programs, residency for; 13 KAR 2:010

CRIME VICTIMS COMPENSATION BOARD

Hardship standards; 107 KAR 1:010

DENTISTRY

Education, continuing; 201 KAR 8:140

DEVELOPMENT

Agriculture
Horses; 302 KAR 20:044E
Pesticides; 302 KAR 31:005 to 302 KAR 31:025
Fish and Wildlife
Fishing; 301 KAR 1:015 to 301 KAR 1:060
Game; 301 KAR 2:047; 301 KAR 2:111
Hunting; 301 KAR 2:045 to 301 KAR 3:053

DRUG FORMULARY

Acetaminophen; 902 KAR 1:080
Acetaminophen with codeine; 902 KAR 1:081
Amitriptyline; 902 KAR 1:316
Amoxicillin; 902 KAR 1:017
Ampicillin; 902 KAR 1:020
Chloral hydrate; 902 KAR 1:280
Chlordiazepoxide; 902 KAR 1:328
Chlorpheniramine; 902 KAR 1:035

DRUG FORMULARY (Cont'd)

Chlorpromazine; 902 KAR 1:130
Dexamethasone; 902 KAR 1:318
Dicloxacillin sodium; 902 KAR 1:331
Dicyclomine; 902 KAR 1:027
Dioctyl sodium, sulfosuccinate; 902 KAR 1:300
Diphenhydramine; 902 KAR 1:110
Doxycycline; 902 KAR 1:045
Erythromycin; 902 KAR 1:030
Ferrous sulfate; 902 KAR 1:290
Formulary, distribution of; 902 KAR 1:010
Glutethimide; 902 KAR 1:326
Griseofulvin; 902 KAR 1:037
Hyoscyamine sulfates; 902 KAR 1:324
Imipramine; 902 KAR 1:320
Isoniazid; 902 KAR 1:260
Isosorbide; 902 KAR 1:085
Meclizine; 902 KAR 1:055
Meperidine; 902 KAR 1:032
Meprobamate; 902 KAR 1:190
Methenamine; 902 KAR 1:016
Methocarbamol; 902 KAR 1:014
Minocycline; 902 KAR 1:061
Nitroglycerin; 902 KAR 1:210
Nystatin; 902 KAR 1:332
Penicillin-G; 902 KAR 1:040
Pentaerythritol; 902 KAR 1:025
Pilocarpine; 902 KAR 1:052
Piperazine; 902 KAR 1:042
Potassium; 902 KAR 1:057
Prednisone; 902 KAR 1:075
Pseudoephedrine; 902 KAR 1:270
Reserpine; 902 KAR 1:100
Sodium pentobarbital; 902 KAR 1:060
Sulfisoxazole; 902 KAR 1:140
Sulfisoxazole, phenazopyridine; 902 KAR 1:141
Tetracycline; 902 KAR 1:180
Theophylline; 902 KAR 1:047
Trihexyphenidyl; 902 KAR 1:125
Tripelethamine; 902 KAR 1:015
Triprolidine and pseudoephedrine; 902 KAR 1:322
Trisulfapyrimidine; 902 KAR 1:090

EDUCATION

Administration and Finance
Annexed property, transfer of; 702 KAR 1:080
Bond issue, approval of; 702 KAR 3:020; 702 KAR 3:020E
Capital outlay, guidelines for; 702 KAR 3:010
Certificate, procedure for suspending; 702 KAR 1:040
Check issuing, policy for; 702 KAR 3:040
Facilities, survey; 702 KAR 1:010
Instructional fees; replacement, distribution; 702 KAR 1:090
Insurance; group health, life; 702 KAR 1:035
Insurance requirements; 702 KAR 3:030
Repeal of 702 KAR 3:140; 702 KAR 3:160; 702 KAR 3:141; 702 KAR 3:161
Buildings and Grounds
Application for construction; 702 KAR 4:010
Completion, changes; retainage; 702 KAR 4:040
Construction, criteria for; 702 KAR 4:060
Design; mechanical, electrical, etc.; 702 KAR 4:070
Plans, specifications; 702 KAR 4:020
Sites; inspection, approval; 702 KAR 4:050
Elementary, Secondary
Hearings, summary; 704 KAR 10:005; 704 KAR 10:005E
Exceptional
Deaf-blind, programs for; 707 KAR 1:040
Identification, placement, procedure for; 707 KAR 1:060
Plan, annual; 707 KAR 1:003

EDUCATION (Cont'd)

Federally Related Services
ESEA, Title IV, plan for; 701 KAR 1:020

Instruction
Certification, teacher; 704 KAR 20:005; 704 KAR 20:235E
Elementary, secondary; 704 KAR 10:022
Instructional material; 704 KAR 2:011; 704 KAR 2:020
Instructional services; 702 KAR 3:265 to 704 KAR 3:305
Repeal of 704 KAR 10:010; 704 KAR 10:011
Studies, required program of; 704 KAR 3:304

Occupational
Independent living, plan for; 706 KAR 1:020
Rehabilitation, plan for; 706 KAR 1:010
Suspension, expulsion, procedures for; 706 KAR 1:030

School Building Authority
Architects, engineers, fiscal agents; 723 KAR 1:045
Funding, procedures for; 723 KAR 1:005
Insurance; 723 KAR 1:055
Superintendent, Office of
Grant, technical assistance, plan for; 704 KAR 3:312
Migrants, plan for; 704 KAR 3:292

Vocational
Administration; 705 KAR 1:010

EDUCATION, COUNCIL ON HIGHER

Public Educational Institutions
Contract programs, residency for; 13 KAR 2:010

ELEMENTARY, SECONDARY EDUCATION

Hearings, summary; 704 KAR 10:005; 704 KAR 10:005E

EMPLOYEES, STATE

Personnel appeals; 101 KAR 1:130

ENERGY

Cost assistance, federal; 904 KAR 2:086E

ENERGY REGULATORY COMMISSION

Fuel adjustment; 807 KAR 50:075
Lights, gas; 807 KAR 50:052; 807 KAR 50:052E
Procedure, rules of; 807 KAR 50:005
Rules, general; 807 KAR 50:015

ENVIRONMENTAL PROTECTION

Air pollution; 401 KAR 59:046 to 401 KAR 63:010
Hazardous material, waste management; 401 KAR 2:050 to 401 KAR 2:080; 401 KAR 2:051E to 401 KAR 2:081E; 401 KAR 2:100E to 401 KAR 2:160E
Pest Control; 401 KAR 7:010 to 401 KAR 7:030
Sanitary engineering; 401 KAR 6:040
Water quality; 401 KAR 5:010

EXCEPTIONAL, HANDICAPPED PROGRAMS

Deaf-blind, programs for; 707 KAR 1:040
Identification, placement, procedure for; 707 KAR 1:060
Plan, annual; 707 KAR 1:003

FINANCE

Occupations and Professions
Architects, landscape; 201 KAR 10:050
Chiropractic; 201 KAR 21:005 to 201 KAR 21:065
Dentistry; 201 KAR 8:140
Hairdressers and cosmetologists; 201 KAR 12:065
Medical licensure; 201 KAR 9:040
Nursing; 201 KAR 20:011 to 201 KAR 20:150
Nursing home administrators; 201 KAR 6:010
Social work; 201 KAR 23:100

FINANCE (Cont'd)

Speech pathology, audiology; 201 KAR 17:010 to 201 KAR 17:060
Veterinary examiners; 201 KAR 16:010

Purchases
Contracts, multiple; 200 KAR 5:130
Cost principles; 200 KAR 5:317
Determinations, written; 200 KAR 5:303
Disciplinary action; 200 KAR 5:315
Manual, procedures; 200 KAR 5:302

FIRE DEPARTMENTS, LOCAL

(See Housing, Buildings, Construction)

FIRE PREVENTION

Fireworks, exempted novelties; 815 KAR 30:050

FISH AND WILDLIFE

Fish
Angling, season, limits; 301 KAR 1:055
Boats, motors, sizes of; 301 KAR 1:015
Sport, rough fish; 301 KAR 1:060

Game
Birds, small game; 301 KAR 2:047
Bobwhite, sale of for food; 301 KAR 2:060
Deer hunt, extended; 301 KAR 2:106E
Deer seasons; 301 KAR 2:109
Deer, turkey; 301 KAR 2:111
Doves, woodcock, snipe, teal; 301 KAR 2:028E
Game, small; birds; 301 KAR 2:045
Migratory birds, seasons, limits; 301 KAR 2:085
Turkey, wild, spring season for; 301 KAR 3:053

FISHING

(See Fish and Wildlife)

FOOD STAMP PROGRAM

Additional provisions; 904 KAR 3:050
Application; 904 KAR 3:030
Certification; 904 KAR 3:035
Definitions; 904 KAR 3:010
Eligibility; 904 KAR 3:020
Hearings, fair; 904 KAR 3:070
Hearings, fraud; 904 KAR 3:060
Issuance; 904 KAR 3:040

GAME

(See Fish and Wildlife)

GRANTS, CANCER

(See Cancer Commission)

HAIRDRESSERS AND COSMETOLOGISTS

Salons, inspection of; 201 KAR 12:065

HARNESS RACING

Claiming races; 811 KAR 1:035
Declaration to start, drawing; 811 KAR 1:055
Drugs, stimulants; 811 KAR 1:090
Eligibility, classification; 811 KAR 1:030
Entries, starters, split races; 811 KAR 1:050
Licensing; 811 KAR 1:070
Officials; 811 KAR 1:015
Pari-mutuel, rules for; 811 KAR 1:125
Registration, identification; 811 KAR 1:020
Rules, racing, track; 811 KAR 1:075
Starting; 811 KAR 1:065

HAZARDOUS MATERIAL, WASTE

(See also Environmental Protection, Housing)
Definitions; 401 KAR 2:050; 401 KAR 2:051E
Fees; 401 KAR 2:080; 401 KAR 2:081E
Identification, listing; 401 KAR 2:075; 401 KAR 2:075E
Inspections, hearings, penalties; 401 KAR 2:065; 401 KAR 2:065E
Permits; 401 KAR 2:060; 401 KAR 2:061E
Provisions, general; 401 KAR 2:055; 401 KAR 2:056E
Record keeping, reporting; 401 KAR 2:070; 401 KAR 2:071E

HEALTH SERVICES

Certificate of need; 902 KAR 20:007; 902 KAR 20:125
Consumer health; 902 KAR 10:050; 902 KAR 45:005; 902 KAR 45:010
Drug formulary; 902 KAR 1:014 to 902 KAR 1:332
Maternal, child health; 902 KAR 4:020; 902 KAR 4:030
Milk, milk products; 902 KAR 50:030
Radiation operators; 902 KAR 105:060
Radiology; 902 KAR 100:012 to 902 KAR 100:058
Regional MH-MR retardation boards; 902 KAR 6:020 to 902 KAR 6:050

HEARINGS

Education; summary; 704 KAR 10:005

HIGHWAYS

Construction, Materials
Driveway approaches, entrances; 603 KAR 1:020

Maintenance
Advertising devices, federal aid primary system; 603 KAR 3:020
Recyclers; 603 KAR 3:051

Traffic
Access, fully controlled; 603 KAR 5:025
Classifications; 603 KAR 5:096
Control devices, uniform; 603 KAR 5:050

HOUSING, BUILDINGS, CONSTRUCTION

Building Code
Fees, plan review; 815 KAR 7:012; 815 KAR 7:012E
Fire departments, local; 815 KAR 45:020; 815 KAR 45:030
Fire prevention; 815 KAR 30:050
Fire safety standards; 815 KAR 10:020
Plumbing; 815 KAR 20:060 to 815 KAR 20:141

HUMAN RESOURCES

Administrative Services
Prescription, exempt; 901 KAR 1:041
Social security reports; 900 KAR 1:005
Vital statistics; 901 KAR 5:100

Health Services
Certificate of need; 902 KAR 20:007; 902 KAR 20:125
Consumer health; 902 KAR 10:050; 902 KAR 45:005; 902 KAR 45:010
Drug formulary; 902 KAR 1:010 to 902 KAR 1:332
Maternal, child health; 902 KAR 4:020; 902 KAR 4:030
Milk, milk products; 902 KAR 50:030
Radiation operators; 902 KAR 105:060
Radiology; 902 KAR 100:012 to 902 KAR 100:058
Regional MH-MR retardation boards; 902 KAR 6:020 to 902 KAR 6:050

Social Insurance
Food stamp program; 904 KAR 3:010 to 904 KAR 3:070
Medical assistance; 904 KAR 1:002 to 904 KAR 1:075
Public assistance; 904 KAR 2:005; 904 KAR 2:090E

INSTRUCTION, EDUCATION

Certification
Hearing impaired, teaching of; 704 KAR 20:229
Learning, behavior disorders; 704 KAR 20:235; 704 KAR 20:035E
Librarians; 704 KAR 20:140
Nurse, school; 704 KAR 20:132
Plan, program approval; 704 KAR 20:005
Elementary, Secondary Education
ESEA, Title III, repeal of; 704 KAR 10:011
Standards; 704 KAR 10:022

Instructional Materials
Repeal; 704 KAR 2:011
Textbooks, program plan for; 704 KAR 2:020

INSTRUCTION, EDUCATION (Cont'd)**Instructional Services**

High school graduation, units for; 704 KAR 3:305
 Nutrition education, training plan; 704 KAR 3:265
 Studies, required program of; 704 KAR 3:304

INSURANCE**Domestic Stock, Mutual Insurers**

Stock, controlling, acquisition of; 806 KAR 24:021
 No-Fault
 Stickers, emblems; 806 KAR 39:060

JUSTICE**Foundation Program Fund**

Salaries, provisions; 503 KAR 5:050

KLEC

Certification for basic training; 503 KAR 1:040

KENTUCKY LAW**ENFORCEMENT COUNCIL**

Basic training, certification; 503 KAR 1:040

LABOR**Occupational Safety, Health**

Construction; 803 KAR 2:030
 Industry, general; 803 KAR 2:020
 Maritime employment; 803 KAR 2:027
 Standards, Wages, Hours
 Child labor; 803 KAR 1:100

LABOR STANDARDS;**WAGES AND HOURS**

(See Labor)

LAW ENFORCEMENT FOUNDATION PROGRAM FUND

Salary provisions; 503 KAR 5:050

LIBRARY AND ARCHIVES

Public libraries; 725 KAR 2:010

LOCAL GOVERNMENT**Boards**

District; 109 KAR 5:010

MATERNAL, CHILD HEALTH

Eyes, care of; 902 KAR 4:020
 Metabolism, inborn errors, test for; 902 KAR 4:030

MEDICAL ASSISTANCE

Definitions; 904 KAR 1:002
 Dental Services; 904 KAR 1:026
 Hearings, appeals; 904 KAR 1:075
 Nursing, intermediate care, payments for; 904 KAR 1:021
 Physicians' services; 904 KAR 1:009
 Physicians, payments for; 904 KAR 1:010
 Screening, diagnosis, treatment; 904 KAR 1:034

MEDICAL LICENSURE

License fees; 201 KAR 9:040

MENTAL HEALTH,**MENTAL RETARDATION****Regional Boards**

Funds, formula for allocation of; 902 KAR 6:050
 Local board, personnel rules of; 902 KAR 6:020
 Structure, operation; grants; 902 KAR 6:030

MILK, MILK PRODUCTS

Farm manufacturing, requirements for; 902 KAR 50:030

MINING

(See Mines and Minerals; Natural Resources)
 Reclamation; Title 405

MOTOR VEHICLE REPARATIONS (NO-FAULT)

Stickers, emblems; 806 KAR 39:060

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION**Air Pollution**

Existing source standards; 401 KAR 61:005 to 401 KAR 61:135
 General standards of performance; 401 KAR 63:010
 New source standards; 401 KAR 59:046 to 401 KAR 59:220
 Hazardous Material, Waste Management Certification; 401 KAR 7:020
 Pest control, fumigation; 401 KAR 7:030
 Provisions, general; 401 KAR 7:010
 Waste, hazardous; 401 KAR 2:100E to 401 KAR 2:160E
 Sanitary engineering; 401 KAR 6:040
 Surface Mining Reclamation
 Bonding, incremental; 405 KAR 1:051; 405 KAR 1:051E
 Strip mining; 405 KAR 1:141; 405 KAR 1:260; 405 KAR 1:141E; 405 KAR 1:260E
 Underground mining; 405 KAR 3:111; 405 KAR 3:111E
 Water quality; 401 KAR 5:010

NURSING, BOARD OF

Examination, licensing; 201 KAR 20:070
 Examination, retaking of; 201 KAR 20:130
 Faculty, standards for; 201 KAR 20:015
 Inactive status; 201 KAR 20:095
 Permit, temporary; 201 KAR 20:090
 Programs, experimental; 201 KAR 20:150
 School, approval of; 201 KAR 20:011
 Schools, LPN; 201 KAR 20:050
 Schools, RN; 201 KAR 20:030

NURSING HOME ADMINISTRATORS

Licensure; 201 KAR 6:010

OCCUPATIONAL, EDUCATION

Independent living, plan for; 706 KAR 1:020
 Rehabilitation, vocational, plan for; 706 KAR 1:010
 Suspension, expulsion, procedures for; 706 KAR 1:030

OCCUPATIONAL SAFETY AND HEALTH**KOSH**

Construction standards; 803 KAR 2:030
 Industry, general; 803 KAR 2:020
 Maritime employment; 803 KAR 2:027
 KOSH Commission
 Hearings, procedure; 803 KAR 50:010

OCCUPATIONS AND PROFESSIONS

Architects, landscape; 201 KAR 10:050
 Chiropractic; 201 KAR 21:005 to 201 KAR 21:065
 Dentistry; 201 KAR 8:140
 Hairdressers and cosmetologists; 201 KAR 12:065
 Medical licensure; 201 KAR 9:040
 Nursing; 201 KAR 20:011; 201 KAR 20:150
 Nursing home administrators; 201 KAR 6:010
 Social work; 201 KAR 23:100
 Speech pathology, audiology; 201 KAR 17:010 to 201 KAR 17:060
 Veterinary examiners; 201 KAR 16:010

PERSONNEL

Appeals; 101 KAR 1:130

PEST CONTROL

(See Agriculture)

PLUMBING

Materials, quality, weight; 815 KAR 20:060
 Sewage disposal, subsurface; 815 KAR 20:141
 Soil, waste, vent systems; 815 KAR 20:090
 Traps, cleanouts; 815 KAR 20:110
 Water supply, distribution; 815 KAR 21:120

PROCUREMENT CODE

(See Purchasing)

PUBLIC ASSISTANCE

AFDC, need, amount, standards for; 904 KAR 2:010
 AFDC, technical requirements for; 904 KAR 2:005
 Aged, blind, disabled, supplemental for; 904 KAR 2:015
 Energy allowance, supplemental; 904 KAR 2:090E
 Emergency assistance, program for; 904 KAR 2:008
 FECAP, eligibility for; 904 KAR 2:087E
 Hearings, appeals; 904 KAR 2:055

PUBLIC PROTECTION AND REGULATION**Banking**

Savings and loans, mortgages; 808 KAR 7:010
 Harness racing; 811 KAR 1:015 to 811 KAR 1:125

Housing, Buildings, Construction

Building code; 815 KAR 7:012E
 Fire departments, local; 815 KAR 45:020
 815 KAR 45:030
 Hazardous materials; 815 KAR 30:050
 Plumbing; 815 KAR 20:060 to 815 KAR 20:141

Safety standards, fire; 815 KAR 10:020

Insurance

Domestic stock, mutual insurers; 806 KAR 24:021

Labor

Occupational safety, health; 803 KAR 2:020; 803 KAR 2:030
 Standards, wages, hours; 803 KAR 1:100
 KOSH Review Commission
 Hearings, procedure; 803 KAR 50:010
 Public Service Commissions
 Energy; 807 KAR 50:015 to 807 KAR 50:075
 Racing commission, thoroughbreds; 810 KAR 1:004 to 810 KAR 1:015

PUBLIC SERVICE COMMISSIONS

Energy Regulatory Commission
 Fuel adjustment; 807 KAR 50:075
 Lights, outdoor gas; 807 KAR 50:052; 807 KAR 50:052E
 Procedure, rules of; 807 KAR 50:005
 Rules, general; 807 KAR 50:015
 Utility Regulatory Commission
 Procedure, rules of; 807 KAR 25:010

PURCHASING

Model Procurement Code
 Contracts, multiple; 200 KAR 5:310
 Cost principles; 200 KAR 5:317
 Determinations, written; 200 KAR 5:303
 Disciplinary action; 200 KAR 5:315
 Manual, procedures; 200 KAR 5:302

RACING COMMISSION

Associations; 810 KAR 1:006
 Claiming races; 810 KAR 1:015
 Jockeys, apprentices; 810 KAR 1:009
 Stewards; 810 KAR 1:004

RADIATION OPERATORS CERTIFICATION

Podiatrist supervision; 902 KAR 105:060

RADIOLOGY

Fees, schedule of; 902 KAR 100:012
 Human use, specific license for; 902 KAR 100:051
 Licenses, broad scope; 902 KAR 100:052

RADIOLOGY (Cont'd)

Licenses, in vitro, general medical; 902 KAR 100:057
 Sale, distribution; 902 KAR 100:058
 Teletherapy, calibration requirements; 902 KAR 100:017

RECLAMATION

Strip Mining
 Bonding, incremental; 405 KAR 1:051; 405 KAR 1:051E
 Contemporaneous reclamation; 405 KAR 1:260; 405 KAR 1:260E
 Spoil, excess, disposal of; 405 KAR 1:141; 405 KAR 1:141E
 Underground Mining
 Rock and earth, excess, disposal of; 405 KAR 3:111; 405 KAR 3:111E

RECYCLERS

(See Highways)

REHABILITATION

(See Occupational Education)

RETIREMENT SYSTEMS**KERS**

Contributions, interest rates; 105 KAR 1:010

SAFETY STANDARDS

Fire; 815 KAR 10:020

SANITARY ENGINEERING

Treatment plants, systems, operator's certification; 401 KAR 6:040

SAVINGS AND LOANS

(See Banking)

SCHOOL BUILDING AUTHORITY

Architects, engineers, fiscal agents; 723 KAR 1:045

Funding; procedures for; 712 KAR 1:005

Insurance; 723 KAR 1:055

SCHOOL BUILDINGS, GROUNDS

(See Education)

SOCIAL INSURANCE

Food stamp program; 904 KAR 3:010 to 904 KAR 3:070

Medical assistance; 904 KAR 1:002 to 904 KAR 1:075

Public assistance; 904 KAR 2:005; 904 KAR 2:090E

SOCIAL SECURITY

Quarterly reports, filing of; 900 KAR 1:005

SOCIAL WORK

Hearings, procedure for; 201 KAR 23:100

SPEECH PATHOLOGY AND AUDIOLOGY

Aide, audiology; 201 KAR 17:050

Aide, pathology; 201 KAR 17:060

Ethics, code of; 201 KAR 17:041

Licensure, application for; 201 KAR 17:010

STRIP MINING

(See Reclamation)

THOROUGHBRED RACING

(See Racing Commission)

TRAINING; LAW ENFORCEMENT

(See Justice)

TRAFFIC

(See Highways)

TRANSPORTATION**Highways**

Access, fully controlled; 603 KAR 5:023

Classifications; 603 KAR 5:096

Construction, materials; 603 KAR 1:020

Maintenance; 603 KAR 3:020; 603 KAR 3:051

Traffic; 603 KAR 5:050

UNDERGROUND MINING—**SURFACE EFFECTS**

(See Reclamation)

UTILITIES

(See Public Service Commissions)

UTILITY REGULATORY COMMISSION

Procedure, rules of; 807 KAR 25:010

VETERINARY EXAMINERS

Conduct, code of; 201 KAR 16:010

VITAL STATISTICS

Cadavers; 901 KAR 5:100

VOCATIONAL EDUCATION**Administration**

Annual program plan; 705 KAR 1:010

WASTE, HAZARDOUS

Definitions; 401 KAR 2:100E

Enforcement; 401 KAR 2:130E

Fees; 401 KAR 2:160E

Identification, listing; 401 KAR 2:150E

Permits; 401 KAR 2:120E

Provisions, general; 401 KAR 2:110E

Record-keeping, reporting; 401 KAR 2:140E

WATER QUALITY

Operator's certification; 401 KAR 5:010

WILDLIFE

Bobwhite, sale of for food; 301 KAR 2:060

Turkey, season for; 301 KAR 3:053