

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 8, NUMBER 11
SATURDAY, MAY 1, 1982



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NOTE: The May meeting of the Administrative Regulation Review Subcommittee will be a ONE-DAY meeting — WEDNESDAY, May 5, 1982, at 10 a.m., in Room 103, Capitol Annex.

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 1982 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 July and ending with the June 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 Hearings Scheduled

DEPARTMENT OF INSURANCE

A public hearing will be held on May 3, 1982, at the Department of Insurance, 151 Elkhorn Court, Frankfort, on the regulations listed below at the following times:

- 9:00 a.m. 806 KAR 9:091. Repeal of 806 KAR 9:090. [8 Ky.R. 1130]
- 9:15 a.m. 806 KAR 12:070. Application requirements. [8 Ky.R. 1130]
- 10:00 a.m. 806 KAR 17:060. Minimum standards for Medicare supplement policies. [8 Ky.R. 1055]

A public hearing will be held on June 2, 1982 at 9:00 a.m. at the Department of Insurance, 151 Elkhorn Court, Frankfort, on the following regulation:

- 806 KAR 39:060. Stickers or emblems. [8 Ky.R. 1166]

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

A public hearing will be held on May 3, 1982, at 10:00 a.m. at the Auditorium, Capital Plaza Tower, Frankfort, on the following regulations:

- 401 KAR 2:050. Waste management definitions. [8 Ky.R. 1002]
- 401 KAR 2:060. Hazardous waste site or facility permit process and application. [8 Ky.R. 1008]
- 401 KAR 2:063. General standards for hazardous waste sites or facilities. [8 Ky.R. 1079]
- 401 KAR 2:070. Standards applicable to generators of hazardous waste. [8 Ky.R. 1025]
- 401 KAR 2:073. Interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities. [8 Ky.R. 1108]
- 401 KAR 2:075. Identification and listing of hazardous wastes. [8 Ky.R. 1030]
- 401 KAR 2:170. Hazardous waste recycling facility permits and standards. [8 Ky.R. 1110]

A public hearing will be held on May 19, 1982, at 10:00 a.m. in Room G-1, Capital Plaza Tower, Frankfort, on the following regulation:

- 401 KAR 6:060. Water sample analysis fees. [8 Ky.R. 1197]

Amended Regulations Now In Effect

PUBLIC PROTECTION AND REGULATION CABINET Public Service Commission As Amended

807 KAR 5:006. General rules.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.280(2)

EFFECTIVE: April 7, 1982

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

Section 1. General Provisions. (1) The adoption of regulations by the commission shall not preclude the commission from altering or amending the same in whole or in part, or from requiring any other or additional service, equipment, facility, or standards, either upon request, or upon its own motion, or upon the application of the utility. No regulation of the commission shall in any way relieve a utility from any of its duties under the laws of this state.

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

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

(1) "Commission" means the Public Service Commission.

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

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

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

Section 3. Reports. (1) Financial and statistical reports. Every utility shall file annually a financial and statistical

report upon forms to be furnished by the commission. Said report shall be based upon the accounts set up in conformity with the commission's order adopting uniform classification of accounts for utilities. This report shall be filed on or before March 31, each year. For good cause shown, the commission may, upon application in writing, allow a reasonable extension of time for such filing.

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

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

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

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

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

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

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

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

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

(a) By printing rate schedule on the bill.

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

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

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

(2) Meter readings. The registration of each meter shall

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

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

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

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

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

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

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

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

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

(4) It shall be understood that when a meter is found to have an error in excess of two percent (2%) fast or slow the

figure for calculating the amount of refund or the amount to be collected by the utility shall be that percentage of error as determined by the test; i.e., it is the duty of the utility to maintain the accuracy of its measuring devices as nearly 100 percent as is commercially practicable. Therefore, percent error shall be that amount of error as is indicated by the test.

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

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

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

On _____, 19____, the meter bearing
identification No. _____ installed in your building
located at _____
(Street and Number)
in _____ was tested
(City)
at _____ and found to
(On premises or elsewhere)
register _____.
(Percent fast or slow)
The meter was tested on _____
(Periodic, Request, Complaint)
test.

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

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

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

(3) Any utility desiring to establish a reconnection charge under the provisions of subsection (2) above, shall

submit for commission approval a formal application setting out:

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

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

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

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

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

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

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

(e) A utility may refuse or discontinue service to a customer or applicant if the customer or applicant does not comply with state, municipal or other codes, rules and regulations applying to such service.

(2) A gas or electric utility may discontinue service under the following conditions:

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

herein. The written notice for any discontinuance of service shall advise the customer of his rights under paragraphs (a) and (b) herein and of his right to dispute the reasons for such discontinuance.

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

(c) For fraudulent or illegal use of service. When the utility has discovered evidence that by fraudulent or illegal means a customer has obtained unauthorized service or has diverted the service for unauthorized use or has obtained service without same being properly measured, the service to the customer may be discontinued without notice. The utility shall not be required to restore service until the customer has complied with all rules of the utility and regulations of the commission and the utility has been reimbursed for the estimated amount of the service rendered and the cost to the utility incurred by reason of the fraudulent use.

(3) A water, sewage or telephone utility may discontinue service under the following conditions:

(a) For nonpayment of bills. However, no utility shall discontinue service to any customer for nonpayment of bills (including delayed charges) without first having made a reasonable effort to induce the customer to pay same. The customer shall be given at least forty-eight (48) hours written notice, but the cut-off shall not be effected before twenty (20) days after the mailing date of the original bill. Such termination notice shall be exclusive of and separate from the original bill. If prior to discontinuance of service, there is delivered to the utility office payment of the amount in arrears, then discontinuance of service shall not be made, or where a written certificate is filed signed by a physician, a registered nurse or a public health officer stating that, in the opinion of the person making the certification discontinuance of service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until ten (10) days elapse from the time of the utility's notification.

(b) For fraudulent or illegal use of service. When the utility has discovered evidence that by fraudulent or illegal means a customer has obtained unauthorized service or has diverted the service for unauthorized use or has obtained

service without same being properly measured, the service to the customer may be discontinued without notice. The utility shall not be required to restore service until the customer has complied with all rules of the utility and regulations of the commission and the utility has been reimbursed for the estimated amount of the service rendered and the cost to the utility incurred by reason of the fraudulent use.

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

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

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

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

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

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

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

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

Section 13. Meter Testing. (1) All electric, gas and water utilities furnishing metered service shall provide meter standards and test facilities, as more specifically set out under 807 KAR 5:021, 807 KAR 5:041 and 807 KAR 5:066.

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

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

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

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

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

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

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

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

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

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

Section 16. Pole Identification. (1) Each utility owning

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

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

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

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

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

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

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

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

(a) Operating districts.

(b) Rate districts.

(c) Communities served.

(d) Location and size of transmission lines, distribution lines and service connections.

(e) Location and layout of all principal items of plant.

(f) The date of construction of all items of plant by year and month.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Water:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Other facilities:

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

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

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

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

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

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

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

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

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

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

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

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

(b) Other facilities:

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

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

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

(d) At intervals of meter change: the curb box on service shall be inspected for operable condition.

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

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

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

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

1. Source of supply:

a. Dams, physical and structural, annually.

b. Intake structures, physical and structural, annually.

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

2. Purification:

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

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

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

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

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

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

g. Mains and valves, leaks, annually.

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

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

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

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

1. Aerial plant: Inspection for electrical hazards, proper clearance for electric facilities and climbing safety—Every two (2) years.

2. Underground plant: Inspection for presence of gas, proper clearance from electric facilities and safe working conditions—At least annually.

3. Station equipment and connections: Inspection for external electrical hazards, damaged instruments or wiring, appropriate protection from lightning and safe location of equipment and wiring—When on customer's premises.

4. Utility buildings: Inspection for compliance with safety codes—At least annually.

5. Construction equipment: Inspection for defects, wear and operational hazards—At least quarterly.

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

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

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

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

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

Section 25. The effective date of this regulation is April 16, 1982.

MARLIN M. VOLZ, Chairman

ADOPTED: February 11, 1982

APPROVED: TRACY FARMER, Secretary

RECEIVED BY LRC: February 12, 1982 at 12 noon.

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

902 KAR 20:135. Certificate of need application fee schedule.

RELATES TO: KRS 216B.010 to 216B.130, 216B.990(1),(2)

PURSUANT TO: KRS 13.082, 216B.040

EFFECTIVE: April 7, 1982

NECESSITY AND FUNCTION: KRS 216B.040 authorizes the Certificate of Need and Licensure Board to establish, by administrative regulation, and collect reasonable application fees for certificates of need and licenses. This regulation provides a fee schedule for certificate of need applications.

Section 1. (1) Certificate of need applications not proposing a capital expenditure or proposing a capital expenditure of \$150,000 or less shall be assessed an application fee of fifty dollars (\$50).

(2) Certificate of need applications which propose a capital expenditure greater than \$150,000 but not more than \$5,000,000 shall be assessed an application fee at a rate of five hundredths of one percent (.05%).

(3) Certificate of need applications which propose a capital expenditure greater than \$5,000,000 but not more than \$10,000,000 shall be assessed a base fee of \$2,500, plus an additional fee of four hundredths of one percent (.04%) of the amount in excess of \$5,000,000.

(4) Certificate of need applications which propose a capital expenditure greater than \$10,000,000 but not more than \$30,000,000 shall be assessed a base fee of \$4,500 plus an additional fee of three hundredths of one percent (.03%) of the amount in excess of \$10,000,000.

(5) Certificate of need application which proposes a capital expenditures greater than \$30,000,000 shall be assessed a base fee of \$10,500 plus an additional fee of one hundredth of one percent (.01%) of the amount in excess of \$30,000,000.

Section 2. All fees shall be computed to the nearest dollar. Application fees shall be submitted with the application. Applications shall not be deemed complete until the application fee has been paid. Application fees shall be refunded only if notice of withdrawal of the application is received by the executive director of the board within five (5) working days of the date the application is received by the executive director of the board and the health systems agency. Application fees shall be assessed to all applications not deemed complete by April 14, 1982 [October 14, 1981].

FRANK W. BURKE, SR., Chairman

ADOPTED: September 9, 1981

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: September 15, 1981 at 3:45 p.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
As Amended

904 KAR 2:020. Child support.

RELATES TO: KRS 205.795

PURSUANT TO: KRS 13.082

EFFECTIVE: April 7, 1982

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility for administering the Child Support Program in accordance with Title IV-D of the Social Security Act and KRS 205.710 to 205.800 and 205.992. The Department is required by the Social Security Act to make efforts to establish paternity and/or secure support from absent parents of children receiving Aid to Families with Dependent Children, hereinafter referred to as AFDC, as a result of desertion or abandonment or due to birth out-of-wedlock and for non-AFDC children on application. KRS 205.795 [207.795] empowers the Secretary to adopt regulations pertaining to the administration of the Child Support Program. This regulation specifies the procedure for the operation of the program.

Section 1. Compliance with Federal Regulations. The department shall administer the Kentucky Child Support Program in accordance with Title IV-D of the Social Security Act and Title 45 CFR Sections 301, 302, 303, 304, and 305.

Section 2. Relation to Title IV-A Program. The department shall administer the Kentucky Child Support Program, as the program relates to Title IV-A recipients, in accordance with regulations cited in Section 1 above and Title 45 CFR Sections 205, 232, 233, 234, and 235.

Section 3. Definitions. (1) "Department" shall mean the Department for Human Resources.

(2) "Secretary" shall mean Secretary of the Department for Human Resources.

(3) "Court order" shall mean any judgment, decree, or order of the courts of this or any other state.

(4) "Dependent child" or "needy dependent child" shall mean any person under age eighteen (18) who is not otherwise emancipated, self-supporting, married or a member of the Armed Forces of the United States and is a recipient of or an applicant for public assistance or who has applied for child support services in accordance with Title IV-D of the Social Security Act [from the IV-D agency].

(5) "Duty of support" shall mean any obligation of support imposed or imposable by law or by court order, decree, or judgment whether interlocutory or final, and includes the duty to pay arrearages of support past due.

(6) "Parent" shall mean the natural or adoptive parent of an AFDC or non-AFDC child and includes the father of a child born out-of-wedlock if paternity has been established in a judicial proceeding or in any manner consistent with the laws of this state.

(7) "AFDC recipient" shall mean a child or caretaker relative who is receiving AFDC as prescribed by Title IV-A of the Social Security Act.

(8) "Cooperation" shall mean the act of providing to the IV-D agency or the responsible local [law enforcement] official any verbal or written information or documentation needed by the IV-D agency or local official for child support activities, and otherwise complying with the requirements of the child support program.

(9) "Good cause" shall mean that the AFDC recipient has a valid and acceptable reason (as determined by the department) for failing to cooperate in activities related to the child support program.

(10) "Non-AFDC recipient" shall mean any child or family who does not receive AFDC, but does receive child support services based on an application filed with the IV-D agency or with a *responsible* local [law enforcement] official who has entered into a written agreement with the IV-D agency.

(11) "*Responsible* local [law enforcement] official" shall mean the elected or appointed official in a political subdivision who is legally responsible for law enforcement activities *and has entered into a written agreement with the IV-D agency.*

(12) "Title IV-D agency" shall mean the organizational unit in the state that has responsibility for administering the Title IV-D (child support) program.

(13) "Title IV-A agency" shall mean the organizational unit in the state that has responsibility for administering the Title IV-A (AFDC) program.

(14) "Paternity blood tests" shall mean those tests used in contested paternity actions *including, but not limited to, [and shall include] ABO and Human Leucocyte Antigen (HLA) tests administered by qualified laboratories or medical personnel.*

Section 4. Initiation of Child Support Action. Child support activity shall be initiated upon referral of forms from the Title IV-A agency [to the IV-D] agency or upon application of a non-AFDC recipient to the IV-D agency or its authorized representative.

Section 5. Safeguarding Information. Pursuant to 45 CFR 302.18 and consistent with KRS 205.175 and 205.990, the department will disclose information regarding recipients of child support services only to public officials or the recognized persons, such as private attorneys, acting on behalf of the recipients of child support services, who require the information for their official duties and to other persons and agencies involved with the administration of the child support program or other federally assisted programs which provide cash benefits or services to needy individuals. Pursuant to 45 CFR 302.18(b), the IV-D agency may not disclose to any committee or legislative body any information that identifies by name or address any applicant or recipient.

Section 6. Establishing Paternity. In establishing paternity for children in the child support program pursuant to the Social Security Act, the department may utilize any of the provisions which are contained in Kentucky Revised Statutes related to paternity.

Section 7. Securing and Enforcing Child Support. In securing or enforcing child support for children in the child support program pursuant to the Social Security Act, the department may utilize any of the provisions which are contained in Kentucky Revised Statutes related to child support.

Section 8. Assignment of Child Support to IV-D Agency. (1) By accepting public assistance for or on behalf of a needy dependent child, an AFDC recipient assigns to the department the right to all past due and future child support including any voluntary contributions made by the absent parent. [These support payments will not be con-

sidered as income in the budget for the AFDC recipient.] Any support income received by AFDC recipients must be forwarded to the department no later than the tenth (10th) day of the month following receipt. [A portion of the assigned support may be returned to the recipient in accordance with normal distribution procedures established by the department pursuant to federal laws and regulations.]

(2) Non-AFDC recipients may assign their support rights to the department, but these recipients are not required to make such an assignment.

Section 9. Agency Receipt of Support Payments. (1) When the support payment is made payable to the department, money received is credited to the account of the non-custodial or absent parent.

(2) If *both* the amount of the *current month's* child support collection and [collected equals] the court ordered amount *equal or [and] exceed[s]* the AFDC grant, the IV-D agency will notify the IV-A agency, as required by 45 CFR 302.32.

Section 10. Non-AFDC Recipients. The IV-D agency will provide all services to individuals who are not recipients of AFDC benefits as provided in 45 CFR 302.33(a) and pursuant to 45 CFR 302.33(b)(1) [, the services will be provided without cost to the applicant except as provided in 45 CFR 302.35(e) and 42 USC 453(e)(2)]. *Any cost associated with the provision of child support services shall be offset through the use of a flat dollar application fee, not to exceed twenty dollars (\$20). The flat dollar fee will be charged for those services as described in 45 CFR 302.33, 45 CFR 302.35(e), and Title IV-D of the Social Security Act, Sections 453(e)(2) and 463. [402 USC 453(e)(2), and Section 9 of PL 96-611, Sections 663 and 654.]*

Section 11. Cooperative Agreements. Pursuant to 45 CFR 302.34, 42 USC 654(7) and KRS 205.800, [an opportunity will be provided to] all eligible local [law enforcement] officials *may [to] enter into a written agreement with the department to cooperate in activities relative to the child support program when approved by the department.* When [law enforcement] officials enter into an agreement with the department, federal financial participation (FFP) for child support activities will be provided pursuant to federal laws and regulations when billing is submitted in accordance with procedures established by the department. If no agreement is executed, referrals for child support activities *may [will still] be made to local law enforcement officials in accordance with the official's statutory obligations, but the officials will not be eligible for reimbursement as specified above.*

Section 12. Distribution of Child Support Payments. Distribution of child support payments received by the department are made in accordance with 45 CFR 302.32, 302.38, and 302.51.

Section 13. Good Cause for Refusal to Cooperate. (1) The IV-D agency or its authorized representative must immediately notify the IV-A agency at such time as the AFDC recipient refuses to cooperate in child support enforcement efforts. If the IV-A agency should determine, pursuant to IV-A laws and regulations, that the recipient has a good cause for failing to cooperate and that pursuit of child support action would be detrimental to the best in-

terests of the child, the IV-D agency will not pursue any action in the child's behalf.

(2) If the IV-A agency determines that the recipient has good cause for not cooperating but that additional child support action would not harm the child, the IV-D agency may proceed in the name of the department for the use of and in behalf of the minor dependent child pursuant to federal laws and regulations.

Section 14. Parent Locator Service. The department shall use available *resources* [services] to locate absent parents for children in the child support program in accordance with Kentucky Revised Statutes and applicable federal laws and regulations.

[Section 15. Payment for Court Fees, Court Orders and Other Documents. When copies of existing court orders or other required documents cannot be obtained free of charge, the providing official may submit a bill for reasonable charges to the department for payment. Local officials may also submit a bill to the department for any reasonable and necessary fees relating to the filing and/or prosecution of a case referred for action by the department on behalf of recipients of AFDC benefits.]

Section 15. [16.] Paternity Blood Testing. Pursuant to 45 CFR 303.5(c) the IV-D agency shall identify laboratories within the state which perform legally and medically acceptable blood tests, *including* [both] ABO and HLA tests, which tend to *include* [identify] or exclude an alleged father in paternity proceedings under KRS Chapter 406. The IV-D agency shall make a list of such laboratories available upon request. In addition, the department shall provide a list of all such laboratories to the Kentucky Bar Association and to the Administrative Office of the Courts for distribution to appropriate agencies and individuals on an annual basis.

JOHN CUBINE, Acting Commissioner

ADOPTED: February 9, 1982

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: February 12, 1982 at 3 p.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
As Amended

904 KAR 3:045. Coupon issuance procedures.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: April 7, 1982

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a food stamp program as prescribed by the Food Stamp Act of 1977, as amended, and 7 CFR Part 270 through 280. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth coupon issuance procedures used by the department in the administration of the Food Stamp Program.

Section 1. Basic Issuance Requirements. The department is responsible for the timely and accurate issuance of coupons to eligible households. In issuing coupons the department must insure that:

- (1) Only certified households receive benefits;
- (2) Coupons are accepted, stored, and protected after delivery to receiving points within the state;
- (3) Program benefits are distributed in the correct amounts; and
- (4) Coupon issuance and reconciliation activities are properly conducted in accordance with 7 CFR Parts 274.5 and 274.6 and accurately reported to the Food and Nutrition Service.

Section 2. Issuance System. The department shall choose one (1) of the following systems to issue coupons to eligible households:

(1) Direct delivery is a system wherein eligible households pick up and redeem their ATP card at a specified issuance center. Regular mail issuance shall be available to those households which are unable to get to their assigned issuance centers, as determined by the department.

(2) Direct mail is a system wherein coupons are mailed, using at least first class mail, directly to the eligible household.

(a) After two (2) reports of non-delivery from the same household, the department shall mail the household's coupons to the county office for pickup for a period of six (6) monthly issuances. Any household reporting a loss after having been removed from direct mail in a previous period is placed on local office pickup for twelve (12) monthly issuances.

(b) In areas experiencing excessive mail loss, as identified by the department, any household reporting one (1) mail loss is immediately placed on local office pickup for the following six (6) monthly issuances. A household reporting a loss after having been removed from direct mail in a previous period is placed on local office pickup for twelve (12) monthly issuances. When portions of a county experience a high mail loss, all recipients in that portion of the county will either receive their coupons by certified mail or be required to pick up their coupons at a specified location in the county.

Section 3. Issuance Cycles. (1) For ongoing cases the monthly coupon packet/ATP card is mailed to the household/issuance center over the first ten (10) to *twenty* (20) [fifteen (15)] days of the issuance month, based on the last digit of the recipient's social security number.

(2) New approvals, reapprovals and current month recertifications shall have their coupon packet/ATP card mailed to their home/issuance center within thirty (30) days after the date of application.

(a) Households eligible for expedited service shall have their coupon packet/ATP card made available no later than three (3) days after the date of application.

(b) Residents of drug addiction/alcoholic treatment centers and group living arrangement facilities eligible for expedited service shall have their coupon packet/ATP card made available no later than seven (7) days after the date of application.

Section 4. Replacement Issuances. A total of only two (2) replacements of any kind shall be made during a six (6) month period, except as specified in subsection 4 of this section. Replacements will be issued in accordance with 7 CFR 273.11(g), 274.2(h) and 274.3(c) as follows:

(1) Non-receipt of coupons/ATP cards must be reported in the period of intended use. Replacements shall be issued no more than ten (10) days after report of non-delivery is received and shall be limited to two (2) times during a six (6) month period. If coupons/ATP cards were returned to central office, non-receipt did not occur and the limit stated above does not apply.

(2) Destruction, in an individual household disaster, of coupons/ATP cards after receipt must be reported within ten (10) days of the incident or within the period of intended use, whichever is earlier. Replacements shall be issued within ten (10) days of receipt of request and shall be limited to one (1) time during a six (6) month period. Where FNS has issued a disaster declaration and the household is eligible for emergency food stamp benefits the household shall not receive both the disaster allotment and a replacement allotment under this provision.

(3) Theft of ATP cards after receipt must be reported within ten (10) days of the incident or within the period of intended use, whichever is earlier. Replacements shall be issued within ten (10) days of receipt of request and shall be limited to one (1) time during a six (6) month period.

(4) Improperly manufactured or mutilated coupons shall be replaced with an amount equal to the affected coupons in accordance with 7 CFR 273.11(g)(5). There is no limit on the number of times this type of replacement may be made.

(5) Food purchased with food stamps which is subsequently destroyed in an individual disaster, as well as in a natural disaster affecting more than one (1) household, which affects the participating household, may be eligible for replacement of the actual value of loss, not to exceed one (1) month's food stamp allotment. The disaster must be reported within ten (10) days and verified. A replacement shall be issued or the opportunity to obtain a replacement given within ten (10) days of the reported loss and shall be limited to two (2) times during a six (6) month period. Where FNS has issued a disaster declaration and the household is eligible for emergency food stamp benefits the household shall not receive both the disaster allotment and a replacement allotment under this provision.

Section 5. Authorization-to-Participate Card. The ATP card is used in areas participating in a direct delivery system.

(1) The ATP card shall be valid for the entire month of issuance unless it is issued after the twenty-fifth (25th) day of the month. Those issued after that date are valid through the last day of the following month.

(2) The household shall be provided with a means of designating an emergency authorized representative who can transact the ATP card in their stead.

(3) Households which report two (2) consecutive mail losses of an ATP card must be provided with an alternate means of delivery.

Section 6. Coupon Controls. Regardless of which issuance system is used, the department shall:

(1) Establish a coupon inventory management system which insures that coupons are requisitioned and inventories are maintained in accordance with 7 CFR Parts 274.4(a)1 and 2;

(2) Establish control and security procedures to safeguard coupons similar to those used to protect currency outlined in 7 CFR Part 274.4(b);

(3) Arrange for the ordering of coupons and the prompt verification and written acceptance of each coupon shipment in accordance with 7 CFR Part 274.4(c);

(4) Ensure that coupon issuers and bulk storage points promptly verify and acknowledge, in writing, the contents of each coupon shipment or coupon transfer delivered to them and shall be responsible for the custody, care, control and storage of coupons pursuant to 7 CFR Part 274.5;

(5) Maintain issuance records for a period of three (3) years from the month of origin as outlined in 7 CFR Part 274.7;

(6) Control all issuance documents which establish household eligibility while the documents are transferred and processed within the state agency in accordance with 7 CFR Part 274.7(b); and

(7) Provide security and control for all issuance accountability documents pursuant to 7 CFR Part 274.7(c).

Section 7. 904 KAR 3:040, Issuance procedures, is hereby repealed.

WILLIAM L. HUFFMAN, Commissioner
ADOPTED: January 29, 1982
APPROVED: W. GRADY STUMBO, Secretary
RECEIVED BY LRC: February 11, 1982 at 9:30 a.m.

Amended After Hearing

(Republished prior to Subcommittee consideration as required by KRS 13.085(4).)

PUBLIC PROTECTION AND REGULATION CABINET Public Service Commission Amended After Hearing

807 KAR 5:011. Tariffs.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.160(1)

NECESSITY AND FUNCTION: KRS 278.160(1) provides that the commission shall prescribe rules under which each utility shall file schedules showing all rates and conditions established by it and collected or enforced.

Section 1. Definitions. For purpose of this regulation: "Commission" means the Public Service Commission.

Section 2. General. All utilities under the jurisdiction of the commission shall file with the secretary two (2) cover letters and four (4) complete copies of a tariff containing schedules of all its rates, charges, tolls and maps or plats of the area in which it offers service and all its rules and regulations and shall keep a copy of said tariff open to public inspection in its offices and places of business, as required by KRS 278.160, in substantially the form and manner hereinafter set out. If a utility furnishes more than one (1) kind of service (water and electricity for example), a separate tariff must be filed for each kind of service. For the purpose of the commission's rules and regulations, the utilities office or place of business shall be deemed a location at which the utility regularly employs and stations one (1) or more employees and is open to the public.

Section 3. Form and Size of Tariffs. (1) All tariffs must be printed from type not smaller than six (6) point or typewritten, mimeographed or produced by similar process, on hard calendared paper of good quality.

(2) The pages of a tariff shall be eight and one-half by eleven (8½ by 11) inches in size.

(3) Utilities shall publish tariffs in loose-leaf form using one (1) side of the paper only, with not more than one (1) schedule to the page.

(4) The front cover page of a tariff shall contain the following:

(a) Name of the utility and location of principal office.

(b) Statement of kind of service offered.

(c) General statement of territory served.

(d) Date of issue and date tariff is to become effective.

(e) Signature of the officer of the utility authorized to issue tariffs.

(f) Identifying designation in the upper right-hand corner as required by Section 5 of this regulation.

(5) The second and succeeding pages shall contain:

(a) All the rules and regulations of the utility.

(b) Rate schedules showing all rates and charges for the several classes of service.

(c) Signature of the officer of the utility authorized to issue tariffs.

(d) Date of issue and date tariff is to become effective.

(e) Identifying designation in upper right-hand corner as required by Section 5 of this regulation.

(6) In that portion of the tariff dealing with rates, the desired information shall be shown under the following captions in the order listed:

(a) Applicable: Show territory covered by tariff.

(b) Availability of service: Show classes of customers affected, such as domestic, commercial, etc.

(c) Rates: List all rates covered by tariff.

(d) Minimum charge: State amount of charge and quantity allowed.

(e) Delayed payment charge: State if penalty or discount.

(f) Term: If contracts are made for certain periods, give length of term.

(g) Special rules: If any special rules and regulations are in effect covering this tariff, list same hereunder.

(7) The secretary of the commission will furnish standard forms of tariffs on request.

Section 4. Contents of Schedules. (1) Each rate schedule in addition to a clear statement of all rates thereunder must state the city, town, village or district in which rates are applicable; provided, however, that schedules applicable in a large number of communities must be accompanied by an accurate index by which each community in which the rates are applicable may be readily ascertained, in which case the applicability of a schedule may be indicated by reference to the index sheet. (Example: Applicable within the corporate limits of the City of _____, or see Tariff Sheet No. 2B for applicability.)

(2) Each rate schedule must state that class of service available under the rates stated therein. (Example: Available for domestic lighting, or available for all purposes, etc.)

(3) For a tariff in which a number of schedules are shown available for various uses, each schedule shall be identified by a number or by a group of letters, and if by a group of letters, the designation shall be indicative of the class of service for which the schedule is available. (Example: Schedule No. 1 or Tariff D.U.R. indicating that the schedule states domestic utility rates.)

(4) (a) Each page of the tariff shall bear the Commission Number of the tariff, the date issued and effective, the signature of the issuing officer, and in the upper right-hand corner, a further designation, such as "Original Sheet No. 1," "Original Sheet No. 2," etc.

(b) In the case of a change in the text of any page as hereinafter provided the further designation shall be "First Revised Sheet No. 1, cancelling Original Sheet No. 1," etc.

(c) Tariffs may be further divided into sections, and so designated if required by their size and contents.

(5) All schedules shall state whether a minimum charge is made, and if so, they shall set out all such charges, and further state whether such minimum charge is subject to prompt payment discount or delayed payment penalty.

Section 5. Designation of Tariffs. All tariffs must bear in the upper right-hand corner of the front cover page the commission number thereof. Subsequent tariffs filed as provided by Sections 6 and 9 of this regulation, must continue such designation in consecutive numerical order. Any subsequent tariff must also show the commission number of the tariff cancelled, changed or modified by it.

Section 6. Change or Withdrawal of Rate Schedules Regulations. (1) No tariff, or any provision thereof, may be changed, cancelled or withdrawn except upon such terms and conditions as the commission may impose and in compliance with KRS 278.180 and Sections 6 and 9 of this regulation.

(2) (a) All revisions in tariff sheets shall contain a symbol in the margin indicating the change made. These symbols are as follows:

- (C) To signify changed regulation.
- (D) To signify discontinued rate, regulation or test.
- (I) To signify increase.
- (N) To signify new rate and/or new test.
- (R) To signify reduction.
- (T) To signify a change in text.

(b) In the case of a change in the text of any tariff sheet where the rate remains the same, the effective date shall remain the same as that on the amended sheet. The issued date of the change shall be the date the filing is made with the commission.

(c) All tariff filings which involve the furnishing of equipment or services to the customer by the utility shall be accompanied by a description of the equipment or service involved in the filing and a cost of service study justifying the proposed changes.

(3) New tariffs stating changes in any provision of any effective tariff may be issued and put into effect by either of the two (2) following methods:

(a) By order of the commission upon formal application by the utility, and after hearing, as provided by Section 7 of this regulation.

(b) By issuing and filing on at least twenty (20) days notice to the commission and the public a complete new tariff (or revised sheet of an existing tariff) stating all the provisions and schedules proposed to become effective as provided by Sections 7 and 9 of this regulation.

(4) The provisions or rates stated on any sheet or page of a tariff may be modified or changed by the filing of a revision of such sheet or page in accordance with the provisions of this regulation. Such revisions must be identified as required herein.

Section 7. Adjustment of Rates on Application. Upon the granting of authority for a change in rates, the utility shall file a tariff setting out the rate, classification, charge, or rule and regulation authorized by the commission to become effective the order may direct, and each page of the tariff so filed shall state that it is "Issued by authority of an order of the Public Service Commission in Case No. _____ dated _____, 19____."

Section 8. Notices. Notices shall be given by the utility in the following manner:

(1) Advance notice, abbreviated newspaper notice. Utilities with gross revenues greater than \$1,000,000 shall notify the Commission in writing of Intent to File Rate Application at least four (4) weeks prior to filing. At or about this time application may be made to the Commission for permission to use an abbreviated form of newspaper notice

of proposed rate increases provided the notice includes a coupon which may be used to obtain a copy from applicant of the full schedule of increases or rate changes.

(2) Notice to customers of proposed rate changes. If the applicant has twenty (20) or fewer customers, typewritten notice of the proposed rate changes and the estimated amount of increase per customer class shall be placed in the mail to each customer no later than the date on which the application is filed with the Commission and, in addition, a sheet shall be posted at its place of business containing such information. Except for sewer utilities which must give a notice by mail to all of its customers pursuant to KRS 278.185, all applicants with more than twenty (20) customers shall post a sheet stating the proposed rates and the estimated amount of increase per customer class at its place of business and, in addition, notice thereof:

(a) Shall be included with customer billings made on or before the application is filed with the Commission; or

(b) Shall be published by such date in a trade publication or newsletter going to all customers; or

(c) Shall be published once a week for three (3) consecutive weeks in a prominent manner in a newspaper of general circulation in its service area, the first publication to be made prior to the filing of the application with the Commission. Each such notice shall contain the following language:

The rates contained in this notice are the rates proposed by (name of utility). However, the Public Service Commission may order rates to be charged that differ from these proposed rates. Such action may result in rates for consumers other than the rates in this notice.

(3) Notice as to intervention. The notice made in compliance with subsection (2) above shall include a statement to the effect:

(a) That any corporation, association, body politic or person may by motion within thirty (30) days after publication or mailing of [receiving] notice of the proposed rate changes request leave to intervene;

(b) That the motion shall be submitted to the Public Service Commission, 730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky 40602, and shall set forth the grounds for the request including the status and interest of the party; and

(c) That *intervenors may obtain* copies of the application and testimony [may be obtained] by contacting the applicant at a name and address to be stated in the notice. *A copy of the application and testimony shall be available for public inspection at the utility's offices.*

(4) Compliance by electric utilities with rate schedule information required by 807 KAR 5:051. If notice is given by subsection (2)(a) or [and] (b) above and if the notice contains a clear and concise explanation of the proposed change in the rate schedule applicable to each customer, no notice under Section 2 of 807 KAR 5:051 shall be required. Otherwise, such notice shall be given.

(5) Notice of hearing. Where notice pursuant to KRS 424.300 is published by the applicant in a newspaper, it shall be published in a newspaper of general circulation in the areas that will be affected one (1) time not less than seven (7) nor more than twenty-one (21) days prior to the hearing giving the purpose, time, place and date of hearing.

(6) Extensions of time. Applications for extensions of time shall be made to the Commission in writing and will be granted only upon a showing of compelling reason.

Section 9. Statutory Notice to the Commission. (1) When a new tariff has been so issued and notice thereof

given to the commission and the public in all respects as hereinbefore provided, such tariff will become effective on the date stated therein unless the operation thereof be suspended and the rates and regulations therein be deferred by an order of the commission pending a hearing concerning the propriety of the proposed rates and regulations under KRS 278.190.

(2) All information and notice required by these rules shall be furnished to the commission at the time of the filing of any proposed revisions in rates or regulations, and the twenty (20) days statutory notice to the commission will not commence to run and will not be computed until such information and notice is filed *if the Commission determines that there was a substantial omission, which was prejudicial to full consideration by the Commission or to an intervenor.*

Section 10. Change of Ownership; Adoption Notice. (1) In case of change of ownership or control of a utility, or when a utility or a part of its business is transferred from the operating control of one company to that of another, or when its name is changed, the company which will thereafter operate the utility business must use the rates, classifications and regulations of the former operating company (unless authorized to change by the commission), and shall issue, file and post an adoption notice, on a form furnished by the commission, adopting, ratifying and making its own all rates, rules, classifications and regulations of the former operating utility, on file with the commission and effective at the time of such change of ownership or control.

(2) Adoption notices must likewise be filed by receivers and trustees assuming possession and operation of utilities. Adoption notices may be filed and made effective without previous notice.

(3) Adoption notices filed with the commission by each utility shall be in consecutive numerical order, beginning with Public Service Commission Adoption Notice No. 1.

(4) Within ten (10) days after the filing of an adoption notice as aforesaid by a public utility which then had no tariffs on file with the Commission, said utility shall issue and file in its own name the tariff of the predecessor utility then in effect and adopted by it, or such other tariff as it proposes to put into effect in lieu thereof, in the form prescribed in Sections 2 through 5 of this regulation with proper identifying designation. (Example: Public Service Commission No. 1 cancels Public Service Commission Adoption Notice No. 1.)

(5) Within ten (10) days after the filing of an adoption notice, as required by subsection (2) of this section, by a public utility which then had other tariffs on file with the commission said utility shall issue and file in its own name rate schedules and regulations (on additional or revised sheets to its existing tariff, or by a complete reissue of its existing tariff, or otherwise), which shall set out the rates and regulations of the predecessor utility then in effect and adopted by it, or such other rates and regulations as it proposes to put into effect in lieu thereof, in accordance with the provisions of these rules with proper identifying designation. (Example: First Revision of Original Sheet No. 2A, Public Service Commission, No. 11, cancels Original Sheet No. 2A, also cancels Public Service Commission Adoption Notice No. 6; or Public Service Commission No. 12 cancels Public Service Commission No. 11, also cancels Public Service Commission Adoption Notice No. 6.)

(6) When a tariff or revision is issued by a utility in compliance with these rules which states the rates, rules and

regulations of the predecessor utility without change in any of the provisions thereof, the same may be filed without notice; but when such tariff or revision states any change in the effect of the rates, rules and regulations of the predecessor utility, such tariff or revision shall be subject to Sections 9 and 10 of this regulation.

Section 11. Posting Tariffs, Regulations and Statutes. Every utility shall provide a suitable table or desk in its office and place of business, on which shall be available to the public at all times the following:

(1) A copy of all effective tariffs and supplements setting out its rates, classifications, charges, rules and regulations, together with forms of contracts and applications applicable to the territory served from that office or place of business.

(2) Copies of the Kentucky Revised Statutes applicable to the utility.

(3) A copy of the regulations governing such utility adopted by the commission.

(4) A suitable placard, in large type, giving information to the public that said tariffs, rules and regulations and statutes are kept there for public inspection.

Section 12. Special Contracts. Every utility shall file true copies of all special contracts entered into governing utility service which set out rates, charges or conditions of service not included in its general tariff. The provisions of this regulation applicable to tariffs containing rates, rules and regulations, and general agreements, shall also apply to the rates and schedules set out in said special contracts, so far as practicable.

Section 13. Deviations from Rules. In special cases for good cause shown upon application to and approval by, the commission may permit deviations from these rules.

Section 14. Forms. In submitting to the commission information required by these rules the following forms shall be followed where applicable:

(1) Form of cover sheet for tariffs.

(2) Form for filing rules and regulations.

(3) Form for filing rate schedules.

(4) Form of certificate of notice to the public of change in tariff where no increase of charges results.

(5) Form of certificate of notice to the public of change in tariff which results in increased charges.

(6) Form of adoption notice.

FORM OF COVER SHEET FOR TARIFFS

P.S.C. NO. _____

CANCELS P.S.C. NO. _____

(NAME OF COMPANY) _____

of _____

(LOCATION OF COMPANY) _____

Rates, Rules and Regulations for Furnishing

(SERVICE RENDERED) _____

at _____

(LOCATION SERVED) _____

FILED WITH PUBLIC SERVICE COMMISSION
OF KENTUCKY

Issued _____, 19 ____ Effective _____, 19 ____

Issued by _____
(Name of Utility)

By _____

FORM FOR FILING RULES & REGULATIONS

(Page 2 of Tariff)

Name of Utility _____

RULES & REGULATIONS _____

Date of Issue _____

Effective Date _____

Issued by _____

Name _____

Title _____

FORM FOR FILING RATE SCHEDULES

(Page 3 of Tariff)

For _____
Community, Town or City

P.S.C. NO. _____

____ (Original) Sheet No. _____
(Revised)

Name of Issuing Corporation _____

Cancelling P.S.C. No. _____

____ (Original) Sheet No. _____
(Revised)

CLASSIFICATION OF SERVICE

APPLICABLE: (Show territory covered by tariff.)

AVAILABILITY OF SERVICE: (Show classes of customers affected,
such as domestic, commercial, etc.)

RATES: (List all rates covered by tariff.)

MINIMUM CHARGE: (State if penalty or discount.)

DATE OF ISSUE

Month Day Year

DATE EFFECTIVE

Month Day Year

ISSUED BY

Name of Officer Title Address

ISSUED BY AUTHORITY OF P.S.C.

ORDER NO. _____

**FORM OF CERTIFICATE OF NOTICE TO THE
PUBLIC OF CHANGE IN TARIFF WHERE NO
INCREASE OF CHARGES RESULTS**

(2 Copies Required)

To the Public Service Commission, Frankfort, Ky.

Pursuant to the Rules Governing Tariffs (effective _____), I hereby certify that I am (Title of Officer) _____ of the (Name of Utility) _____ a utility furnishing (Kind of Service) _____ service within the Commonwealth of Kentucky, which on the _____ day of _____, 19____, issued *Tariff P.S.C. No. _____, cancelling Tariff P.S.C. No. _____, to become effective _____, 19____, and that notice to the public of the issuing of the same is being given in all respects as required by Section 8 of said Regulation, as follows:

On the _____ day of _____, 19____, the same was exhibited for public inspection at the offices and places of business of the Company in the territory affected thereby, to wit, at the following places: (Give location of offices where rates are posted) _____ and that the same will be kept open to public inspection at said offices and places of business in conformity with the requirements of Section 8 of said Regulation.

I further certify that the proposed changes in tariff of said utility will not result in an increase in the rates or charges to any customer.

Given under my hand this _____ day of _____, 19____.

Address _____

*If a revised sheet, or additional sheet of a loose-leaf tariff is used to state changes in rates or regulations, the filing should be described as _____ Revision of Original Sheet No. _____ P.S.C. No. _____, cancelling _____ Original Sheet No. _____, P.S.C. No. _____ cancelling P.S.C. Adoption Notice No. _____.

**FORM OF CERTIFICATE OF NOTICE TO THE
PUBLIC OF CHANGE IN TARIFF WHICH
RESULTS IN INCREASED RATES**

(2 Copies Required)

To the Public Service Commission, Frankfort, Ky.

Pursuant to the Rules Governing Tariffs (effective _____), I hereby certify that I am (Title of Officer) _____ of the (Name of Utility) _____ a utility furnishing _____ service within the Commonwealth of Kentucky, which on the _____ day of _____, 19____, issued its *Tariff P.S.C. No. _____ cancelling Tariff P.S.C. No. _____ to become effective _____, 19____, and that notice to the public of the issuing of the same is being given in all respects as required by Section 8 of said Regulation, as follows:

On the _____ day of _____, 19____, the same was exhibited for public inspection at the offices and places of business of the Company in the territory affected thereby, to wit, at the following places: (Give location of offices where rates are posted.) _____ and that the same will be kept open to public inspection at said offices and places of business in conformity with the requirements of Section 8 of said Regulation.

**On the _____ day of _____, 19____, typewritten or printed notice of the proposed rates or regulations was mailed to each of the _____ customers of the company whose rates or charges will be increased thereby, a copy of said notice being attached thereto.

Given under my hand this _____ day of _____, 19____.

Address _____

*If a revised sheet or additional sheet of a loose-leaf tariff is used to state changes in rates or regulations, the filing should be described as _____

Revision of Original Sheet No. _____ P.S.C. No. _____, or Original Sheet No. _____ P.S.C. No. _____ cancelling P.S.C. Adoption Notice No. _____.

**If Notice is given by publication as provided in Section 8, use the following:

That more than 20 customers will be affected by said change by way of an increase in their rates or charges, and on the _____ day of _____, 19____, there was delivered to the _____, a newspaper of general circulation in the community in which the customers affected reside, for publication therein once a week for three consecutive weeks prior the effective date of said change, a notice of the proposed rates or regulations, a copy of said notice being attached hereto. A certificate of the publication of said notice will be furnished the Public Service Commission upon the completion of the same in accordance with Section 9(2), of said Regulation.

FORM OF ADOPTION NOTICE

P.S.C. Adoption Notice No. _____

ADOPTION NOTICE

The undersigned (Name of Utility) _____ of _____ hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs and supplements containing rates, rules and regulations for furnishing (Nature of Service) _____ service at _____ in the Commonwealth of Kentucky, filed with the Public Service Commission by (Name of Predecessor) _____ of _____, and in effect on the _____ day of _____, 19____, the date on which the public service business of the said (Name of Predecessor) _____ was taken over by it.

This notice is issued on the _____ day of _____, 19____, in conformity with Section 10 of P.S.C. Tariff Regulations adopted by the Public Service Commission.

By _____

MARLIN M. VOLZ, Chairman

ADOPTED: April 13, 1982

APPROVED: TRACY FARMER, Secretary

RECEIVED BY LRC: April 15, 1982 at 10 a.m.

DEPARTMENT FOR HUMAN RESOURCES

**Bureau for Health Services
Amendment After Hearing**

902 KAR 4:020. Care of eyes.

RELATES TO: KRS 211.180

PURSUANT TO: KRS 13.082, 194.050, 211.090

NECESSITY AND FUNCTION: KRS 211.180 directs the Department for Human Resources to prevent and control communicable, chronic and degenerative diseases and to protect the health of infants. The purpose of this regulation is to protect the eyes of the newborn in order to reduce the risk of blindness.

Section 1. Approved Agents. The Kentucky Department for Human Resources hereby [designates and approves] establishes that the physician, or the nurse or midwife under the supervision of a physician, shall use any of the following agents as the standard prophylactic against ophthalmia neonatorum when administered in accordance with the manufacturer's instructions; to wit:

- (1) Silver Nitrate (AgNO_3) - (1%) aqueous solution;
- (2) Erythromycin - (0.5%) ophthalmic ointment;
- (3) Tetracycline - (1%) ophthalmic ointment;
- (4) Erythromycin - (0.5%) ophthalmic drops; and
- (5) Tetracycline - (1%) ophthalmic drops.

[Section 1. Care of Eyes of Newborn. The physician or midwife in attendance at childbirth shall use the following procedure: Cleanse around the eyes of the newborn infant immediately after birth with sterile water, wipe dry with clear absorbent cotton, open the eyelids carefully and deposit one (1) or two (2) drops of one (1) percent solution of Silver Nitrate (AgNO_3) into the conjunctival sac. Single dose containers of Silver Nitrate (AgNO_3) shall be used. Subsequent irrigation of the eyes is not recommended.]

Section 2. Care of Eyes of Newborn. Prophylaxis shall be given shortly after birth and shall be applied as follows:

- (1) Silver nitrate.

(a) [The physician, nurse or midwife shall] Carefully clean eyelids and surrounding skin with sterile cotton, which may be moistened with sterile water.

(b) Gently open baby's eyelids and instill one (1) or two (2) drops of silver nitrate on the conjunctival sac. Carefully manipulate lids to insure spread of the drops. Repeat in other eye. Single dose containers of silver nitrate shall be used.

(c) After one (1) minute, gently wipe excess silver nitrate from eyelids and surrounding skin with sterile water. Subsequent irrigation of the eyes is not recommended.

- (2) Ophthalmic ointment (Erythromycin or Tetracycline).

(a) Carefully clean eyelids and surrounding skin with sterile cotton, which may be moistened with sterile water.

(b) Gently open baby's eyelids and place a thin line of ointment, at least one-half ($\frac{1}{2}$) inch (one (1) to two (2) cm), along the junction of the bulbar and palpebral conjunctiva of the lower lid. Try to cover the whole conjunctival area. Carefully manipulate lids to ensure spread of the ointment. Be careful not to touch the eyelids or eyeballs with the tip of the tube. Repeat in the other eye. Use one (1) tube per baby.

(c) After one (1) minute, gently wipe excess ointment from eyelids and surrounding skin with sterile water. Subsequent irrigation of the eyes is not recommended.

- (3) Ophthalmic drops (Erythromycin or Tetracycline). Apply as silver nitrate.

DAVID T. ALLEN, Commissioner

ADOPTED: April 14, 1982

APPROVED: W. GRADY STUMBO, MD, Secretary

RECEIVED BY LRC: April 15, 1982 at 3:30 p.m.

Proposed Amendments

COMMERCE CABINET Department of Fish and Wildlife Resources (Proposed Amendment)

301 KAR 1:085. Mussel shell harvesting.

RELATES TO: KRS 150.025, 150.110, 150.170, 150.175, 150.190, 150.510 and 150.520

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: It is necessary to regulate the manner of taking mussels because of the value and susceptibility of these animals for overharvest. *This amendment is necessary in order to remove ambiguous wording.*

Section 1. Conforming with KRS 150.170, all persons who actively participate in the harvesting and sale of mussels or mussel shells, whether or not they own or possess the gear being used in the harvest of mussels or mussel shells, must have an appropriate license. *Those persons having a valid mussel buyers license are authorized to sell mussels and mussel shells.* No boat can be used in musseling operations without a licensed operator in the boat.

Section 2. The mussel season is open year around in all streams and on all beds, except in the area directly below Kentucky Dam downstream to river mile 17.8 in the Tennessee River which is hereby established as a sanctuary and

musseling is prohibited. Musseling is also prohibited within the stream segments 200 yards below any dam on any stream and within the area on the Cumberland River below Barkley Dam downstream to U.S. 62 bridge.

Section 3. Musseling is permitted during the hours of 6 a.m. to 6 p.m. daily. Musseling is prohibited during any other time.

Section 4. No mussel, except the Asiatic clam, *Corbicula* sp., the greatest measurement of which is less than $2\frac{1}{2}$ inches may be taken. All mussels, except *Corbicula*, smaller than $2\frac{1}{2}$ inches, as measured at their greatest lengths or width, must be returned immediately to the water from which taken.

Section 5. *Mussel harvesting from the waters of the Commonwealth of Kentucky, except as otherwise provided, shall be by brail only. No more than two (2) brails each sixteen (16) feet or less in length may be simultaneously operated from any boat. More than two (2) brails may be carried aboard the boat. [No more than two (2) sixteen (16) foot brails may be operated from any one (1) boat; more than two (2) brails may be carried aboard the boat.]*

Section 6. Mussel brail hooks when used must be constructed of wire of at least fourteen (14) gauge; smaller wire is prohibited.

Section 7. Prongs of hooks must be no longer than 1 1/4 inch in size as measured from the tip of point to place on hook where the prongs are joined.

Section 8. The harvesting of mussels *except the Asiatic clam (Corbicula sp.)* by dredges, forks, rakes, and other apparatus and/or by any and all underwater diving methods, whether the diver is assisted by breathing apparatus or not [by mechanical dredges, forking and/or divers] is prohibited except in areas designated by the Commissioner as disaster areas in which all live mussels have been killed and only dead shells remain. In these areas, the Commissioner may issue a special permit allowing the use of various methods of harvest.

[Section 9. Mussels may be taken by hand by licensed fishermen for their own use in fishing. Fishermen may not have more than 100 mussels in possession. There is no limit on the Asiatic clam.]

Section 9 [10]. No mussels designated as endangered may be taken after such designation has been made by regulation and duly advertised.

CARL E. KAYS, Commissioner

CHARLES E. PALMER, JR., Chairman

ADOPTED: March 1, 1982

APPROVED: W. BRUCE LUNSFORD, Secretary

RECEIVED BY LRC: April 13, 1982 at 10:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

COMMERCE CABINET

Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 1:122. Importation, possession; live fish.

RELATES TO: KRS 150.025, 150.175, 150.180 and 150.190

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation sets forth conditions and provisions that prohibit the importation and possession of those fishes considered to be detrimental to Kentucky's resident fish population. It is necessary in order to protect Kentucky's fish population. *This amendment is necessary to allow the importation and possession of certain hybrid fish.*

Section 1. No live fish, live minnow or live bait organisms (as defined in 301 KAR 1:130) or reproductive part thereof, not native or established in Kentucky waters can be bought, sold, possessed, imported, or in any way used or released into the waters of this Commonwealth, except as specified in Sections 2 and 4.

Section 2. Aquarium species except those in Section 3 may be imported, sold, or possessed in aquaria, but may not be released directly or indirectly into the waters of this Commonwealth.

Section 3. The following living fish may not be imported, sold, or possessed in aquaria [or otherwise]:

(1) Sub-family Serrasalmoniae—piranha, piraya, pirae, caribe, or tiger fish.

(2) *Astyanax ficiatus mexicanus*—Mexican banded tetra, Mexican minnow or Mexican tetra.

(3) *Petromyzon marinum*—sea lamprey.

(4) Genus *Clarias*—walking catfish.

(5) Genus *Ophichaphalus* or *Channa*—snakeheads of Asia and Africa.

(6) *Ctenopharyngodon idella*—white amur.

Section 4. *Certain hybrid fish which are not native or established in Kentucky waters may be bought, imported, sold, possessed and released into specified waters of this Commonwealth provided the appropriate permits are obtained.*

CARL E. KAYS, Commissioner

CHARLES E. PALMER, JR., Chairman

ADOPTED: March 1, 1982

APPROVED: W. BRUCE LUNSFORD, Secretary

RECEIVED BY LRC: April 13, 1982 at 10:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky, 40601.

COMMERCE CABINET

Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 1:130. Live bait for personal use.

RELATES TO: KRS 150.010, 150.025, 150.170, 150.175, 150.340, 150.450

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: It is necessary to regulate the manner of taking of bait species in order to utilize and conserve the populations. *This amendment is necessary in order to allow the use of the Asiatic clam as a bait organism.*

Section 1. (1) Live bait includes minnows, shad, herring, crayfish, salamanders, all frogs except bullfrogs, all tadpoles, native lampreys, *Asiatic clam (Corbicula sp.)* and aquatic [invertebrate] organisms *except mussels*.

(2) "Minnows" means all fishes under six (6) inches in length, except basses (largemouth, small mouth or Kentucky), rock bass or goggle-eye, trout, crappie, walleye, sauger, pikes, white bass, yellow bass, rockfish (saltwater striped bass) and muskellunge.

Section 2. Live bait may be taken with the following gear for personal use only, and any other species except

live bait taken with this gear must be returned immediately to the water:

(a) [(1)] Seines: Maximum size ten (10) ft. long, four (4) ft. deep, $\frac{1}{4}$ in. mesh, legal statewide; maximum size thirty (30) ft. long, six (6) ft. deep, $\frac{1}{4}$ in. mesh, legal in Ohio and Mississippi Rivers only.

(b) [(2)] Minnow Traps: Maximum size three (3) ft. long, eighteen (18) in. diameter, one (1) in. openings for catching, legal statewide.

(c) Dip Nets: Maximum size three (3) ft. diameter, legal in Ohio, Tennessee and Mississippi Rivers, Cumberland River below Barkley Dam, Kentucky River below Lock #14, and all lakes over 1,000 acres.

(d) [(4)] Sport Cast Nets: Maximum size nine (9) ft. diameter, $\frac{3}{8}$ in. mesh, legal in Tennessee, Ohio and Mississippi Rivers, Cumberland River below Barkley Dam, Kentucky River below Lock #14, and all lakes over 1,000 acres.

Section 3. *No mussels may be taken for use as bait except Asiatic clams (Corbicula sp.).* Sport fishermen may have in their possession no more than:

- (1) 500 minnows;
- (2) 500 crayfish;
- (3) 100 salamanders (spring lizards);
- (4) 100 frogs (other than bullfrogs);
- (5) 100 tadpoles;
- (6) 100 native lampreys (mud eels);
- (7) 500 aquatic invertebrates *other than mussels*;
- (8) 500 [any number of] shad or herring; and
- (9) *Any number of Asiatic clams (Corbicula sp.).*

CARL E. KAYS, Commissioner

CHARLES E. PALMER, JR., Chairman

ADOPTED: March 1, 1982

APPROVED: W. BRUCE LUNSFORD, Secretary

RECEIVED BY LRC: April 13, 1982 at 10:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: The Commissioner, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

COMMERCE CABINET
Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 1:140. Special commercial fishing permit.

RELATES TO: KRS 150.010, 150.025, 150.120, 150.170, 150.175, 150.190, 150.450

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: Gill and trammel nets are the most effective gear for the taking of certain rough fishes, but they pose a danger of overharvest of the most desirable rough species and are a threat to certain sport fish if not properly regulated; therefore, the Commissioner with the concurrence of the Commission finds a need to authorize additional use of such gear experimentally through the issuance of a permit which will have strict termination provisions and other safeguards to control their

use. *This amendment is necessary to prevent a convicted violator from further participation in the special netting program as an assistant on another permit.*

Section 1. Issuance of Special Permit. The commissioner, after giving due consideration to the composition of the commercial fish population, the vulnerability of the game fish involved, and the ability and reliability of the applicant may issue a special commercial fishing permit to use gill and trammel nets in specified waters, other than those designated in 301 KAR 1:145, Section 2(4)(b).

Section 2. Application for Permits and Revocation. An applicant for a special permit to use gill and trammel nets shall file an application to which he signs his name attesting that he has read and will abide by all of the provisions of the permit and will obey all applicable game and fish laws and regulations or have his permit revoked without refund if found in violation by the commissioner. The offending permittee and assistant shall be ineligible to apply together or separately for another permit *or to be an assistant on any other permit* for a period of one (1) year following revocation.

Section 3. General Provisions of the Special Permit to use Gill and Trammel Nets. (1) The applicant for a permit must possess a valid commercial fishing license.

(2) The permit fee shall be \$500.

(3) Mesh size:

(a) Gill and trammel nets set and left must have a bar mesh size no smaller than three and one half ($3\frac{1}{2}$) inches and no larger than four and one-half ($4\frac{1}{2}$) inch bar mesh size.

(b) Gill and trammel nets used as whip sets may have a minimum bar mesh size of three (3) inches, and no larger than four and one-half ($4\frac{1}{2}$) inch bar mesh size, but must be constantly attended by the permittee and/or assistant.

(4) Waters open to special permit fishing:

(a) Commercial fishing waters of Rough River Lake.

(b) Commercial fishing waters of Barkley Lake.

(c) Commercial fishing waters of Kentucky Lake.

(5) The permit shall be valid for five (5) months only, November 1 through March 31.

(6) The permittee shall have no more than one (1) assistant who is a licensed commercial fisherman listed on the permit. Assistant may be replaced at any time, after the conservation officer or officers in the counties fished are notified, and a written notice given to the commissioner. The name of a new assistant must be listed on the permit and all copies, and his predecessor's name marked out with ink.

(7) The permittee or assistant must have the permit or copy of the permit in possession at all times gear is being transported, set, raised, or run. Their names shall be on the permit or copy, and each must contain the same names.

(8) Illegal acts by permittee or assistant acting together or separately may result in permit revocation.

(9) The permittee shall keep daily catch and sales reports and submit weekly to the commissioner. No subsequent permit shall be issued until all reports required by the preceding permit are received by the commissioner. The reports shall include:

(a) The number of each species caught by common name.

(b) Disposition of each fish.

(c) Duplicate sales receipts of all fish sold.

(d) The average total length of nets fished daily listing gill and trammel nets separately and whip sets separately.

(e) Daily catch and sales reports and duplicate receipts of fish and fish products sold must be sent in weekly in postage paid envelopes provided by the department.

(10) All rough fish taken in the nets must be removed from the lake.

(11) Each net must be run at least once every twenty-four (24) hours.

(12) Each 100 feet of net must have attached one (1) commercial gear tag as required in KRS 150.175, subsection (6). Tags shall be grouped on the inshore end of each continuous net.

(13) A permittee must tag and fish at least 800 yards of netting an equivalent of twenty-five percent (25%) of the open season.

CARL E. KAYS, Commissioner

CHARLES E. PALMER, JR., Chairman

ADOPTED: March 1, 1982

APPROVED: W. BRUCE LUNSFORD, Secretary

RECEIVED BY LRC: April 13, 1982 at 10:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: The Commissioner, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, No. 1 Game Farm Road, Frankfort, Kentucky 40601.

COMMERCE CABINET

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 changes 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 2:115 [2:112].

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

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

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

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

(5) 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 28 [15] on Tracts 2, 3, 6 and 7.

(b) Rabbit: Third Thursday in November through February 28 [January 31] on Tracts 2, 3, 6 and 7. *December 12 through February 28 on Tracts 1, 2, 3, 4, 5, 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 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. *Night training is permitted on all tracts September 1 through October 21 only.*

(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.

(h) *Dog training: Dog training is permitted on all tracts September 1 through April 30 only, except that night training is prohibited after October 21.*

(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 and October 6 [7] through November 7 [8] only by legally licensed and equipped deer archery hunters.

(b) Quail: December 1 through February.

(c) Rabbit: December 1 through February [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, *with no more than three (3) per party or two (2) or more hunters.*

(e) Raccoon field trials: *September 1 through October 31 [22, 23, 24] and December 1 through March 31. 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: Daylight hours only; Gun and archery on December 1 through February. October 6 [7] through November 7 [8] only by legally licensed and equipped deer archery hunters. Any hand, mouth, mechanical or electronic recording and amplifying devices are legal to use in calling gray fox and coyote.

(h) Woodchuck: Hunting during daylight hours only. March 16 [18] through March 31 and June 1 through June 15. October 6 [7] through November 7 [8] and December 11 through December 31 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. 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, 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 28 [22] through October 15 only in areas designated by signs as open to public hunting.

(b) Raccoon: September 22 [23] through September 25 [26] and September 29 [30] through October 2 [3] 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.]

(c) [(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.

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

(e) [(f)] Dogs are permitted only for raccoon hunting.

(f) [(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 except for designated areas that will be closed.

(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 Christian and Trigg Counties. [.] *There will be no hunting on Mondays or Tuesdays except when Monday or Tuesday is a federal holiday or as follows: November 29-30, December 20-21, and 27-28, then hunting will be permitted. There will no hunting on December 24 and 25. [there will be no hunting on December 25 and January 1 and Mondays and Tuesdays except when Monday or Tuesday is a federal holiday and Tuesday, September 1, then hunting will be permitted.]*

(a) Seasons, bag and possession limits:

1. Squirrel (gray and fox): August 15 [September 1] through September 19 [20], November 25 [26] through December 3 [11], December 4 [12] through December 31 on selected areas; and January 2 through January 30 [31].

2. Quail: November 25 [26] through December 3 [11], December 4 [12] through December 31 on selected areas; January 2 through February 27.

3. Rabbit: November 25 [26] through December 3 [11], December 4 [12] through December 31 on selected areas; January 2 through February 27; bag limit five (5); possession limit ten (10).

4. Raccoon and opossum: Taking with gun and/or dogs, November 25 [26] through December 3 [11], December 4 [12] through December 31 on selected areas. January 2 through January 30 [31]; possession limit one (1) per person.

5. Gray fox and woodchuck: September 1 through September 19 [20]. January 2 through February 27.

6. Red fox: November 25 [26] through December 3 [11], December 4 [12] through December 31 on selected areas. January 2 through January 30 [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) Clay Wildlife Management Area located in Nicholas County is closed to the training of all dogs during the period October 1 through November 15.

(10) 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) Red Bird Wildlife Area located in Leslie and Clay Counties.

(a) Squirrel (gray and fox): *December 18* [October 17] through *December 31* [October 30].

(b) Grouse and quail: *December 18* [January 16] through *December 31* [January 29].

(c) Raccoon: *December 18 through December 31* [Firearms: Only shotguns incapable of holding more than three (3) shells are permitted].

(d) Rabbits: *December 18 through December 31* [Dogs: Dogs are permitted for hunting all the wildlife species listed in this subsection].

(e) Firearms: *Only shotguns incapable of holding more than three (3) shells are permitted.*

(f) This area is closed to all other hunting except deer as authorized by regulation 301 KAR 2:115 [2:112].

(12) Beaver Creek Wildlife Area located in McCreary and Pulaski Counties.

(a) Squirrel (gray and fox): *December 18* [October 17] through *December 31* [October 30].

(b) Grouse and quail: *December 18* [January 16] through *December 31* [January 29].

(c) Raccoon: *December 18 through 31* [Firearms: Only shotguns incapable of holding more than three (3) shells are permitted].

(d) Rabbits: *December 18 through 31* [Dogs: Dogs are permitted for hunting all the wildlife species listed in this subsection].

(e) Firearms: *Only shotguns incapable of holding more than three (3) shells are permitted.*

(f) This area is closed to all other hunting except deer as authorized by regulation 301 KAR 2:115 [2:112].

CARLE E. KAYS, Commissioner

CHARLES E. PALMER, JR., Chairman

ADOPTED: March 1, 1982

APPROVED: W. BRUCE LUNSFORD, Secretary

RECEIVED BY LRC: April 13, 1982 at 10:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: The Commissioner, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, No. 1 Game Farm Road, Frankfort, Kentucky 40601.

COMMERCE CABINET

Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 2:050. Land Between the Lakes hunting rules.

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

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to general rules for hunting on Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties. This regulation is necessary in order for the Department's conservation officers to enforce the hunting regulations in cooperation with Tennessee Valley Authorities on Land Between the Lakes Wildlife Manage-

ment Area located in Trigg and Lyon Counties. The function of this regulation is to provide law enforcement services which fall within the jurisdiction of the Department. *This amendment is necessary to include changes in hunting regulations.*

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

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

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

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

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

Section 3. Weapons. (1) Prohibitions:

(a) Handguns cannot be carried on the person except during legal hunting hours while participating in authorized gun deer hunts.

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

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

(2) Permitted weapons. All firearms and archery equipment must conform to statewide regulations unless specified in other regulations.

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

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

(3) Fox chasing and raccoon and opossum hunting are permitted from sunset to sunrise during the designated season. Raccoons may be bagged or taken for restocking. Dogs must be removed by 8 a.m.

(4) Quota deer hunting applicants are selected for each hunt by computerized drawing. Hunters must hunt only during the period assigned to them and must stay within their assigned hunt area. Hunt areas and dates cannot be changed. Only one (1) application is permitted per hunter. Groups are limited to no more than five (5) hunters. For quota hunts, other than special youth hunts, hunters under sixteen (16) must apply and hunt with an adult. Some Land

Between the Lakes permits for deer may be valid for antlerless deer or either sex deer as specified on the permit.

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

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

CARL E. KAYS, Commissioner
CHARLES E. PALMER, JR., Chairman

ADOPTED: March 1, 1982

APPROVED: W. BRUCE LUNSFORD, Secretary

RECEIVED BY LRC: April 13, 1982 at 10:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: The Commissioner, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, No. 1 Game Farm Road, Frankfort, Kentucky 40601.

COMMERCE CABINET
Department of Fish and Wildlife Resources
(Proposed Amendment)

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 6 [7] through November 7 [8]. December 11 [12] through December 31.

(b) Quota deer hunts:

1. Quota gun hunts: White-tailed or fallow deer. Antlered deer only. Some areas antlerless only or any deer as specified on permit. November 16, 18-19, 23-24 and 27-28 [17, 19-20, 24-25 and 28-29].

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 13-14, 16, 18-19, 23-24, and 27-28 [14-15, 17, 19-20, 24-25 and 28-29].

(c) Turkey archery hunts: Gobblers only with visible beards. Statewide 1982 [1981] season limits only. October 6 [7] through November 7 [8] and December 11 [12] 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 13-14 [14-15]. 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 state approved 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 6 [7] through November 7 [8] and December 11 [12] 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, Quota 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 and turkey archery season and an L.B.L. 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 *permanent game tag* [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 or Tuesday is a federal holiday or as follows: *November 29-30, December 20-21, and December 27-28, then hunting will be permitted. There will be no hunting on December 24 and 25.* [An exception to this is December 25 when no hunting will be permitted.]

(a) Deer archery and muzzle-loading rifles (either sex): September 25 [26] through October 3 [4].

(b) Deer gun and archery (either sex): October 9 [10] through November 21 [22]. December 4 [12] through December 31 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. Prior to November 21 [22], once a hunter has taken his first deer on Fort Campbell, he is not eligible for weekend drawings (i.e., he can only hunt on Wednesdays through Fridays or on weekend standby) until the reopening of deer hunting on December 4 [12]. At that time if he has not harvested his limit he is eligible for the weekend drawing until he has taken his limit. 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 in areas west of Palmyra Road. Hunting arrows must be not less than twenty-four (24) inches in length, equipped with broadhead barbless blades not less than seven-eighths (7/8) inch nor more than two (2) inches wide for single two (2) edged blades, or not more than three and one-half (3½) 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 2 [3] through October 31 [November 8].

(b) Deer gun hunt (either sex): November 27-28 [28-29], December 4-5 [12-13] and December 18-19 [19-20].

(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 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.

(d) 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 July 19 [25] or later than July 31 [August 8] 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 fifteen dollar (\$15) money order, certified check or cashier's check for each hunter, made payable to Treasurer of the United States. Mail applications to *Morale Support Activities, Hunt Control Office* [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: 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 August 16 [22] or later than August 31 [September 5] to be considered for

a random drawing. Hunters will be assigned one (1), two (2) day hunting period. Applications must contain the type of hunt (gun), names and addresses of each hunter, and a fifteen dollar (\$15) money order, certified check or cashier's check for each hunter, made payable to Treasurer of the United States. Mail applications to *Morale Support Activities, Hunt Control Office* [Conservation and Beautification Committee, P.O. Box 1052], Fort Knox, Kentucky 40121.

(e) Check stations and validation of state deer permit: All deer taken during the archery season must be checked in at Building 1060. Deer taken during the gun hunts must be checked in at Building 7331 on 9th Avenue. Deer tags must be stamped "Taken at Fort Knox" to be valid.

(f) 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.

(g) 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.

(h) 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 9, 16 and 23 [10, 17 and 24].

(b) Deer gun hunts (either sex): November 13, 20, and 27 [December 5, 12 and 19].

(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. 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 fifteen dollar (\$15) [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, 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. *Longbows and compound bows are permitted.* Crossbows are prohibited.

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

(h) Hunter Safety Certificates: All deer hunters under the age of sixteen (16) years must possess a hunter safety certificate.

CARLE E. KAYS, Commissioner
CHARLES E. PALMER, JR., Chairman

ADOPTED: March 1, 1982

APPROVED: W. BRUCE LUNSFORD, Secretary

RECEIVED BY LRC: April 13, 1982 at 10:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: The Commissioner, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, No. 1 Game Farm Road, Frankfort, Kentucky 40601.

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

704 KAR 3:290. Title I, ESEA annual program plan.

RELATES TO: KRS 156.030, 156.035

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

NECESSITY AND FUNCTION: *This regulation implements the State Board of Education's plan approval and federal statute implementation functions under KRS 156.030 and 156.035 relative to federal funds received under Chapter 1 of the Education Consolidation and Improvement Act (formerly Title I of the Elementary and Secondary Education Act). [In accordance with Section 435 of the General Education Provisions Act and Sections 161, 162, 167, 170, and 171 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 of local and state agencies under Title I of the Elementary and Secondary Education Act, must submit assurances, a program plan, and a monitoring and enforcement plan.]*

Section 1. Pursuant to the authority vested in the Kentucky State Board of [for Elementary and Secondary] Education by KRS 156.035, the Title I, ESEA, Program Plan for three (3) fiscal years ending September 30, 1982, is presented herewith for filing with the Legislative Research Commission, and incorporated by reference. This document shall be known as the State Plan for Title I, ESEA, revised March 13, 1979, copies of which [the State Plan for Title I, ESEA] may be obtained from the Division of Compensatory Education, and it shall remain in effect for all funds until July 1, 1982, and between July 1 and September 30, 1982, for all funds obligated or encumbered by June 30, 1982.

Section 2. Local educational agency program applications[, or any amendments thereto,] must be authorized

[approved] by the local board of education prior to submission to the Kentucky Department of Education, and such applications must be submitted on the Chapter 1, ECIA Project Application Form, which is incorporated herein by reference and copies of which may be obtained from the Division of Compensatory Education.

Section 3. Local school district subgrantees shall submit monthly financial reports to the Department of Education by the fifteenth day of the next succeeding month in order to entitle such subgrantees to timely monthly disbursements of funds by the end of the then next succeeding month for which funds are to be advanced. Such reports shall be submitted on the Monthly Financial Report Form, which is incorporated herein by reference and copies of which may be obtained from the Division of Compensatory Education.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: March 9, 1982

RECEIVED BY LRC: March 16, 1982 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. L. W. True, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET

Department of Education

Bureau of Instruction

(Proposed Amendment)

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

RELATES TO: KRS 156.030, 156.035

PURSUANT TO: KRS 13.082, 156.030, 156.070

NECESSITY AND FUNCTION: In accordance with Section 435 of the General Education Provisions Act and Section 564 of the Education Consolidation and Improvement Act of 1981, [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. Department of Education for participation in programs for migratory children under Chapter 1 of the Education Consolidation and Improvement Act of 1981 [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. This regulation implements the State Board of Education's plan approval and federal statute implementation functions under KRS 156.030 and 156.035 relative to a migrant plan.

Section 1. The Chapter 1, ECIA [Title I, ESEA] Migrant Education Annual Program Plan for fiscal year ending September 30, 1983 [1982], such to become effective July 1, 1982 [1981], is presented herewith for filing with the Legislative Research Commission, and incorporated by reference. Copies of this plan may be obtained from the Division of Compensatory Education, 9th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

Section 2. The Title I, ESEA Migrant Plan for Fiscal Year 1982 ending September 30, 1982, which is filed herewith and incorporated by reference, shall remain in effect for all funds until July 1, 1982, and between July 1 and September 30, 1982, for all funds obligated or encumbered by June 30, 1982.

Section 3. [2.] Local educational agency program applications must be authorized by the local board of education prior to submission to the Kentucky Department of Education.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: March 9, 1982

RECEIVED BY LRC: March 16, 1982 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. L. W. True, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET

Department of Education

Bureau of Instruction

(Proposed Amendment)

704 KAR 4:020. Comprehensive school health.

RELATES TO: KRS 156.160

PURSUANT TO: KRS 13.082, 156.070, 156.160[, 161.145]

NECESSITY AND FUNCTION: KRS 156.160 requires the State Board of Education [Superintendent of Public Instruction] to adopt [prepare] regulations governing medical inspection, physical education and recreation, and other rules and regulations deemed necessary or advisable for the protection of the physical welfare and safety of the public school children. This regulation implements the duty of the State Board relative to medical inspections and the physical welfare and safety of public school children.

Section 1. School employee medical examinations shall be required for the protection of the physical welfare and safety of the public school children:

(1) All local boards of education shall require a medical examination of each teacher upon initial employment which shall include a tuberculin skin test. All positive reactors shall be required to comply with the recommendations of the local board of health and the Department for Human Resources for further evaluation and treatment of the tuberculosis infection [obtain an immediate chest x-ray for evidence of tuberculosis, followed by the currently accepted practice of the Preventive Services Section, Bureau of Health Services, Kentucky Department for Human Resources, for treatment of tuberculosis infection or disease. No further tuberculin skin test or x-rays for tuberculosis shall be required following completion of treatment, unless symptoms occur]. Following the required medical examinations for initial employment and any subsequent [medical] examinations as may be required for

positive tuberculin reactors, each teacher shall submit to the local school superintendent a statement *indicating* [clarifying] his/her medical status.

[(a) A yearly chest x-ray shall be required if the above recommended preventive treatment for infection is not completed.]

[(b) Local school authorities shall require each year thereafter a repeat tuberculin skin test for all tuberculin nonreactors, with the above procedure followed when a teacher becomes a tuberculin reactor. Additional tests and examinations may be required as deemed necessary by the local boards of education.]

(2) All local boards of education shall require a medical examination of each school bus driver in accordance with the requirements of the State Board of [for Elementary and Secondary] Education's regulations pertaining to pupil transportation upon initial employment and each year thereafter. The medical examination shall include test for tuberculosis, hearing and vision disorders, emotional instability, and for serious medical *conditions* [diseases] including diabetes, epilepsy, heart disease, and other chronic or communicable diseases if indicated in the opinion of the examining physician. All medical examinations of the school bus drivers shall be reported on a [the special] form *furnished* [approved] by the State Department of Education and submitted to the local school superintendent.

[(a)] All *positive tuberculin reactors* shall be required to *comply with the recommendations of the local board of health for further evaluation and treatment of the tuberculosis infection* [reactors to the tuberculin skin test shall obtain an immediate chest x-ray for evidence of tuberculosis, followed by the currently acceptable treatment for tuberculosis infection or disease. No further tuberculin skin test or x-rays for tuberculosis shall be required following completion of treatment, unless symptoms occur].

[(b) A yearly chest x-ray shall be required if the above recommended preventive treatment for infection is not completed.]

(3) All local boards of education shall require a medical examination of each custodian, cafeteria worker, and other *classified* school employees *not specifically covered by subsection (2) of this section* upon initial employment [which shall include a tuberculin skin test]. *The medical examination shall include tests for tuberculosis, hearing and vision disorders, emotional instability, and for serious medical conditions including diabetes, epilepsy, heart disease, and other chronic or communicable diseases if indicated in the opinion of the examining physician.* All *positive tuberculin reactors* shall be required to *comply with the recommendations of the local board of health and the Department for Human Resources for further evaluation and treatment of the tuberculosis infection* [reactors shall obtain an immediate chest x-ray for evidence of tuberculosis, followed by the currently acceptable treatment for tuberculosis infection or disease. No further tuberculin skin test or x-rays for tuberculosis shall be required following completion of treatment, unless symptoms occur]. Following the required *evaluation* [medical examinations and subsequent medical examinations], each employee shall submit to the local school superintendent a statement *indicating* [clarifying] his/her medical status. *Medical examinations shall be reported on forms furnished by the State Department of Education.*

[(a) A yearly chest x-ray shall be required if the above recommended preventive treatment for infection is not completed.]

[(b) Local school authorities shall require each year thereafter a repeat tuberculin skin test for all tuberculin

nonreactors, with the above procedure followed when a custodian, cafeteria worker, and other school employee becomes a tuberculin reactor. Additional tests and examinations may be required as deemed necessary by the local boards of education.]

[(4) The physical examination required of classified personnel, excluding bus drivers, required by this section shall be conducted prior to August 1 of the employable year and shall be at no cost to the employee unless the employee elects to be examined by a private physician.]

(4) *The local board of education shall require all school personnel exhibiting symptoms of chronic respiratory disease to be examined for tuberculosis. The evaluation and any required treatment for tuberculosis infection shall be based upon the recommendations of the local board of health and the standards developed by the Department for Human Resources.*

(a) Any personnel exposed to infectious tuberculosis shall be tested and, if necessary, treated for tuberculosis infection according to the recommendation of the local board of health.

(b) *In counties with high incidence rates for tuberculosis infection defined as equal to or greater than one (1) percent, the local board of health may, with the approval of the Department for Human Resources, exercise its legal sanction to require more extensive testing for tuberculosis than outlined above.*

Section 2. All local boards of education shall require a medical examination of each child within [a period of] six (6) months prior to, or one (1) month following his/her initial admission to school [regardless of grade]. *The medical examination shall be reported on forms furnished by the Department of Education and shall include a medical history; record of immunizations; assessment of growth and development and general appearance; physical assessment including hearing and vision screening; and recommendations to the school regarding health problems that may require special attention in classroom or physical education activities.* All boards of education shall adopt a program of continuous health supervision for all school enrollees; such supervision shall include scheduled screening tests for vision, hearing and scoliosis [dental problems]. The need for a tuberculin skin test will depend on the risk of exposure of the child and prevalence of tuberculosis in the community, *such need to be determined pursuant to KRS 158.036.*

(1) An effective mechanism for referral and appropriate follow-up of any apparent abnormality noted by screening assessment [examination] or teacher observation shall be recorded on school health records within nine (9) weeks of screening program or detection of abnormality.

(2) Each school shall have emergency care procedures. The emergency care procedures shall include first aid facilities, personnel with first aid training, parents' telephone number, name of family physician, and means of transportation.

(3) Local boards of education shall require all vaccinations and immunizations as required by law or regulations:

(a) Except as otherwise provided by law, all children shall be required to present a valid immunization certificate upon enrollment in school, and a valid up-to-date immunization certificate shall be on file for all children at all times. The governing body of private and public schools shall enforce the provisions of this subsection in accordance with the established laws.

(b) Children transferring into any school district shall comply with the above requirements.

Section 3. (1) Each elementary and secondary school shall initiate a cumulative health record for each pupil entering school. Such record shall be maintained throughout the pupil's attendance. Such record shall be uniform and shall be on forms *furnished by the Department of Education* [prescribed by the Superintendent of Public Instruction]. Such record shall *include screening tests related to growth and development, vision and hearing; teacher observations of general appearance and behavior; and findings and recommendations of physician and dentist including immunization record.* [include health data of the pupil including screening test, teacher observation, and physician's and dentist's recommendations.] A follow-up by the proper health or school authorities shall be made on each defect noted and the result recorded.

(2) Local school authorities shall report all known or suspected cases of communicable disease immediately to the local health department.

Section 4. All boards of education shall, in relation to each school under its jurisdiction, provide and maintain a physical environment that is conducive to the health and safety of school children. It shall be the responsibility of all local boards of education to comply with current laws and regulations applicable to all public buildings pertinent to health, sanitation, and safety. In accordance with current regulations and standards by authorities having jurisdiction, it shall be the responsibility of all local boards of education to establish:

- (1) An adequate supply of water of safe, potable, sanitary quality.
- (2) A sanitary disposal of sewage, other water carried waste, and solid waste.
- (3) Adequate toilet and lavatory facilities and other sanitary fixtures.
- (4) Adequate heating, lighting, and ventilation in all school buildings.
- (5) Adequate facilities and equipment for cafeterias and lunchrooms.
- (6) Supervision of general sanitation and safety of the school buildings, grounds, and playground equipment.
- (7) Adequate first aid facilities.
- (8) Adequate control of air pollutants.

Section 5. Each board of education shall designate a person to serve as school health coordinator. Such person shall meet the minimum qualifications required of this position. The school health coordinator shall work in cooperation with all school personnel, the local board of education, the State Department of Education, and the local health department in planning, promoting, and implementing a school health services program that meets the regulations adopted by the State Board of [for Elementary and Secondary] Education.

Section 6. Each local board of education shall require an annual [a] medical examination of each child as a prerequisite for eligibility in inter-scholastic athletics. A local board of education may require such examination to be paid by the parent of the child.

[Section 7. Each local board of education shall require its curriculum to include health instruction, stressing timely and local health issues such as alcoholism, drug abuse, personal hygiene, accident prevention, family living, sex

education, environmental health, nutrition, venereal disease, and consumer health.]

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: March 9, 1982

RECEIVED BY LRC: March 16, 1982 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. L. W. True, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET

Department of Education

Bureau of Instruction

(Proposed Amendment)

704 KAR 20:120. Emergency certification.

RELATES TO: KRS 161.020, 161.030, 161.100

PURSUANT TO: KRS 13.082, 156.070, 161.030 [156.130, 156.160]

NECESSITY AND FUNCTION: KRS 161.100 provides for the employment of school personnel in the event that regularly qualified persons are not available for specific positions. This regulation establishes the procedures by which the local boards of education and the State Board of Education may comply with the statute.

Section 1. (1) In order to comply with KRS 161.100 in establishing the need for employing emergency teaching personnel the superintendent of the local school district and the board of education shall make the following declaration to the Superintendent of Public Instruction on request forms supplied by his office:

(a) No qualified teachers have applied for the vacant position and to our knowledge qualified teachers are not available for the position.

(b) Diligent efforts have been made to recruit a qualified teacher for the vacant position, and furthermore, this vacancy has been made known locally by appropriate means.

(c) The local school district has been unsuccessful in recruiting teachers for the vacant position either from the listings of teachers supplied by the State Department of Education or by means of the placement services of the teacher education institutions.

(d) The position will be filled by the best qualified person available, giving preference to the factors of academic preparation, prior teaching experience or related educational work, and personal attributes compatible with the demands of the teaching profession.

(2) The superintendent of the local school district and the board of education may establish the need for emergency teaching personnel, restricted to substitute teaching only, on the basis of anticipated shortages of regularly certified teachers. Emergency certificates may then be issued by the Superintendent of Public Instruction restricted to substitute teaching only and subject to the priority schedule for the employment of substitute teachers as established by 704 KAR 20:210.

(3) [(2)] The Superintendent of Public Instruction, depending upon his assessment of the need for the position and the availability or anticipated availability of qualified personnel, shall approve or disapprove a request for the employment of emergency teaching personnel. The term of validity of an emergency certificate may be limited to a period less than the full school year; the beginning date shall be no earlier than the date the request form is received in the Department of Education.

(4) [(3)] An [separate] application form signed by the local school superintendent and approved by the local board of education shall be submitted for each anticipated emergency position. The application shall be accompanied by official transcripts of all college credits earned by the prospective emergency teacher.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: March 9, 1982

RECEIVED BY LRC: March 16, 1982 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Mr. L. W. True, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

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

704 KAR 20:210. Substitute teachers.

RELATES TO: KRS 161.020, 161.025, 161.030, 161.100

PURSUANT TO: KRS 13.082, 156.030, 156.070, 161.030 [156.130, 156.160]

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions. KRS 161.100 provides for the issuance of emergency certificates under specified circumstances. This regulation establishes a Certificate for Substitute Teaching and establishes the priority status of this certificate in comparison with other regular certificates and in comparison with emergency certificates. [KRS 161.100 provides for the emergency certification of personnel, including substitute teachers, when regularly qualified personnel are not available. This regulation is designed to insure that in the utilization of substitute teachers the local school district shall give priority to the better qualified personnel.]

Section 1. (1) The Certificate for Substitute Teaching shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has previously qualified for any type of Kentucky certificate for classroom teaching for which the completion of a four (4) year program of teacher preparation and a bachelor's degree were required.

(2) The Certificate for Substitute Teaching shall be issued initially for a duration period of five (5) years and may be reissued or renewed upon recommendation of the employing school district superintendent.

(3) The Certificate for Substitute Teaching shall be valid only for substitute teaching. The certificate document shall show the type of preparation completed by the teacher and shall be valid for substitute teaching in the area of preparation only. The Certificate for Substitute Teaching shall not be valid for continuous part-time employment for classroom teaching.

Section 2. [1.] Whenever substitute teachers must be employed to serve during the absence of the teacher of record for the position the following priority shall be observed in their selection and employment:

(1) Teachers who hold [are] regular[ly] certification [certified for the position.] for classroom teaching and teachers who hold the Certificate for Substitute Teaching, and if no teacher with such certification is available, then;

[(2) Teachers who are regularly certified for some other teaching position.]

(2) [(3)] Persons certified on an emergency basis for substitute teaching and who have sixty-four (64) semester hours credit or more of college preparation, and if none is available, then; [.]

(3) Persons certified on an emergency basis for substitute teaching and who have less than sixty-four (64) semester hours of college preparation, but no less than high school graduation.

[(4) If no teacher can be found with qualifications in subsections (1), (2) and (3), a person with less than sixty-four (64) semester hours credit may be certified for substitute teaching upon specific approval of the Superintendent of Public Instruction.]

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: March 9, 1982

RECEIVED BY LRC: March 16, 1982 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Mr. L. W. True, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

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

705 KAR 7:050. Adult plan.

RELATES TO: KRS 156.035, 156.070, 156.112

PURSUANT TO: KRS 13.082, 156.070, 156.112, 163.030

NECESSITY AND FUNCTION: KRS 156.035 gives the State Board of Education the authority to implement the provisions of any act of Congress appropriating and apportioning funds to the state; KRS 156.070 gives the State Board the management and control of the common

schools and all programs operated therein; and KRS 156.112 designates the State Board as the sole state agency for the purpose of developing and approving state plans required by federal law as a prerequisite to receiving federal funds for adult education. This regulation adopts the three-year program plan for adult education that is required in order to be eligible to receive federal funds under the Adult Education Act.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education, the Kentucky Three-Year Program Plan for Adult Education shall be prepared and approved by the State Board of Education, in accordance with the appropriate federal regulations and guidelines, and submitted to the U.S. Commissioner of Education by June 30 of the appropriate year for approval. The current document[, as amended March 3, 1981] is incorporated by reference and hereinafter shall be referred to as the Three-Year Program Plan for the years *July 1, 1982 to June 30, 1985* [July 1, 1979 to June 30, 1982]. Copies of the Three-Year Program Plan may be obtained from the Adult Education Unit, State Department of Education.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: March 9, 1982

RECEIVED BY LRC: March 16, 1982 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. L. W. True, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Insurance
(Proposed Amendment)

806 KAR 39:060. Stickers or emblems.

RELATES TO: KRS 304.39-085

PURSUANT TO: KRS 13.082, 304.2-110

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

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

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

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

(4) The terms "affix" or "affixed" mean the attachment of a sticker to the window of the vehicle as defined

herein or the carrying of an emblem upon the vehicle or upon the person of the operator thereof;

(5) The term "temporary certificate" or "binder" means any written evidence of the required security that includes the name and address of the motor vehicle owner, description of the motor vehicle, the inception and expiration date of such security and the name of the reparation obligor and signed by a licensed insurance agent or officer of the reparation obligor.

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

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

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

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

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

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

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

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

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

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

DANIEL D. BRISCOE, Commissioner

ADOPTED: April 14, 1982

APPROVED: TRACY FARMER, Secretary

RECEIVED BY LRC: April 15, 1982 at 8:15 a.m.

SUBMIT COMMENT TO: Daniel B. Briscoe, Commissioner of Insurance, P.O. Box 517, Frankfort, Kentucky 40602.

See public hearings scheduled on page 1137.

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

811 KAR 1:025. Farm or stable name.

RELATES TO: KRS 230.630(1),(3), 230.640, 230.680, 230.700

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

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to provide for the licensing of racing stables under the stable name and disclosure of ownership.

Section 1. Racing, farm, corporate, or stable names may be used by owners or lessees if registered with the *United States Trotting Association* and the Kentucky Harness Racing Commission giving the names of all persons who are interested in the stable or will use the name. All persons listed in a registered stable [and all stockholders of a corporation] racing a horse must have a state license. All owners and persons listed in a registered stable[, whether incorporated or not,] shall be liable for entry fees and penalties against the registered stable. In the event one (1) of the owners or persons listed in a registered stable is suspended, all the horses shall be included.

Section 2. *Corporate and Limited Partnership Ownership.* If a horse is owned by a corporation, the corporation, officers, directors and stockholders owning five percent (5%) or more of the stock shall be licensed by the *United States Trotting Association* and the Kentucky Harness Racing Commission [all officers, directors and persons owning any of the capital stock, or beneficial interest therein, shall be disclosed to, and licensed by the commission]. Those stockholders owning less than five percent (5%) of the stocks shall be reported by the corporation monthly to the Kentucky Harness Racing Commission. Such information shall include names and amount of stock owned, address, social security number and date of birth. However, said stockholders shall not be required to be licensed by the Kentucky Harness Racing Commission. If a horse is owned by a limited partnership, the general partner and all limited partners owning an interest of five percent (5%) or more shall be licensed by the *United States Trotting Association* and the Kentucky Harness Racing Commission. Those limited partners owning less than five percent (5%) interest shall be reported monthly to the Kentucky Harness Racing Commission. Such information shall include names and interest owned, address, social security number and date of birth. Said limited partners shall not be required to be licensed by the Kentucky Harness Racing Commission.

CARL B. LARSEN, Supervisor

ADOPTED: April 2, 1982

APPROVED: TRACY FARMER, Secretary

RECEIVED BY LRC: April 15, 1982 at 9 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carl B. Larsen, Supervisor of Racing, Kentucky Harness Racing Commission, 1051 H Newtown Road, Lexington, Kentucky 40511.

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

811 KAR 1:032. Eligibility standards; enforcement.

RELATES TO: KRS 230.770

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

NECESSITY AND FUNCTION: To regulate the eligibility of horses participating in races for which a portion of the purse is provided by the Kentucky Standardbred Development Fund. The function of this regulation is to establish eligibility standards and administrative practices to enforce such standards.

Section 1. The owner or lessee of any standardbred stallion desiring to use him for breeding purposes and to have him qualify under the Kentucky Standardbred Development Fund must register said stallion by November 15 with the Kentucky Harness Racing Commission. The registration shall be on forms provided by the commission. Stallion eligibility only:

(1) Foals shall be sired by standardbred stallions standing the entire breeding season within the Commonwealth of Kentucky and registered as such with the Kentucky Harness Racing Commission, by November 15 preceding the breeding season.

(2) A virgin standardbred stallion entering the stud for the first time may be registered prior to his first breeding and must stand in the Commonwealth of Kentucky the remainder of the breeding season.

Section 2. Stallions remaining in the state for more than one (1) breeding season need not be registered annually, but a standard renewal form must be filed annually by November 15 preceding the breeding season on forms provided by the commission. The annual registration fee for stallions to the Kentucky Standardbred Development Fund will be ten (10) percent of the advertised service fee with a minimum of \$100.

Section 3. Owners of standardbred stallions registered with the commission shall submit by October 1 a report of mares bred during the preceding twelve (12) months.

Section 4. If the commission finds an outstanding registration to be incorrect, such registration may be cancelled and notice thereof shall be sent to the owner of the horse.

Section 5. In order to qualify for the Kentucky Standardbred Development Fund a foal must be the product of the mating of a mare with a Kentucky registered and resident stallion. The mare to be bred must either be a resident at the farm on which the stallion stands or be shipped to the farm on which the stallion stands when impregnated. The transporting or mailing of a Kentucky registered stallion's semen to a broodmare is strictly prohibited.

Section 6. [5.] Upon failure of an owner or lessee of a registered stallion to furnish the commission requested information relative to the registration of a horse, the commission may suspend or cancel the registration.

Section 7. [6.] If the commission finds that an application for registration or transfer contains false or misleading information, the commission may summon the person who executed said application and any other person

who has knowledge thereof. Failure to respond to such summons may cause the commission to suspend or cancel the registration of horses owned by such person. After a hearing, the commission may suspend, cancel, or bar from further registration, horses owned by the person who executed the false or misleading information.

Section 8. [7.] In order that foals of 1974, 1975 are to be eligible to race in the Kentucky Standardbred Development Fund races in 1977, the owner or lessee must register with the commission stallions that stood in Kentucky for the entire season of 1973 and 1974 together with all the names of the mares bred and the date of service. These forms will be provided by the commission.

Section 9. [8.] Any owner or lessee of a stallion eligible for the Kentucky Standardbred Development Fund shall designate a resident of Kentucky as an authorized agent who shall be responsible for the registrations and records of the farm and for complying with the requirements of the Kentucky Standardbred Development Fund on behalf of the owner or lessee.

Section 10. [9.] The authorized agent application is provided by the Kentucky Harness Racing Commission and must be filed together with the stallion registration before November 15.

CARL B. LARSEN, Supervisor

ADOPTED: April 2, 1982

APPROVED: TRACY FARMER, Secretary
RECEIVED BY LRC: April 15, 1982 at 9 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Carl B. Larsen, Supervisor of Racing, Kentucky Racing Commission, 1051 H Newtown Road, Lexington, Kentucky 40511.

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

811 KAR 1:125. Pari-mutuel rules.

RELATES TO: KRS 230.630(1), (3), 230.640, 230.690, 230.710

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

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

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

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

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

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

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

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

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

(3) Without prior commission approval no pari-mutuel tickets shall be sold on any race prior to the day of the race.

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

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

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

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

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

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

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

(11) At meetings of more than ten (10) days, if less than six (6) interests qualify to start in a race, the manager of the pari-mutuel department, with the consent of the representative of the commission, shall be permitted to prohibit show wagering on that race.

(12) At meetings of more than ten (10) days, if less than five (5) interests qualify horses to start in a race, the said manager, with the consent of the representative of the Ken-

tucky Harness Racing Commission shall be permitted to prohibit both place and show wagering on that race.

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

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

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

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

Section 5. Payments. (1) Payments due on all wagers shall be made in conformity with well established practice of the pari-mutuel system. The practice is to work in dollars and not in the number of tickets. Money wagered on winning tickets is returned in full plus the profits. In all cases of a winning mutuel pool each licensee must redistribute not less than one dollar and ten cents (\$1.10) on each one dollar (\$1) wagered. In the event of a minus pool the minimum payoff on each one dollar (\$1.00) wagered shall be one dollar and five cents (\$1.05).

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

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

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

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

(6) In the event that only two (2) horses finish in any one (1) race, the show pool shall be figured the same as the place pool and monies apportioned to the holders of show tickets on the two (2) finishing horses. In the event only one (1) horse finishes in any one (1) race all three (3) pools shall be figured separately as straight pools and all the

monies shall be awarded to the ticket holders of the finishing horse. In the event no horse finishes the race, then the entire pool shall be refunded to all ticket holders.

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

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

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

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

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

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

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

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

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

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

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

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

(5) If no ticket is sold combining the two (2) winners of the daily double, the pool shall then be apportioned equally between those having tickets including the winner in the first race of the daily double and those having tickets including the winner in the second race of the daily double in

the same manner in which a place pool is calculated and distributed.

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

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

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

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

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

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

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

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

Section 7. Perfecta Wagering. (1) The "perfecta" (also known as exacta or correcta) is a contract by the purchaser of a ticket combining two (2) horses in a single race, selec-

ting the two (2) horses that will subsequently finish first and second in that race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.

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

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

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

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

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

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

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

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

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

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

(5) If no ticket is sold on the winning combination of a quinella pool, the net pool shall then be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse

finishing second in the same manner in which a place pool is calculated and distributed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The Big Q consists of selecting the quinella (the first two (2) horses to finish) of each of two (2) consecutive races. Pari-mutuel wagering tickets are to be sold upon the

first race of the two (2) races only. The division of the pool shall be calculated as in a straight pool, subject to provisions of these rules to the contrary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Trifecta tickets shall be sold in not less than one dollar (\$1) denominations.

(4) If no ticket is sold on the winning combination of a Trifecta Pool, the net pool shall be distributed to the holders of tickets selecting the win and place finishers in that order. If no ticket is sold combining the win and place finish, the net pool will be distributed to the holders of tickets selecting the winner.

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

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

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

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

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

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

(11) For the purpose of trifecta wagering the trifecta race shall be drawn to consist of nine (9) starters and two (2) also eligibles.

[(12) Should the number of starters be reduced to less than eight (8) within one (1) hour of post time of the first race, trifecta wagering shall be cancelled and a perfecta may be offered.]

[(13) Should the number of starters be reduced to less than eight (8) at the time the official sign is posted two (2) races prior to a trifecta, trifecta wagering shall be cancelled and a perfecta may be offered.]

(12) [(14)] Nothing in this section shall preclude the sale of combination trifecta tickets in the amount of six dollars (\$6).

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

- (1) Normal win, place and show betting on each race.
- (2) A daily double on the first and second races.
- (3) Any other methods of betting approved in advance by the commission.

CARL B. LARSEN, Supervisor

ADOPTED: April 2, 1982

APPROVED: TRACY FARMER, Secretary

RECEIVED BY LRC: April 15, 1982 at 9 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Carl B. Larsen, Supervisor of Racing, Kentucky
Harness Commission, 1051 H Newtown Road, Lexington,
Kentucky 40511.

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

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

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

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

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

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

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

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

(1) Ownership fees:

Corporation or Limited Partnership with 1,001 or more shareholders or limited partners.....	\$500
Corporation or Limited Partnership with 201-1000 shareholders or limited partners.....	200
Corporation or Limited Partnership with 21-200 shareholders or limited partners.....	100
Corporation or Limited Partnership with 1-20 shareholders or limited partners.....	25
Each officer, director, and shareholder or limited partner owning five percent (5%) or more interest in the corporation.....	10
Individual Owner	10

(2) Participant fees:

Stable License	\$25	Announcer	\$10
Owner-Driver	15	Assistant Race Secretary	10
Owner-Driver-Trainer	15	Assistant Starting	
Driver	10	Judge/Gate Driver	10
Driver-Trainer	10	Charter	10
[Owner	10]	Clerk of Course	10
Owner-Trainer	10	Farrier	10
Trainer	10	Mutuel Employees	10
Judges-Associate	15	Program Director	10
Judges-Paddock	15	Timer	10
Judges-Patrol	15	Veterinarian	14
Judges-Presiding	15	Miscellaneous	10
Judges-Starting	15	Groom	4
Race Secretary	15		

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

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

Section 6. If a license has previously been issued by the United States Trotting Association then upon payment of the license fee set out in Section 3, said license may be approved by an official stamp of the commission without the requirement on the part of said applicant to submit data required by Section 1.

CARL B. LARSEN, Supervisor

ADOPTED: April 2, 1982

APPROVED:

TRACY FARMER, Secretary

RECEIVED BY LRC: April 15, 1982 at 9 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Carl B. Larsen, Supervisor of Racing, Kentucky Harness Racing Commission, 1051 H Newtown Road, Lexington, Kentucky 40511.

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

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

RELATES TO: KRS 336.510 to 336.680

PURSUANT TO: KRS 13.082, 336.620

NECESSITY AND FUNCTION: KRS 336.620 authorizes the commissioner to make rules and regulations for the safety and inspection of elevators. The function of this regulation is to adopt safety standards which will insure that all elevators are reasonably safe for use by the citizens of this Commonwealth.

Section 1. Adoption of Code. The commissioner hereby adopts and incorporates by reference the American Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, published by and available from the American Society of Mechanical Engineers, 1981 [1978] edition, United Engineering Center, 345 East 47th Street, New York, New York 0017, which specifically details the equipment, materials, weights, gauges, lengths, widths, and quality of construction that will make elevators, escalators, and any other lifting or lowering device named in the Elevator Safety Act of 1974, reasonably safe, with the [following] exception[s:] or Annex F.

[(1) 500.1 to 502.15;]

[(2) 700.4b, 700.5, 700.7b, 700.10b, 707.4; and]

[(3) 900.1 to 903.1.]

Section 2. Freight Elevators and Electric Powered Dumbwaiters. Application and specifications for freight elevators and electric powered dumbwaiters shall continue to be submitted to the department for approval. Freight elevators and electric powered dumbwaiters will be inspected upon completion of their installation. Nothing in this regulation shall require the annual inspection of freight elevators or electric powered dumbwaiters now in existence.

CHARLES A. COTTON, Commissioner

ADOPTED: April 15, 1982

APPROVED:

TRACY FARMER, Secretary

RECEIVED BY LRC: April 15, 1982 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Judith G. Walden, Office of the Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601.

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

902 KAR 20:101. Facility specifications; ambulatory surgical center.

RELATES TO: KRS 216B.010 to 216B.130, 216B.990(1),(2)

PURSUANT TO: KRS 13.082, 216B.040, 216B.105(3)

NECESSITY AND FUNCTION: KRS 216B.040 and 216B.105(3) mandate that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services. This regulation provides for the licensure requirements for the facility specifications for the construction, alteration and maintenance of ambulatory surgical centers.

Section 1. Definitions. (1) "Board" means the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board.

(2) "Certificate of need" means an authorization by the Board to proceed with any acquisition, initiation, construction or expansion of a health care facility pursuant to KRS Chapter 216B.

(3) "License" means an authorization issued by the Board for the purpose of operating an ambulatory surgical center and offering ambulatory surgical services.

(4) "Licensure agency" means the Division for Licensing and Regulation in the Office of the Inspector General, Department for Human Resources.

Section 2. Preparation and Approval of Plans and Specifications. After receiving a certificate of need from the Board, the following procedures shall be followed:

(1) Before construction is begun for the erection of new buildings or alterations to existing buildings or any change in facilities, the licensee or applicant shall submit plans in the detail specified in Section 3 to the licensure agency for approval.

(2) All architectural, mechanical and electrical drawings shall bear either the seal of an architect registered in the Commonwealth of Kentucky or the seal of a professional engineer registered in the Commonwealth of Kentucky, or both.

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

(4) All such plans and specifications shall be approved by the licensure agency prior to commencement of construction of new buildings or alterations of existing buildings.

(5) Plans and specifications in specific detail as required by the Kentucky Building Code shall be submitted together with architectural and/or engineering stamps as required by KRS Chapters 322 and 323, to the Department of Housing, Buildings and Construction for determining compliance with the Kentucky Building Code. All such plans and specifications shall be approved by the Department of Housing, Buildings and Construction, and appropriate local building permits shall be obtained prior to commencement of construction.

Section 3. Submission of Plans and Specifications. (1) First stage; schematic plans. Single line drawings of each floor shall show the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room shall be noted. Drawings shall include the typical patient room layouts (scaled one-fourth (1/4) inch equals one (1) foot) with dimensions noted. The proposed roads and walks, service and entrance courts, parking and orientation shall be shown in a plot plan.

(2) Second stage; preliminary plans:

(a) Architectural: plans of basement and floors.

(b) Outline specifications:

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

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

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

(3) Third stage; contract documents:

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

1. Architectural drawings:

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

b. Plan of each basement, floor and roof;

c. Elevations of each facade;

d. Sections through building;

e. Required scale and full-size details;

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

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

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

2. Structural drawings:

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

b. Dimensions of special openings;

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

3. Mechanical drawings:

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

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

4. Electrical drawings:

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

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

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

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

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

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

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

h. All other electrically operated systems and equipment.

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

1. Cover or title sheet;
2. Index;
3. Sections describing materials and workmanship in detail for each class of work.

(c) Access to the work. Representatives of the appropriate state agencies shall have access at all reasonable times to the work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

Section 4. Compliance with Building Codes, Ordinances and Regulations. (1) This section may be administered independently from other sections of this regulation.

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

(3) The following requirements shall apply where applicable and as adopted by the respective agency authority:

(a) Requirements for safety pursuant to 815 KAR 10:020, as amended.

(b) Requirements for plumbing pursuant to 815 KAR 20:010-190, as amended.

(c) Requirements for air contaminants for incinerators pursuant to 401 KAR 59:020 and 401 KAR 61:010.

(d) Requirements for elevators pursuant to 803 KAR 4:010.

(e) Requirements for making buildings and facilities accessible to and usable by the physically handicapped, pursuant to KRS 198B.260 and regulations promulgated thereunder.

(f) Requirements for radiation protection in x-ray and gamma ray installations pursuant to 902 KAR Chapter 100.

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

(5) All facilities shall be currently approved by the Fire Marshal's Office in accordance with the Life Safety Code, before relicensure is granted by the licensure agency.

Section 5. General Facility Requirements and Special Conditions. (1) All ambulatory surgical center facilities shall contain at least all the elements described herein, or the narrative program shall indicate the manner in which the needed services are to be provided and identify appropriate modifications or deletions in space and equipment requirements. Each element provided in the ambulatory surgical center facility must meet the construction requirements outlined herein as a minimum, with the understanding that in many instances the elements will need to be expanded to fulfill the program requirements.

(2) A narrative program for each project shall be provided by the sponsor which describes the functional space requirements, staffing patterns, departmental relationships, and other basic information relating to the fulfillment of the objectives of the facility.

(3) The extent (number and types of rooms) of the diagnostic, clinical, and administrative facilities to be provided shall be determined by the services contemplated and the estimated patient load as described in the narrative program.

(4) The planning of ambulatory surgical center facilities shall provide for the privacy and dignity of the patient during interview, examination, and treatment.

(5) Facilities shall be available and accessible to the public, staff, and patients who may be physically handicapped. Special attention shall be given to ramps, drinking fountain height, mirrors, and other items deemed necessary for the physically handicapped.

(6) The facility shall have adequate administrative, public, and staff facilities (e.g., offices, lobby, toilet facilities) to accommodate the needs of the public, patients, and staff without interfering with the provision of medical care services.

Section 6. Clinical Facilities. (1) General purpose examination room(s) to be used for medical examinations shall have a minimum clear floor area of eighty (80) square feet, excluding such other spaces as vestibule, toilet, closet, and work counter (whether fixed or movable). Arrangement shall permit at least thirty (30) inches of clear space at each side and at foot of examination table. Provide lavatory or sink with handwashing facility and counter or shelf space for writing.

(2) Facilities for charting and for clinical records (nurses' station(s)). Provide counter space, temporary storage, and communication device; these may be located in each examination room and each treatment room.

(3) Drug distribution station. If the facility is to maintain a medication preparation room for the proper storage of drugs and biologicals, it shall be so located as to be under the nursing staff's visual control. It shall contain a work counter, refrigerator, and locked storage for drugs and biologicals.

Section 7. Medical Records Unit. This unit shall include: (1) Active record storage area;

(2) Record review and dictating room;

(3) Work area for sorting, recording, or microfilming;

(4) Inactive record storage area. (May be omitted if microfilming is used.)

Section 8. Diagnostic Facilities. (1) Radiology suite. If the facility provides radiology directly it shall provide equipment for diagnostic purposes but may also include therapeutic equipment. The suite shall contain:

(a) Radiographic room(s);

(b) Film processing facilities;

(c) Viewing and administration area(s);

(d) Film storage facilities;

(e) Toilet room which is directly accessible from each fluoroscopy room without entering the general corridor area;

(f) Dressing area(s) with convenient access to public toilets.

(2) Laboratory facilities. Facilities shall be provided directly within the ambulatory surgical center or through a contract arrangement with a nearby hospital or laboratory service for hematology, clinical chemistry, urinalysis, cytology, and bacteriology. If these facilities are provided through such a contract, then at least the following shall be provided:

(a) Laboratory work counter(s) with sink, gas and electric service;

(b) Lavatory(ies) with handwashing facility;

(c) Storage cabinet(s) or closet(s);

(d) Specimen collection facilities. Urine collection rooms shall be equipped with a water closet and lavatory. Blood

collection facilities shall have space for a chair and work counter.

Section 9. Janitor's Closet(s). This room shall contain a sink and storage for housekeeping supplies and equipment. Provide at least one (1) janitor's closet per floor.

Section 10. Surgical Suite. (1) General. The suite shall be located to prevent through-traffic.

(2) Operating rooms. Each room shall have a minimum clear floor area of 240 square feet, with a minimum dimension of fifteen (15) feet.

(3) Recovery facilities. A separate room with charting space, medication storage and preparation space, and clinical sink is required.

(4) Service areas in each surgical suite. The size of each service area will depend on the surgical workload and shall include:

- (a) Surgical supervisor station;
- (b) Sterilizing facilities; near operating room with high-speed autoclave;
- (c) Facilities for storage and preparation of medication;
- (d) Scrub-up facilities; adjacent to operating rooms;
- (e) Soiled workroom. Shall contain counter, clinical sink, waste receptacles, and soiled linen receptacles;
- (f) Storage for sterile and unsterile supplies (may be in clean workroom);
- (g) Anesthesia workroom for cleaning and storage of equipment;
- (h) Storage room for anesthetic agents;
- (i) Nitrous oxide and oxygen facilities (provide storage room if these services are not piped in);
- (j) Clean workroom for storage and assembly of supplies; shall contain counter and sink;
- (k) Equipment storage room for surgical and monitoring equipment;
- (l) Janitor's closet. Floor receptor or service sink and storage for housekeeping supplies and equipment;
- (m) Clothing change areas, lockers, and toilet rooms for doctors, nurses, orderlies, and other personnel;
- (n) Holding area (for patients) in facilities with two (2) or more operating rooms;
- (o) Stretcher alcove.

Section 11. Central Medical and Surgical Supply Department. The following areas shall be separated from each other: (1) Receiving and cleanup room. Space for cleaning equipment and disposing or processing of unclean articles shall be provided.

(2) Clean workroom. This room shall be divided into work space, clean storage area, sterilizing facilities, and storage area for sterile supplies.

(3) Unsterile supply storage area. May be located in an area other than this department.

Section 12. Engineering Service and Equipment Areas. The following shall be provided: (1) Room(s) for boilers, mechanical equipment, and electrical equipment.

(2) Refuse storage room. This shall be located convenient to service entrance.

(3) Waste processing services:

(a) Provide space and facilities for the sanitary storage and disposal of waste by incineration, mechanical destruction, compaction, containerization, or removal, or by a combination of these techniques.

(b) If provided, the incinerator shall be in a separate room, in a designated area within the boiler room, or placed outdoors.

Section 13. Details and Finishes. All details and finishes shall meet the following requirements: (1) Details:

(a) Corridors inside surgical suite shall be eight (8) feet minimum width.

(b) All doors to toilets which may be used by patients shall be equipped with hardware which will permit access in any emergency.

(c) The minimum width of doors for patient access to examination rooms shall be three (3) feet. Minimum width of doors to all rooms needing access for beds or stretchers shall be three (3) feet and eight (8) inches.

(d) Thresholds and expansion joint covers shall be made flush with the floor surface to facilitate use of wheelchairs and carts.

(e) The location and arrangement of handwashing facilities shall permit their proper use and operation. Particular care shall be given to the clearances required for blade-type operating handles.

(f) Paper towel dispensers and waste receptacles shall be provided at all lavatories and sinks used for handwashing.

(g) Ceiling heights:

1. Boiler rooms: Not less than two (2) feet and six (6) inches above the main boiler header and connecting piping.

2. Radiographic and other rooms containing ceiling mounted equipment and including those having ceiling mounted surgical light fixtures shall have a height of not less than nine (9) feet.

3. All other rooms shall have ceilings not less than eight (8) feet high except that ceilings in corridors, storage rooms, toilet rooms, and other minor rooms may be not less than seven (7) feet and eight (8) inches. Tracks, rails, pipes, etc., located in the path of normal traffic, shall be not less than six (6) feet and eight (8) inches above the floor.

(h) Rooms containing heat producing equipment (such as boiler or heater rooms) shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature ten (10) degrees Fahrenheit above the ambient room temperature.

(2) Finishes:

(a) Floor materials shall be easily cleanable and have wear resistance appropriate for the location involved. In all areas subject to frequent wet cleaning, floor materials shall not be physically affected by germicidal and cleaning solutions. Floors that are subject to traffic while wet, as shower and bath areas and certain work areas, shall have a non-slip surface.

(b) Wall finishes shall be washable and, in the immediate area of plumbing fixtures, shall be smooth, moisture resistant, and easily cleaned.

(c) Wall bases in areas used for surgical procedures, and other areas subject to frequent wet cleaning shall be made integral and coved with the floor, tightly sealed within the wall, and constructed without voids that can harbor insects.

(d) Floor and wall penetrations by pipes, ducts, conduits, etc., shall be tightly sealed to minimize entry of rodents and insects. Joints of structural elements shall be similarly sealed.

(e) Acoustical ceilings shall be provided in corridors, multipurpose rooms, and waiting areas.

(f) Ceilings in operating suites shall be washable.

Section 14. Construction. Foundations shall rest on natural solid bearing if a satisfactory soil is available at reasonable depths. Proper soil-bearing values shall be established in accordance with recognized standards. If solid bearing is not encountered at practical depths, the

structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement, except that one (1) story buildings may rest on a fill designed by a soils engineer. When engineered fill is used, site preparation and placement of fill shall be done under the direct full-time supervision of the soils engineer. The soils engineer shall issue a final report on the grading operation and a certification of compliance with the job specifications. All footings shall extend to a depth not less than one (1) foot below the estimated maximum frost line.

Section 15. Elevators. (1) General. Elevators shall be required where examination or treatment rooms or diagnostic services are located on other than the main entrance floor.

(2) Cars and platforms. Cars shall have a minimum inside floor dimension of not less than five (5) feet. The car door shall have a clear opening of not less than three (3) feet.

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

Section 16. Mechanical Requirements. (1) General. Prior to completion of the contract and final acceptance of the facility, the architect and/or engineer shall obtain from the contractor certification that all mechanical systems have been tested and that the installation and performance of these systems conform to the requirements of the plans and specifications.

(2) Steam and hot water systems:

(a) Boiler accessories. Boiler feed pumps, condensate return pumps, fuel oil pumps, and circulating pumps shall be connected and installed to provide standby service when any pump breaks down.

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

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

(a) Temperatures and humidities:

1. The systems shall be designed to provide the temperatures and humidities shown below:

Area Designation	Temp. F.	RH
Operating	70-76*	30-60**
Recovery	75	30-60

* Variable range required

** If combustible anesthetics are used the range for humidity shall be 50-60.

2. For all other occupied areas, a minimum temperature of seventy-five (75) degrees Fahrenheit shall be provided at winter design conditions.

(b) Ventilation system details. All air-supply and air-exhaust systems shall be mechanically operated. All fans serving exhaust systems shall be located at the discharge end of the system. The ventilation rates shown in Table 1, Section 18, shall be considered as minimum acceptable rates and shall not be construed as precluding the use of higher ventilation rates if they are required to meet design conditions.

1. Outdoor ventilation air intakes, other than for individual room units, shall be located as far away as practicable but not less than twenty-five (25) feet from the exhaust from any ventilating system or combustion equipment. The bottom of outdoor intakes serving central air

systems shall be located as high as possible but not less than eight (8) feet above the ground level or, if installed through the roof, three (3) feet above roof level.

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

3. All air supplied to sensitive areas such as operating rooms shall be delivered at or near the ceiling of the area served, and all air exhausted from the area shall be removed near floor level. At least two (2) exhaust outlets shall be used in all operating rooms. Exhaust outlets shall be located not less than three (3) inches above the floor.

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

5. Filters:

a. The ventilation systems serving sensitive areas such as operating rooms, recovery rooms, and laboratory sterile rooms, shall be equipped with a minimum of two (2) filter beds. Filter bed No. 1 shall be located upstream of the conditioning equipment and shall have a minimum efficiency of thirty (30) percent. Filter bed No. 2 shall be located downstream of the conditioning equipment and shall have a minimum efficiency of ninety (90) percent.

b. Central systems serving other than sensitive areas shall be provided with a filter or filters rated at a minimum of twenty-five (25) percent efficiency.

c. The above filter efficiencies shall be warranted by the manufacturer and shall be based on the National Bureau of Standards Dust Spot Test Method with Atmospheric Dust.

6. Acoustical lining materials shall not be used in the interior of duct systems serving sensitive areas such as operating rooms and recovery rooms.

7. Cold-air ducts shall be insulated wherever necessary to maintain the efficiency of the system or to minimize condensation problems.

8. The ventilation system for anesthesia storage rooms shall conform to the requirements of NFPA Standard No. 56A as adopted by the State Fire Marshal's Office for ambulatory surgical center facilities.

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

(4) Plumbing fixtures:

(a) The material used for plumbing fixtures shall be of nonabsorptive acid-resistant material.

(b) Lavatories and sinks required in patient care areas shall have the water supply spout mounted so that its discharge point is a minimum distance of five (5) inches above the rim of the fixture. All fixtures used by medical and nursing staff shall be trimmed with valves which can be operated without the use of hands. Where blade handles are used for this purpose they shall not exceed four and one-half ($4\frac{1}{2}$) inches in length, except that handles on scrub sinks and clinical sinks shall be not less than six (6) inches long.

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

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

(5) Hot water heaters and tanks:

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

	Use
	Clinical
Gal/hr/bed	6½
Temp. F.	125

(b) Storage tank(s) shall be provided and shall be fabricated of non-corrosive metal or lined with non-corrosive material.

(6) Drainage systems:

(a) Drain lines from sinks in which acid wastes may be poured shall be fabricated from an acid-resistant material.

(b) Piping over operating and other critical areas shall be kept to a minimum and shall not be exposed. Special precautions shall be taken to protect these areas from possible leakage of necessary overhead piping systems.

(c) Floor drains shall not be installed in operating rooms.

(d) Building sewers shall discharge into a community sewage system. Where such a system is not available, a facility providing sewage treatment which conforms to applicable local and state regulations is required.

(7) Nonflammable medical gas systems. Nonflammable medical gas system installations shall be in accordance with the requirements of NFPA Standard No. 56F as adopted by the State Fire Marshal's Office for ambulatory surgical center facilities.

Section 17. Electrical Requirements. (1) General. All material including equipment, conductors, controls, and signaling devices shall be installed to provide a complete electrical system with the necessary characteristics and capacity to supply the electrical facilities shown in the specifications or indicated on the plans. All materials shall be listed as complying with applicable standards of Underwriters' Laboratories, Inc., or other similarly established standards. *The essential electrical systems shall be designed in accordance with NFPA Publication Nos. 70 and 76-A as they relate to hospital facilities.*

(2) Switchboard and power panels. All breakers and switches shall be indexed.

(3) Lighting:

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

(b) Operating rooms shall have general lighting for the room in addition to local lighting provided by special lighting units at the surgical tables. Each special lighting unit for local lighting at tables shall be connected to an independent circuit.

(4) Receptacles (convenience outlets). Anesthetizing locations: Each operating room shall have at least three (3) receptacles of the interchangeable type as defined in NFPA Standard No. 56A as adopted by the State Fire Marshal's Office for ambulatory surgical center facilities. In locations where mobile x-ray is used, an additional receptacle, distinctively marked for x-ray use, shall be fed by an independent ungrounded circuit.

(5) Equipment installation in special areas:

(a) Installation in hazardous areas. In areas where flammable anesthetic agents are used, such as operating and anesthesia induction rooms, and rooms for storage of flammable gases, all electrical equipment and devices including receptacles, wiring and conductive flooring installations shall comply with NFPA Standard No. 56A as adopted by the State Fire Marshal's Office for ambulatory surgical center facilities.

(b) X-ray film illuminator. Viewing panels shall be in-

stalled in each operating room and in the x-ray viewing room.

(6) Nurses' calling system. An emergency nurses' calling station shall be provided for nurses' use in each operating room and recovery room.

(7) Emergency electric service:

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

(b) Sources. The source of this emergency electric service shall be as follows:

1. An emergency generating set, when the normal service is supplied by one (1) or more central station transmission lines.

2. An emergency generating set or a central station transmission line, when the normal electric supply is generated on the premises.

(c) Emergency generating set. The required emergency generating set, including the prime mover and generator, shall be located on the premises and shall be reserved exclusively for supplying the emergency electrical system. Exception: A system of prime movers which are ordinarily used to operate the emergency generator(s) will be permitted provided that the number and arrangement of the prime movers is such that when one (1) of them is out of service (due to breakdown or for routine maintenance), the remaining prime mover(s) can operate the required emergency generator(s) and provided that the connection time requirements described in paragraph (e) of this subsection are met. The emergency generator set shall be of sufficient kilowatt capacity to supply all lighting and power load demands of the emergency system. The power factor rating of the generator shall be not less than eighty (80) percent.

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

1. Lighting:

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

b. Surgical room operating lights.

c. Laboratory, recovery room, nursing station and medication preparation areas.

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

2. Equipment essential to life safety and for protection of important equipment or vital materials:

a. Nurses' calling system;

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

c. Fire pump, if installed;

d. Pump for central suction system;

e. Sewage or sump lift pump, if installed;

f. Receptacles for blood bank refrigerator;

g. Receptacles in operating and recovery rooms except those for x-ray;

h. One (1) elevator, where elevators are used to transport patients to operating rooms;

i. Equipment such as burners and pumps necessary for operation of one (1) or more boilers and their necessary auxiliaries and controls, required for heating of operating rooms, recovery rooms and sterilization;

j. Ventilation of operating and recovery rooms;

k. Equipment necessary for maintaining telephone service.

3. Heating. Where electricity is the only source of power normally used for space heating, the emergency service shall provide for heating of operating and recovery room.

(e) Details. The emergency electrical system shall be so controlled that after interruption of the normal electric power supply, the generator is brought to full voltage and frequency and connected within ten (10) seconds through one (1) or more primary automatic transfer switches to all emergency lighting, all alarms, blood banks, nurses' call, equipment necessary for maintaining telephone service, pump for central suction system, and receptacles in operating and recovery rooms. All other lighting and equipment required to be connected to the emergency system shall either be connected through the above described primary automatic transfer switching or shall be subsequently connected through other automatic or manual transfer switching. Where fuel is normally stored on the site, the storage capacity shall be sufficient for twenty-four (24) hour operation. Where fuel is normally piped underground to the site from a utility distribution system, storage facilities on the site will not be required.

Section 18. Tables. Table 1—Pressure Relationships and Ventilation of Certain Areas. Table 2—Lighting Levels for Certain Areas.

Table 1. Pressure Relationships and Ventilation of Certain Areas

Area Designation	Pressure Relationship to Adjacent Areas	All Supply Air From Outdoors	Minimum Air Changes of Outdoor Air per Hour
Operating Room	P	—	5
Recovery	O	—	2
Treatment Room	O	—	2
X-ray, Fluoroscopy Room	N	—	2
X-ray, Treatment Room	O	—	2
Soiled Workroom	N	—	2
Clean workroom	P	—	2
Janitor's closet	N	—	—
Sterilizer Equipment Room	N	—	—
Laboratory, General	N	—	2
Anesthesia Storage	O	—	—
Central Medical and Surgical Supply:			
Soiled or Decontamination Room	N	—	2
Clean Workroom	P	—	2
Unsterile Supply Storage	O	—	2

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

Table 1. Continued

Area Designation	Minimum Total Air Changes Per Hour	All Air Exhausted Directly to Outdoors
Operating Room	12	—
Recovery	6	Yes
Treatment Room	6	—
X-ray, Fluoroscopy Room	6	Yes
X-ray, Treatment Room	6	—
Soiled Workroom	4	—
Clean Workroom	4	—
Janitor's Closet	10	Yes
Sterilizer Equipment Room	10	Yes
Laboratory, General	6	—
Anesthesia Storage	8	Yes
Central Medical and Surgical Supply:		
Soiled or Decontamination Room	4	—
Clean Workroom	4	—
Unsterile Supply Storage	2	—

— = Optional

Table 2. Lighting Levels for Certain Areas

Area	Footcandles*
Administration and lobby areas, day	50
Corridors and interior ramps	20
Doorways	10
Examination and treatment room	
General	50
Examining Table	100
Exit stairways and landings	5
Janitor's closet	15
Nurses' station, general	50
Nurses' desk, for charts and records	70
Nurses' medicine cabinet	100
Stairways other than exits	30
Utility room, general	20
Utility room, work counter	50

* Minimum on task at anytime.

FRANK W. BURKE, SR., Chairman

ADOPTED: March 17, 1982

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 12, 1982 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Frank W. Burke, Sr., Chairman, Kentucky Health Facilities and Health Services, Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40621.

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

902 KAR 55:010. Licensing of manufacturers and wholesalers.

RELATES TO: KRS Chapter 218A
 PURSUANT TO: KRS 13.082, 194.050, 211.090
 NECESSITY AND FUNCTION: KRS 218A.150, 218A.160 and 218A.170 authorizes the Department for Human Resources to license manufacturers and wholesalers of controlled substances. It is the purpose of this regulation to establish uniform requirements for such licenses.

Section 1. State License Required of Manufacturers and Wholesalers. No person shall manufacture, wholesale, distribute, or repack any controlled substance in this state without having first obtained a license to do so from the Department for Human Resources.

Section 2. Out-of-State Exemptions. Manufacturers, wholesalers, distributors, and repackers not located within the Commonwealth of Kentucky but who are registered with the appropriate federal agency pursuant to the provisions of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970 (PL 91-513: 84 Stat. 1236) and the regulations promulgated thereunder are hereby exempted from the licensure requirements of this regulation and are authorized to operate as such in this state by virtue of their federal registration.

Section 3. Joint Venture Exemptions. Two (2) or more pharmacies, who engage in a joint venture for the purpose of purchasing drugs in order to effectuate a savings in the purchase price thereof and in which no profit is realized in the transaction by any of the participating pharmacies, are exempt from the licensure requirements of this regulation provided proper records of the transaction are maintained.

Section 4. Qualifications for Licensing. (1) No license shall be issued pursuant to this regulation unless and until the applicant has furnished proof satisfactory to the Department for Human Resources:

(a) That the applicant is in compliance with all applicable federal and state laws and regulations relating to controlled substances and is of good moral character or, if the applicant be an association or corporation that the managing officers are of good moral character; and

(b) That the applicant is equipped as to land, buildings, and security to properly carry on the business described in his application.

(2) No license shall be granted to any person who has been convicted of a misdemeanor involving any controlled substance or who has been convicted of any felony.

(3) A license issued pursuant to this regulation may be suspended or revoked for cause.

Section 5. License Fees; Renewals. All applications for a license under the provisions of this regulation shall be submitted to the Department for Human Resources on forms furnished by the department and shall be accompanied by a license fee of \$150 [twenty-five dollars (\$25)]. All licenses shall expire on June 30th following date of issuance and be renewable annually thereafter upon payment of a renewal fee of \$150 [twenty-five dollars (\$25)] and shall be nontransferable.

Section 6. Codeine Registry. All wholesalers, manufacturers (including distributors and repackers) shall keep a separate codeine registry showing the following: date; registration number of recipient; name of recipient; address; name of preparation; and quantity.

DAVID T. ALLEN, Commissioner

ADOPTED: March 30, 1982

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 14, 1982 at 11 a.m.

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

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 1:004. Resource and income standard of medically needy.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with requirements of Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the resource and income standards by which eligibility of the medically needy is determined.

Section 1. Resource Limitations of the Medically Needy: An applicant for or recipient of medical assistance is permitted to retain:

(1) A homestead, occupied or abandoned, household equipment, motor vehicles and farm equipment without limitation on value;

(2) Equity of \$6,000 in income-producing, non-homestead property;

(3) Equity of \$3,000 in non-income producing, non-homestead property;

(4) Savings, stocks, bonds, totaling no more than \$1,500 for family size of one (1); \$3,000 for family size of two (2); and fifty dollars (\$50) for each additional member.

(5) Burial reserves in the form of pre-paid burial, trust fund or life insurance policies are exempt from consideration if the reserve does not exceed \$1,500 per individual. If burial reserves have a face value in excess of the above amount, the cash surrender value is determined and any excess of the allowable reserve added to total liquid assets in determining eligibility.

Section 2. Income and Resource Exemptions: Income and resources which are exempted from consideration for purposes of computing eligibility for the comparable money payment program (Aid to Families With Dependent Children and Supplemental Security Income) shall be exempted from consideration by the department, except that

the AFDC earned income disregard (first thirty dollars (\$30) and one-third ($\frac{1}{3}$) of the remainder) may not be allowed in determining eligibility for medical assistance only. *For individuals in long term care, amounts in excess of the resource maximums which are accumulated from the twenty-five dollar (\$25) personal needs allowance or the month of entry disregard, and which are maintained in separately identifiable accounts, shall be exempted from consideration.*

Section 3. Income Limitations of the Medically Needy: Eligibility from the standpoint of income is determined by comparing adjusted income as defined in Section 4, of the applicant, applicant and spouse, or applicant, spouse and minor dependent children with the following scale of income protected for basic maintenance:

Size of Family	Annual	Monthly
1	2,200	183
2	2,600	217
3	3,100	258
4	3,800	317
5	4,400	367
6	5,000	417

For each additional member, \$600 annually or fifty dollars (\$50) monthly is added to the scale.

Section 4. Additional Income Considerations: In comparing income with the scale as contained in Section 3, gross income is adjusted as follows in all cases with exceptions as contained in Section 5:

(1) In cases of adults and children, the standard work related expenses of adult members and out-of-school youth are deducted from gross earnings. For those with full-time employment (defined as employment of thirty (30) hours per week or 130 hours per month or more) the standard work expense deduction is seventy-five dollars (\$75) per month. For those with part-time employment (defined as employment of twenty-nine (29) hours per week or 129 hours per month or less) the standard work expense deduction is forty dollars (\$40) per month. All earnings of an in-school child are disregarded.

(2) In cases of adults and children, dependent care as a work expense is allowed not to exceed \$160 per child or incapacitated adult per month for full-time employment (as defined in subsection (1)) or \$110 per child or incapacitated adult per month for part-time employment (as defined in subsection (1)). A dependent care work expense deduction is allowed only when the dependent is included in the assistance unit.

[(3) In all cases, verified fixed and measurable medical costs, including cost of health insurance premiums and expenses for medical services, recognized under state law but outside the scope of the medical assistance program, are deducted from income before comparison with the scale.]

Section 5. Individuals in Chronic Care Institutions: For aged, blind or disabled individuals in chronic care facilities, the following requirements with respect to income limitations and treatment of income shall be applicable. [:]

(1) *In determining eligibility, the appropriate medically needy standard is used as are appropriate disregards and exclusions from income. In determining patient liability for the cost of institutional care, gross income is used as shown in subsections 2 and 3.*

(2) [(1)] Income protected for basic maintenance is twenty-five dollars (\$25) monthly in lieu of the figure shown in Section 3. All income in excess of twenty-five dollars (\$25) is applied to the cost of care except as follows:

(a) *Available income in excess of twenty-five dollars (\$25) is first conserved as needed to provide for needs of the spouse and minor children up to the appropriate family size amount from the scale as shown in Section 3, including any additional amount needed to cover the verified medical expenses of the spouse or minor children. [Available income in excess of the twenty-five dollars (\$25) is first applied to the cost of non-covered medical expenses and to other verified fixed and measurable medical expenses; and]*

(b) *Remaining available income is then applied to the incurred costs of medical and remedial care that are not subject to payment by a third party, including Medicare and health insurance premiums and medical care recognized under state law but not covered under the state's Medicaid plan. [Remaining income of the patient is conserved as needed to provide for needs of the spouse and minor children up to the appropriate family size amount from the scale as shown in Section 3, including any additional amount needed to cover the verified fixed and measurable medical expenses of the spouse or minor children.]*

(3) [(2)] The basic maintenance standard allowed the individual during the month of entrance into or exit from the long term care facility shall reasonably take into account home maintenance costs. However, an individual entering a facility on the first day of the month, and who remains institutionalized for the remainder of the month, would not receive a disregard for home maintenance.

Section 6. Spend-Down Provisions: No technically eligible individual or family is required to utilize protected income for medical expenses before qualifying for medical assistance. Individuals with income in excess of the basic maintenance scale as contained in Section 3 may qualify for any part of a three (3) month period in which medical expenses incurred during the period have utilized all excess income anticipated to be in hand during that period.

Section 7. Consideration of State Supplementary Payments. For an individual receiving state supplementary payments, that portion of the individual's income which is in excess of the basic maintenance standard is applied to the special need which results in the supplementary payment and is thus disregarded as a [fixed and measurable] medical expense. When an individual loses eligibility for a supplementary payment due to entrance into a participating long term care facility, and the supplementary payment is not discontinued on a timely basis, the amount of any overpayment is considered as available income to offset the cost of care (to the medical assistance program) if actually available for payment to the provider.

Section 8. Special Needs Contributions for Institutionalized Individuals. Voluntary payments made by a relative or other party on behalf of a long term care facility resident or patient shall not be considered as available income if made to obtain a special privilege, service, or item not covered by the medical assistance program. Examples of such special services or items include television and telephone service, private room and/or bath, private duty nursing services, etc.

Section 9. Pass-through Cases. Increases in social security payments due to cost of living increases which are solely responsible for ineligibility of the individual for sup-

plemental security income benefits or state supplementary payments, and which are received after April 1, 1977, shall be disregarded in determining eligibility for medical assistance benefits; such individuals shall remain eligible for the full scope of program benefits with no spend-down requirements.

Section 10. Relative Responsibility. For purposes of the medical assistance program, spouses are considered responsible for spouses and parents are considered responsible for dependent minor children. Stepparents are responsible for their stepchildren as shown in Section 11. This responsibility, with regard to income and resources, is determined as follows:

(1) "Living with" is defined as sharing a common living arrangement or household, including living in the same room in a long term care facility. "Living apart" is defined as not sharing a common household, whether due to estrangement, disability, or illness.

(2) In cases of aged, blind, or disabled applicants or recipients living with their spouse, total resources and adjusted income of the couple is considered in relation to the resource and income limitations for a family size of two (2), or if other dependents live with the couple, the appropriate family size including the dependents.

(3) In cases of aged, blind, or disabled couples, living apart, both of whom are concurrently applying for or receiving MA only, income is considered in relation to resource and income limitations for a family size of two (2), or if other dependents live with either spouse, the family size including such dependents, but only for the first six (6) months after the month of separation, that such couple lives apart. After the six (6) month period, each is considered as a single individual.

(4) In cases of an aged, blind, or disabled individual living apart from a spouse who is not a recipient of MA only, the applicant or recipient is considered as a single individual in the month after separation and only that individual's income and resources are considered.

(5) For an individual whose case is being worked as if he were a single individual due to living apart from his spouse, as shown in Section 10(3) and (4), who has jointly held resources with his spouse, one-half ($\frac{1}{2}$) of the jointly held resource would be considered a resource; except that the entire amount of a jointly held checking or savings account is considered a resource if the resource may be accessed independently of the spouse.

(6) Total resources and adjusted income of parent(s) and children for whom application is made is considered in relation to limitations for family size. Excluded, however, is the income and/or resources of an SSI parent and the SSI essential person spouse whose medical assistance eligibility is based on inclusion in the SSI case. Resources and income of an SSI essential person, spouse or non-spouse, whose medical assistance eligibility is not based on inclusion in the SSI case must be considered.

(7) In cases of a blind or disabled child under eighteen (18), or age eighteen (18) through twenty (20) if in school, living with his parent(s), total resources and adjusted income of the parent(s) is related to limitations for family size, including the applicant or recipient child and other dependent children of parent.

(8) Income and resources of parent(s) are not considered available to a child living apart from the parent(s) for a period in excess of thirty (30) days, but any continuing contribution actually made is considered as income. Living apart may mean living in a medical institution, special

school or in foster care and such status continues even if the child makes visits to the parent(s) home. For comparison with the resource and income limitations, the child's individual resources and/or income are considered in relation to family size of one (1).

(9) When a recipient in a family case has income and resources considered in relation to family size and enters a long term care facility, his income and resources are considered in the same manner as previously for up to one (1) year. For such an individual, the twenty-five dollars (\$25) maintenance standard is not applicable since his needs are considered with that of other family members. The eligibility of the individual, with regard to income and resources, must be determined on the basis of living apart from the other family members whenever it becomes apparent that the separation will last for more than one (1) year.

Section 11. Treatment of Income of the Stepparent and Effect on Eligibility of the Assistance Group. An incapacitated (as determined by the department) stepparent's income is considered in the same manner as for a parent if the stepparent is included in the family case. When the stepparent living in the home is not being included in the family case on the basis of incapacity, the stepparent's gross income is considered available to the assistance group subject to the following exclusions/disregards:

(1) The first seventy-five dollars (\$75) of the gross earned income of the stepparent who is employed full time or the first forty dollars (\$40) of the gross earned income of the stepparent who is employed part time (with full-time and part-time employment as defined in Section 4(1)).

(2) An amount equal to the medically needy income limitations scale as shown in Section 3 for the appropriate family size, for the support of the stepparent and any other individuals living in the home but whose needs are not taken into consideration in the medical assistance eligibility determination and are claimed by the stepparent as dependents for purposes of determining his/her federal personal income tax liability.

(3) Any amount actually paid by the stepparent to individuals not living in the home who are claimed by him/her as dependents for purposes of determining his/her personal income tax liability.

(4) Payments by the stepparent for alimony or child support with respect to individuals not living in the household.

(5) Income of a stepparent receiving Supplemental Security Income.

(6) Verified [fixed and measurable] medical expenses for the stepparent and his/her dependents in the home.

Section 12. Companion Cases. When spouses or parent(s) and children living in the same household apply separately for assistance, relative responsibility must be taken into consideration.

(1) In the case of an application for assistance for a dependent child(ren), the income, resources and needs of the parent(s) must be included in the determination of need of the child(ren) even when the parent(s) applies for assistance for himself on the basis of age, blindness, or disability (except as shown in subsection 3).

(2) In the case of a spouse, income and resources of both spouses are combined and compared against the medically needy income and resources limits for a family size of two (2) even though a separate determination of eligibility must be made for each individual.

(3) In the case of families with children with a parent eligible for supplemental security income (SSI), neither the income, resources, nor needs of the SSI eligible individual are to be included in the determination of eligibility of the children.

Section 13. Treatment of Lump-Sum Income. Lump-sum income is prorated by dividing the appropriate family size amount from the basic maintenance scale in Section 3 into the lump-sum amount.

Section 14. Transferred Resources. When an applicant or recipient transfers a nonexcluded resource(s) for the purpose of becoming eligible for medical assistance, the value of the transferred resource(s) will be considered a resource to the extent provided for by this section. The provisions of this section are applicable to both family related cases and medical assistance only cases based on age, blindness, or disability.

(1) The disposal of a resource, including liquid assets, at less than fair market value shall be presumed to be for the purpose of establishing eligibility unless the individual presents convincing evidence that the disposal was exclusively for some other purpose. If the purpose of the transfer is for some other reason or if the transferred resource was considered an excluded resource at the time it was transferred, the value of the transferred resource is disregarded. If the resource was transferred for an amount equal to at least the assessed value for tax purposes, the resource will be considered as being disposed of for fair market value.

(2) After determining that the purpose of the transfer was to become or remain eligible, the department shall first add the uncompensated equity value of the transferred resource to other currently held resources to determine if retention of the property would have resulted in ineligibility. For this purpose, the resource considered available shall be the type of resource it was prior to transfer, e.g., if non-homestead property was transferred, the uncompensated equity value of the transferred property would be counted against the permissible amount for non-homestead property. If retention of the resource would not have resulted in ineligibility, the value of the transferred resource would thereafter be disregarded.

(3) If retention would result in ineligibility, the department will consider the excess transferred resource available for up to twenty-four (24) months, subject to the following conditions:

(a) The value of the total excess resources considered available (including the uncompensated equity value of the transferred resource) shall be reduced by \$500 for each month that has elapsed since the transfer, beginning with the month of transfer; except

(b) The reduction provided for in paragraph (a) shall not be applicable with regard to any month in which the individual received medical assistance but was actually ineligible due to the provisions of this section.

(4) For those recipients who were receiving assistance on February 28, 1981, this section is applicable only with respect to resources transferred subsequent to that date.

JOHN CUBINE, Commissioner

ADOPTED: April 15, 1982

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 15, 1982 at 3:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 1:011. Technical eligibility requirements.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department by regulation to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of Medical Assistance, hereinafter referred to as MA, to Kentucky's indigent citizenry. This regulation sets forth the technical eligibility requirements of the MA Program.

Section 1. The Categorically Needy. All individuals receiving Aid to Families with Dependent Children, Supplemental Security Income or Optional or Mandatory State Supplementation are eligible for MA as categorically needy individuals. In addition, the following classifications of needy persons are included in the program as categorically needy and thus eligible for MA participation.

(1) Children in foster family care or private non-profit child caring institutions dependent in whole or in part on a governmental or private agency;

(2) Children in psychiatric hospitals or medical institutions for the mentally retarded;

(3) Pregnant women, when the unborn child is deprived of parental support due to death, absence, incapacity or unemployment of the father;

(4) Children of unemployed parents;

(5) Children in subsidized adoptions dependent in whole or in part on a governmental agency;

(6) Families terminated from the Aid to Families with Dependent Children (AFDC) program because of increased earnings or hours of employment.

Section 2. The Medically Needy. Other individuals, meeting technical requirements comparable to the categorically needy group, but with sufficient income to meet their basic maintenance needs may apply for MA with need determined in accordance with income and resource standards prescribed by regulation of the Department for Human Resources. Included within the medically needy eligible groups are pregnant women during the course of their pregnancy.

Section 3. Technical Eligibility Requirements. Technical eligibility factors of families and individuals included as categorically needy under subsections (1) through (6) of Section 1, or as medically needy under Section 2 are:

(1) Children in foster care, private institutions, psychiatric hospitals or mental retardation institutions must be under eighteen (18) years of age (or under age nineteen (19) if a full-time student in a secondary school or the equivalent level of vocational or technical training and if expected to complete the program before age nineteen (19));

(2) Pregnant women are eligible only upon medical proof of pregnancy;

(3) Unemployment relating to eligibility of both parents and children is defined as:

(a) Employment of less than 100 hours per month, except that the hours may exceed that standard for a par-

ticular month if the work is intermittent and the excess is of a temporary nature as evidenced by the fact that the individual was under the 100 hour standard for the prior two (2) months and is expected to be under the standard during the next month;

(b) The individual has prior labor market attachment consisting of earned income of at least fifty dollars (\$50) during six (6) or more calendar quarters ending on March 31, June 30, September 30, or December 31, within any thirteen (13) calendar quarter period ending within one (1) year of application, or the individual within twelve (12) months prior to application received unemployment compensation;

(c) The individual is currently receiving or has been found ineligible for unemployment compensation;

(d) The individual is currently registered for employment at the state employment office, and available for full-time employment;

(e) The unemployed parent must not have refused suitable employment without good cause as determined in accordance with 45 CFR Section 233.100(a)(3)(ii).

(4) Under the definition contained in subsection (3) of this section, a parent shall not be considered as unemployed if he is:

(a) Temporarily unemployed due to weather conditions or lack of work when it is anticipated he can return to work within thirty (30) days; or

(b) On strike, or unemployed as a result of involvement in a labor dispute when such involvement would disqualify the individual from eligibility for unemployment insurance in accordance with KRS 341.360; or

(c) Unemployed because he voluntarily quit his most recent work for the purpose of attending school; or

(d) A farm owner or tenant farmer, unless he has previously habitually required and secured outside employment and currently is unable to secure outside employment; or

(e) Self-employed and not available for full-time employment.

(5) An aged individual must be at least sixty-five (65) years of age.

(6) A blind individual must meet the definition of blindness as contained in Titles II and XVI of the Social Security Act relating to RSDI and SSI.

(7) A disabled individual must meet the definition of permanent and total disability as contained in Titles II and XVI of the Social Security Act relating to RSDI and SSI.

(8) For families losing AFDC eligibility solely because of increased earnings or hours of employment, medical assistance shall continue for four (4) months to all such family members as were included in the family grant (and children born during the four (4) month period) if the family received AFDC in any three (3) or more months during the six (6) month period immediately preceding the month in which it became ineligible for AFDC. The four (4) month period begins on the date AFDC is terminated. If AFDC benefits are paid erroneously for one (1) or more months in such a situation, the four (4) month period begins with the first month in which AFDC was erroneously paid, i.e., the month in which the AFDC should have been terminated.

(9) Parents may be included for assistance in the cases of families with children including adoptive parents and alleged fathers where circumstances indicate the alleged father has admitted the relationship prior to application for assistance. Other relatives who may be included in the case (one (1) only) are caretaker relatives to the same extent they

may be eligible in the Aid to Families with Dependent Children Program.

(10) An applicant who is deceased may have eligibility determined in the same manner as if he was alive, in order to pay medical bills during the terminal illness.

(11) Children of the same parent, i.e., a "common" parent, residing in the same household shall be included in the same case unless this acts to preclude eligibility of an otherwise eligible household member.

(12) To be eligible, an applicant or recipient must be a citizen of the United States, or an alien legally admitted to this country or an alien who is residing in this country under color of law. An alien must have been admitted for permanent residence. The applicant or recipient must also be a resident of Kentucky. Generally, this means the individual must be residing in the state for other than a temporary purpose; however, there are exceptions with regard to recipients of a state supplementary payment and institutionalized individuals. The conditions for determining state residency are specified in federal regulations at 42 CFR 435.403, which are hereby incorporated by reference.

(13) An individual may be determined eligible for medical assistance for up to three (3) months prior to the month of application if all conditions of eligibility are met. The effective date of medical assistance is generally the first day of the month of eligibility. For individuals eligible on the basis of unemployment, eligibility may not exist for the thirty (30) day period following the starting date of the unemployment. In these cases, the effective date of eligibility may be as early as the first day following the end of the thirty (30) day period if all other conditions of eligibility are met. For individuals eligible on the basis of desertion, a period of desertion must have existed for thirty (30) days, and the effective date of eligibility may not precede the first day of the month in which the thirty (30) day period ends. For individuals eligible on the basis of utilizing their excess income for incurred medical expenses, the effective date of eligibility is the day the spend-down liability is met.

(14) "Child" means a needy dependent child under the age of eighteen (18) (or under age nineteen (19) if a full-time student in a secondary school or the equivalent level of vocational or technical training and if expected to complete the program before the age nineteen (19)), who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States, and who is a recipient of or applicant for public assistance. Included within this definition is an individual(s) meeting the age requirement specified above, previously emancipated, who has returned to the home of his parents, or to the home of another relative, so long as such individual is not thereby residing with his spouse.

(15) Benefits shall be denied to any family for any month in which any legally liable caretaker relative with whom the child is living is, on the last day of such month, participating in a strike, and no individual's needs shall be considered in determining eligibility for medical assistance for the family if, on the last day of the month, such individual is participating in a strike. The definition of a strike includes a strike or other concerted stoppage of work by employees (including a stoppage by reason of expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

Section 4. Institutional Status. No individual shall be eligible for MA if a resident or inmate of a non-medical

public institution. No individual shall be eligible for MA while a patient in a state tuberculosis hospital unless he has reached age sixty-five (65). No individual shall be eligible for MA while a patient in a state institution for mental illness unless he is under age eighteen (18) (or under age nineteen (19) if a full-time student in a secondary school or the equivalent level of vocational or technical training and if expected to complete the program before age nineteen (19)) or is sixty-five (65) years of age or over.

Section 5. Application for Other Benefits. As a condition of eligibility for medical assistance, applicants and recipients must apply for all annuities, pensions, retirement and disability benefits to which they are entitled, unless they can show good cause for not doing so. Good cause is considered to exist when such benefits have previously been denied with no change of circumstances, or the individual does not meet all eligibility conditions. Annuities, pensions, retirement and disability benefits include, but are not limited to, veterans' compensations and pensions, retirement and survivors disability insurance benefits, railroad retirement benefits, and unemployment compensation. Notwithstanding the preceding, no applicant or recipient shall be required to apply for federal benefits when the federal law providing for such benefits shows the benefit to be optional and that the potential applicant or recipient for such benefit need not apply for such benefit when to do so would, in his opinion, act to his disadvantage.

[Section 6. Transferred Resources. When an applicant or recipient transfers a nonexcluded resource(s) for the purpose of becoming eligible for medical assistance, the value of the transferred resource(s) will be considered a resource to the extent provided for by this section. The provisions of this section are applicable to both family related cases and medical assistance only cases based on age, blindness, or disability.]

[(1) The disposal of a resource, including liquid assets, at less than fair market value shall be presumed to be for the purpose of establishing eligibility unless the individual presents convincing evidence that the disposal was exclusively for some other purpose. If the purpose of the transfer is for some other reason or if the transferred resource was considered an excluded resource at the time it was transferred, the value of the transferred resource is disregarded. If the resource was transferred for an amount equal to at least the assessed value for tax purposes, the resource will be considered as being disposed of for fair market value.]

[(2) After determining that the purpose of the transfer was to become or remain eligible, the department shall first add the uncompensated equity value of the transferred resource to other currently held resources to determine if retention of the property would have resulted in ineligibility. For this purpose, the resource considered available shall be the type of resource it was prior to transfer, e.g., if non-homestead property was transferred, the uncompensated equity value of the transferred property would be counted against the permissible amount for non-homestead property. If retention of the resource would not have resulted in ineligibility, the value of the transferred resource would thereafter be disregarded.]

[(3) If retention would result in ineligibility, the department will consider the excess transferred resource available for up to twenty-four (24) months, subject to the following conditions:]

[(a) The value of the total excess resources considered available (including the uncompensated equity value of the transferred resource) shall be reduced by \$500 for each month that has elapsed since the transfer, beginning with the month of transfer; except]

[(b) The reduction provided for in paragraph (a) of this subsection shall not be applicable with regard to any month in which the individual received medical assistance but was actually ineligible due to the provisions of this section.]

[(4) For those recipients who were receiving assistance on February 28, 1981, this section is applicable only with respect to resources transferred subsequent to that date.]

JOHN CUBINE, Commissioner

ADOPTED: April 15, 1982

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 15, 1982 at 3:30 p.m.

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

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance (Proposed Amendment)

904 KAR 1:080. Payments for [provider based] rural health clinic services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for [provider based] rural health clinic services.

Section 1. Definitions. (1) A "provider based rural health clinic" is one which is an integral part of a hospital, skilled nursing facility, or home health agency that is participating in Medicare and is licensed, governed, and supervised with other departments of the facility [hospital].

(2) A "free-standing rural health clinic" is one which is participating in Medicare and which is not provider based.

(3) [(2)] "Visit" means a face-to-face encounter between a clinic patient and any clinic health professional whose services are reimbursed under the [provider based] rural health clinic payment method. Encounters with more than one (1) health professional, and multiple encounters with the same health professional, that take place on the same day and at a single location constitute a single visit, except when the patient, after the first encounter, suffers illness or injury requiring additional diagnosis or treatment.

Section 2. Method of Reimbursement. (1) The department shall reimburse licensed participating provider based rural health clinics on the following basis:

(a) [(1)] The department shall pay the reasonable cost for provider based rural health clinic services and other ambulatory services provided to eligible medical assistance recipients on the basis of Medicare methodology.

(b) [(2)] Payments shall be made at interim rates which approximate costs on a per visit basis. For Medicare covered services, which are also covered by Medicaid, the interim rate shall be the rate set by the Medicare intermediary. For Medicaid only services, the interim rate shall be set by the department taking into account prior year data when possible. For new facilities, the department shall set the interim rate using a methodology which is expected to approximate costs and review the interim rate approximately six (6) months after such rate has been set to ensure the reasonableness of the rate.

[(3)] Interim payments shall be settled back to reasonable costs at the end of the facilities' fiscal year, applying the lesser of cost or usual and customary charges principle, on the basis of the Medicare methodology.]

(2) The department shall reimburse licensed participating free-standing rural health clinics at a single rate per visit that is based on the cost of all services furnished by the clinic. The rate shall be determined by the Medicare carrier under the provisions shown in federal regulations at 42 CFR 405.2426 through 405.2429.

(3) Interim payments made to either provider based or free-standing facilities shall be settled back to reasonable costs at the end of the facilities' fiscal year, applying the lesser of cost or usual and customary charges principle, on the basis of the Medicare methodology.

Section 3. The provisions of Section 1 and 2 of this regulation shall be effective May 1, 1982.

JOHN CUBINE, Commissioner

ADOPTED: March 30, 1982

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: March 31, 1982 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Social Insurance
(Proposed Amendment)

904 KAR 1:082. [Provider based r] Rural health clinic services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to coverage of [provider based] rural health clinic services for which payment shall be made by the Medical Assistance Program on behalf of both categorically needy and medically needy.

Section 1. Conditions of Participation. Each rural health clinic wishing to participate as a [provider based] rural health clinic in the Medical Assistance Program must be certified as a rural health clinic provider pursuant to Title XVIII of the Social Security Act in accordance with conditions set forth at 42 CFR Part 481.

Section 2. Conditions of Coverage. Each participating rural health clinic may provide for eligible medical assistance recipients the same services it may provide to Medicare recipients, i.e., physicians' services, nurse practitioners' services, and, where permitted under state law, physicians' assistants' services. In addition, rural health clinics may provide any other ambulatory service covered under the Medical Assistance Program so long as the rural health clinic meets the conditions for participation for that service element and provides the services in accordance with the applicable state regulation covering that service; except, however, the rural health clinic need not be certified or licensed as the other type of provider (except to the extent provided for and/or required by law), nor have a separate participation agreement with the Medical Assistance Program for the provision of that type of service.

JOHN CUBINE, Commissioner

ADOPTED: March 30, 1982

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: March 31, 1982 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Social Insurance
(Proposed Amendment)

904 KAR 2:006. Technical requirements; AFDC.

RELATES TO: KRS 205.010, 205.200(2),(3)

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has the responsibility under the provisions of KRS Chapter 205 to administer the assistance program of Aid to Families with Dependent Children, hereinafter referred to as AFDC, in accordance with Title IV-A of the Social Security Act. KRS 205.200(2) requires that the conditions of eligibility to receive AFDC money grants be prescribed by regulations in conformity with the Social Security Act and federal regulations. This regulation sets forth the technical requirements of residence, deprivation, living with a relative, age, one (1) category of assistance, work registration, cooperation in child support activities and potential entitlement for other programs for eligibility for AFDC.

Section 1. Residence and Citizenship. Residence is determined in accordance with 45 CFR 233.40 which, in summary, provides that a resident is anyone who is living in the state, entered the state with a job commitment or seeking employment, and is not receiving AFDC benefits from another state. Citizenship is determined in ac-

cordance with 45 CFR 233.50 which states that AFDC can be provided only to citizens or aliens lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law.

Section 2. Deprivation. (1) To be eligible for AFDC, a child must be in need and must be deprived of parental support or care due to the death, continued absence from the home or physical or mental incapacity of a natural or adoptive parent. A married child living with her/his spouse in the home of her/his parents is not deprived of parental support or care. A married child living in the home of her/his parents but divorced or legally separated from her/his spouse is deprived of parental support if she/he is dependent on the parent and a parent is dead, incapacitated or continually absent from the home.

(2) Continued absence from the home. To be eligible for AFDC, a needy child must be physically separated from the parent and the nature of the absence of the parent is such as either to interrupt or terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child, and the known or indefinite duration of absence precludes counting on the parent's performance of his/her function in planning for the present support or care of the child. Absence may be voluntary or involuntary. Voluntary absence includes divorce, legal separation, marriage annulment, desertion of thirty (30) days or more, or birth out-of-wedlock. Involuntary absence includes commitment to a penal institution for thirty (30) days or more, long term hospitalization, military service, deportation or single parent adoption. A parent who is a convicted offender but is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday is considered absent from the home.

(3) Incapacity defined. Incapacity is any condition of mind or body which makes a parent physically or mentally unable to provide the necessities of life for his/her needy child. The condition must be anticipated to continue for at least thirty (30) days beyond the date of application and may be presumed to continue during a period in which the parent is undergoing diagnostic studies and/or evaluation of rehabilitation potential. Incapacity of the parent must prevent him/her from working in an occupation in which he/she previously engaged, or another job for which he/she is equipped and which is accessible in the county or community where he/she normally resides. If a job opportunity exists in the community or county, it shall be considered accessible regardless of its immediate availability. Scarcity of work does not establish incapacity unless there is a causal relationship between the parent's unemployment and actual physical or mental disability. Lack of paid work experience does not preclude the parent from being considered incapacitated.

Section 3. Living with a Specified Relative. To be eligible for AFDC a needy child must be living in the home of a relative as specified in the Social Security Act and interpreted as follows:

(1) A blood relative, including father, mother, grandfather, grandmother, brother, sister, uncle, aunt, nephew, niece, first cousin.

(2) Also relatives of the half-blood and preceding generations as denoted by prefixes of grand, great or great-great; a stepfather, stepmother, stepbrother, stepsister.

(3) Adoptive parents as well as the natural and other legally adopted children and other relatives of such parents.

(4) Husband or wife of any persons listed above even if the marriage may have terminated, providing termination occurred after the birth of the child.

(5) A child is considered as living in the home even when temporarily absent for medical care, attendance at boarding school, college or vocational school, emergency foster care or short visits with friends or relatives, if the parent continues to exercise control over the child.

(6) Prior to July 1, 1982, a [A] child placed in foster care is not required to be living in the home of a relative to be eligible to receive AFDC-FC in his/her foster home.

Section 4. Age and School Attendance. A child may be eligible for AFDC from birth to age eighteen (18), or to age nineteen (19) if a full-time student in a secondary school or the equivalent level of vocational or technical training and if expected to complete the program prior to or during the month of their nineteenth birthday [before age nineteen (19)]. Full and part-time is defined in [accordance with] Title 904 regulations pertaining to standards for need and amount; AFDC [45 CFR 233.90]. A child is considered in regular attendance in months in which he/she is not attending because of official school or training program vacation, illness, convalescence or family emergency unless he/she has indicated an intention not to re-enter school.

Section 5. One Category of Assistance. A child or adult relative shall not be eligible for AFDC if receiving supplemental security income.

Section 6. Strikers. (1) A [Benefits shall be denied to any] family shall be ineligible for benefits for any month in which the natural or adoptive parent [any legally liable caretaker relative], with whom the child is living is, on the last day of such month, participating in a strike; and

(2) No individual[s] needs shall be considered eligible for benefits for any month [in determining amount of benefits] if, on the last day of such month, such individual is participating in a strike.

(3) Strike shall be defined to include a strike or other concerted stoppage of work by employees (including a stoppage by reason of expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

Section 7. Work Registration. (1) Unless exempt under the criteria[, as] specified in Title IV of the Social Security Act and 45 CFR Section 224.20(b), [needs of] an individual who has applied for or is receiving AFDC shall be ineligible for benefits [for whom application has been made may not be included in the AFDC assistance grant] if he/she refuses to register for the Work Incentive Program, (WIN) or if registered, refuses to participate without good cause. Participation in a strike shall not constitute good cause.

(2) Individuals exempt from WIN registration pursuant to 45 CFR 224.20(b) are as follows:

(a) An individual under age sixteen (16);

(b) A child age sixteen (16) to age eighteen (18), if enrolled as a full-time student; or to age nineteen (19), if a full-time student who meets the requirements set forth in Section 4 of this regulation;

(c) An individual who has a medically determined temporary illness or injury with recovery anticipated within ninety (90) days;

(d) An individual who has a medically determined physical or mental incapacity which is expected to exist longer than ninety (90) days;

(e) An individual age sixty-five (65) or over;

(f) An individual whose presence is required in the home to care for another member of the household who has been medically determined to be precluded from self-care and for whom alternate care arrangements are not feasible;

(g) A parent or other [caretaker] relative *who cares for* [of] a child under six (6), *and* who personally provides full-time care of the child with only very brief and infrequent absences from the child;

(h) A person so far remote from a work incentive project that his/her effective participation is precluded;

(i) An individual who is employed not less than thirty (30) hours per week, in unsubsidized employment expected to last a minimum of thirty (30) days, except when there is a temporary break in *such* employment expected to last longer than ten (10) days.

Section 8. Cooperation in Child Support Activities. (1) Inclusion of a [the] specified relative in the AFDC budget is dependent upon *his/her* cooperation in child support activities pursuant to 45 CFR 232.40 and refusal, except for "good cause," results in *ineligibility* [removal] of the relative with AFDC payments on behalf of the child(ren) made to a protective payee.

(2) If, after exclusion from the grant for failure to cooperate, the individual states that he/she is willing to cooperate and wishes to be reinstated, a supplemental application must be completed. If eligibility criteria are met, the individual will be added to the grant effective with the month of application and the protective payee will be removed.

(3) Pursuant to 45 CFR Part 232.40, the Department for Human Resources will provide written notice to the applicant or recipient that he/she may claim good cause for refusing to cooperate.

(4) The applicant or recipient will be determined to have "good cause" for failing to cooperate only when one (1) or more of the following criteria is met:

(a) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to the child; or

(b) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to himself/herself to such an extent that it would reduce his/her capacity to care for the child(ren) adequately; or

(c) The child was conceived as a result of incest or forcible rape and the department believes it would be detrimental to the child to require the applicants's/recipient's cooperation; or

(d) Legal proceedings for adoption of the child by a specific family are pending before a court of competent jurisdiction; and the department believes it would be detrimental to the child to require the applicant's/recipient's cooperation; or

(e) The applicant/recipient is being assisted by a public or licensed private social agency to resolve whether to keep the child or release him/her for adoption and discussion has not gone on for more than three (3) months and the department believes it would be detrimental to the child to require the applicant's/recipient's cooperation.

(5) Specific requirements in determining the existence of good cause and the time limits for providing substantiation of claims are made pursuant to the regulation at 45 CFR 232.42 and 45 CFR 232.43.

Section 9. Potential Entitlement for Other Programs. All applicants/recipients must apply for any statutory

benefit(s) if potential entitlement exists. Failure to apply results in ineligibility for AFDC.

Section 10. Furnishing of Social Security Account Numbers. All applicants/recipients must furnish social security account numbers pursuant to 45 CFR 232.10.

Section 11. Assignment of Rights to Support. Pursuant to KRS 205.720, by accepting assistance for or on behalf of a child, a recipient is deemed to have made an assignment to the Department for Human Resources of any child support owed for the child *not to exceed* [up to] the amount of AFDC payments made to the recipient.

Section 12. Eligibility Criteria for Foster Care. To be eligible for foster care, the child must meet the technical requirements of the regular AFDC program as set forth in this regulation. In addition, the child must have been:

(1) Removed from the home after April 30, 1961; and

(2) Committed to the department by a judicial determination under the authority of KRS 208.200 or 208.080 specifying that the child is delinquent, neglected, needy, or dependent (as stated in KRS 208.020), or if prior to June 1976, KRS 205.430, that continuance in or return to the home of a relative would be contrary to his/her welfare; and

(3) Receiving AFDC as of the month in which court action was initiated, or if not, would have received AFDC if application had been made; or if not living with a relative at the time of court action, did live with such relative within six (6) months prior to the month of initiation of court action and was eligible or would have been eligible for AFDC if application had been made.

(4) *Provisions of this section shall apply only to the period prior to July 1, 1982.*

JOHN CUBINE, Commissioner

ADOPTED: April 12, 1982

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 13, 1982 at 9:30 a.m.

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

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance (Proposed Amendment)

904 KAR 2:035. Right to apply and reapply.

RELATES TO: KRS 205.200(1), 205.245, 205.520(3)

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has the responsibility of administering public assistance programs under Titles IV-A, XVI and XIX of the Social Security Act, namely Aid to Families with Dependent Children, hereinafter referred to as AFDC, Mandatory and Optional Supplementation of the aged, blind and disabled, hereinafter referred to as MS and OS, and Medical Assistance, hereinafter referred to as MA. This regulation sets forth the procedure by which an application for assistance under these titles is made.

Section 1. Right to Apply or Reapply. Each individual wishing to do so shall have the opportunity to apply or reapply for any assistance program administered by the Department for Human Resources through the Bureau for Social Insurance. An individual eligible for AFDC, MS, OS, [a money payment from the bureau] or eligible for supplemental security income through the Social Security Administration is eligible for MA without a separate application. Denial of assistance by the Social Security Administration for supplemental security income for technical reasons is also considered a denial of MA.

Section 2. Application Process. An application will be considered to have been made when the individual or his/her representative has signed, under penalty of perjury, the application form prescribed by the Bureau for Social Insurance or the Social Security Administration, for supplemental security income, and such application has been received at the appropriate office.

Section 3. Who May Sign an Application. (1) An application for AFDC shall be signed by the relative with whom a needy child lives or the legally appointed committee of the relative.

(2) An application for MA shall be signed by the individual requesting assistance, the relative with whom the child lives, or an interested party acting in behalf of the applicant.

(3) Prior to July 1, 1982, an application for AFDC-FC (foster care) or MA for children in foster care or private child caring institutions shall be signed by the representative of the agency to which the child is committed or the institution in which the child is placed.

(4) An application for state supplementation shall be signed by the aged, blind or disabled individual, an interested party, his/her legally appointed committee or the representative payee receiving the supplemental security income benefit.

Section 4. Where Applications are Filed. (1) Applications are to be filed in the office of the Bureau for Social Insurance in the county in which the applicant resides except that a concurrent application for supplemental security income and MA is filed in the service area office of the Social Security Administration.

(2) When a Kentucky resident is temporarily out-of-state, a letter from the applicant, an interested party or an out-of-state agency will be accepted as the initiation of the application process when an emergency arises from accident or sudden illness, care and services are needed immediately, and health would be endangered if he/she undertook to return to the state. In this situation, the official application form will be forwarded to the initiating party.

Section 5. Action on Applications. A decision shall be made on each application and a check mailed with reasonable promptness, that is within five (5) days for emergency assistance, forty-five (45) days for AFDC or MA for families and/or children, or sixty (60) days for MA or OS determinations in which permanent and total disability must be established. Exception to the above time standard may be made when the applicant is cooperating but is unable to obtain necessary verification for an eligibility decision to be made or in instances in which delay is beyond the control of the bureau, that is failure or delay on the part of the applicant or examining physician or because of some administrative or other emergency that

could not be controlled by the bureau. When the above time standards are not met, the case record shall document the cause for the delay. Failure to process an application within the above time frame shall not be used as the basis for denial.

JOHN CUBINE, Commissioner

ADOPTED: April 12, 1982

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 13, 1982 at 9:30 a.m.

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

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 2:040. Procedures for determining initial and continuing eligibility.

RELATES TO: KRS 205.200(2)

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility under the provisions of KRS Chapter 205 to administer public assistance programs under Titles IV-A and XIX of the Social Security Act, namely Aid to Families with Dependent Children, hereinafter referred to as AFDC, and Medical Assistance, hereinafter referred to as MA. In addition the department is required by Title XVI as amended and by KRS 205.245 to provide supplementation to certain aged, blind and disabled individuals. This regulation sets forth the procedures utilized to determine initial and continuing eligibility for assistance under the above programs.

Section 1. Eligibility Determination Process. (1) *Eligibility shall be determined prospectively. In order to receive or continue to receive assistance, a household must meet all of the eligibility criteria for the month payment is intended to cover.*

(2) Each decision regarding eligibility or ineligibility for assistance shall be supported by facts recorded in the applicant's or recipient's case record. The applicant or recipient shall be the primary source of information and shall be required to furnish verification of income, resources, and technical eligibility if he can reasonably be expected to do so, and to give written consent to those contacts necessary to verify or clarify any factor pertinent to the decision of eligibility. Failure of the applicant or recipient to appear for a scheduled interview, or present required information at the time requested, when informed in writing of the appointment or necessary information to be provided shall be considered a failure by the applicant or recipient to present adequate proof of eligibility.

Section 2. Continuing Eligibility. The recipient shall be responsible for reporting within ten (10) days any change in circumstances which may affect eligibility or the amount of payment. In addition, eligibility shall be reconsidered or redetermined:

(1) When a report is received or information is obtained about changes in circumstances; [and]

(2) *Beginning July 1, 1982, monthly, for AFDC cases not exempted by the appropriate federal agency; and*

(3) [(2)] At least every six (6) months for AFDC and every twelve (12) months for MA.

Section 3. Determination of Incapacity or Permanent and Total Disability: (1) A determination that a parent with whom the needy child lives is incapacitated or that the individual requesting medical assistance due to disability is both permanently and totally disabled shall be made by a medical review team following review of both medical and social reports except as listed in subsection (2) of this section.

(2) A parent shall be considered incapacitated without a determination for the medical review team if the parent declares physical inability to work, the worker observes some physical or mental limitation; and the parent:

(a) Is receiving SSI; or

(b) Is age sixty-five (65) or over; or

(c) Has been determined to meet the definition of blindness as contained in Titles II and XVI of the Social Security Act relating to RSDI and SSI by either the Social Security Administration or the state supervising ophthalmologist of the Bureau for Social Insurance; or

(d) Has been determined to meet the definition of permanent and total disability as contained in Titles II and XVI of the Social Security Act relating to RSDI and SSI by either the Social Security Administration or the Medical Review Team of the Bureau for Social Insurance; or

(e) Has previously been determined to be incapacitated or permanently and totally disabled by the medical review team, hearing officer, appeal board or court of proper jurisdiction with no re-examination requested and there is no visible improvement in condition; or

(f) Is receiving RSDI, federal black lung benefits or railroad retirement benefits based on disability as evidenced by an award letter or benefit check; or

(g) Is currently hospitalized and a statement from the attending physician indicated that incapacity will continue for at least thirty (30) days. If application was made prior to admission, the physician is also requested to indicate if incapacity existed as of application date.

(3) The determination that a parent is not incapacitated will not be made by the local office field staff.

(4) An individual shall be considered permanently and totally disabled if the individual:

(a) Receives RSDI, railroad retirement, or federal black lung benefits based on disability.

(b) Previously received SSI based on disability and discontinuance was due to income or resources, not to improvement in physical condition.

Section 4. Reviews of Supplementation Cases: Aged, blind or disabled supplementation cases shall be periodically reviewed to determine that the special need for which supplementation is granted continues to exist.

JOHN CUBINE, Commissioner

ADOPTED: April 12, 1982

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 13, 1982 at 9:30 a.m.

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

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 2:046. Adverse action; conditions.

RELATES TO: KRS 205.200(2), 205.245

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer public assistance programs under Title IV-A and XIX of the Social Security Act, namely Aid to Families with Dependent Children, hereinafter referred to as AFDC, and Medical Assistance, hereinafter referred to as MA. In addition, the department has responsibility to provide supplementation to certain aged, blind and disabled individuals as required by Title XVI, as amended, and by KRS 205.245. 45 CFR section 205.10(a)(4) and 45 CFR section 206.10(a)(4) require that applicants or recipients be provided adequate notice of adverse action in written form citing applicable state regulations. This regulation sets forth the conditions under which an application is denied or assistance is decreased or discontinued.

Section 1. Reasons for Adverse Action. An application is denied or assistance discontinued or decreased when:

(1) Income or resources exceed the standards for the specific assistance program, or when income of a recipient increases;

(2) The applicant or recipient does not meet technical eligibility criteria or has failed to comply with a technical requirement as set forth in 904 KAR Chapters 1 and 2;

(3) The applicant or recipient has failed to provide sufficient information or clarify conflicting information for a determination of eligibility despite receipt of written notice detailing the additional information needed for a determination;

(4) The applicant/recipient has failed to keep the appointment for an interview;

(5) *Beginning July 1, 1982, the department is recovering AFDC overpayments through recoupment; or*

(6) [(5)] Other reasons:

(a) Request of client, or voluntary written withdrawal of application;

(b) Bureau staff unable to locate applicant or recipient;

(c) Applicant or recipient no longer domiciled in Kentucky;

(d) Change in program policy has adversely affected the recipient.

Section 2. Denial of Applications. Whenever an application is denied, the applicant is given written notification of the denial including the reason for the denial and the right to a fair hearing.

Section 3. Decreases and Discontinuances. Whenever a change in circumstances indicates that a money payment should be reduced, *suspended* or discontinued, or that medical entitlement should be discontinued or curtailed to any or all members, the recipient is given ten (10) days advance notice of the proposed action in writing, explaining the reason for the proposed action, and extending the opportunity to confer with the worker or to request a fair hearing. Hearing requests received during the advance notice period result in delay of the decrease or discontinuance pending the hearing officer's decision.

Section 4. Exceptions to the Advance Notice Requirement. An advance notice of proposed action is not required, but written notice is given, whenever the decrease or discontinuance results from:

(1) Information reported by the recipient and the recipient has signed a waiver of the notice requirement indicating understanding of the consequences;

(2) The bureau has received a clear written statement, signed by the recipient, that he/she no longer wishes assistance;

(3) AFDC-FC is being discontinued *during the period prior to July 1, 1982*;

(4) The bureau has received factual information that the aged, blind or disabled recipient has died;

(5) Whereabouts of the recipient are unknown and mail addressed to him/her has been returned indicating no known forwarding address, however a returned check will be made available to him/her if his/her whereabouts become known during the payment period covered by the returned check;

(6) It has been established that assistance has been accepted in another state;

(7) The AFDC child has been removed from the home by judicial order and placed in foster care *during the period prior to July 1, 1982*;

(8) The aged, blind or disabled supplementation recipient has entered a chronic care facility resulting in vendor payment status;

(9) The recipient has entered a penal institution or if under sixty-five (65) a tuberculosis hospital, or if between twenty-one (21) and sixty-five (65), a mental hospital;

(10) A special allowance, or time limited assistance is terminated and the recipient has been informed in writing at the time the allowance or assistance was granted of the automatic termination at the end of a specified period or under specific conditions; [.]

(11) *For the period beginning July 1, 1982, the AFDC recipient has failed to provide a completed mandatory monthly report form timely; or*

(12) *For the period beginning July 1, 1982, the decrease, suspension or termination of benefits is due to changes reported on the mandatory monthly report form.*

JOHN CUBINE, Commissioner

ADOPTED: April 12, 1982

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 13, 1982 at 9:30 a.m.

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

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 2:050. Time and manner of payment.

RELATES TO: KRS 205.220(1)

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility under the provisions

of KRS Chapter 205 to administer money payment programs under Title IV-A of the Social Security Act and a state funded program of money payments to those aged, blind and disabled individuals disadvantaged by the implementation of the Supplemental Security Income Program, hereinafter referred to as SSI. In addition KRS 205.245 provides for money payments to certain other aged, blind or disabled individuals. This regulation sets forth the time and the manner in which payments are made and the persons to whom payments may be made as required by KRS 205.220(1).

Section 1. Manner and Time of Payment: (1) All assistance payments are made by check issued monthly.

(2) The effective date of payment shall be the first day of the month of application if all eligibility factors were met as of that month.

(3) Payment is made for an entire month during any part of which eligibility factors are met.

(4) *For AFDC*, payments shall not be made to an individual for [in] any month in which the amount of the benefit payment, *prior to any recoupment*, would be less than ten dollars (\$10). Any individual who is denied a payment for this reason shall be deemed a recipient of AFDC for all other purposes.

(5) Supplemental payments shall be made if, due to administrative deadlines, changes in circumstances cannot be recognized in the month such change is reported; *or, for AFDC, beginning July 1, 1982, cannot be recognized in the time frames required in retrospective budgeting.*

(6) Supplemental payments to correct underpayments due to administrative errors shall be made for a period of up to twelve (12) months preceding the month of error correction if the error existed in the preceding months.

Section 2. Inalienability of Payment: Money payments are unconditional and are exempt from any remedy for the collection of debts, liens and encumbrances; *however, beginning July 1, 1982, the department may initiate recoupment to recover overpayment of AFDC benefits.*

Section 3. Eligible Payees: Money payments are issued in the name of the eligible applicant, except that:

(1) In the Aid to Families with Dependent Children Program, a protective payment may be made to a third party payee when:

(a) A determination has been made that poor money management is contributing to the unsuitability of the home for a needy child; or

(b) The parent payee has refused without good cause to participate in the Work Incentive Program or the Child Support Program.

(2) Payment for the month of death may be made to the parent or other specified relative of the deceased child, or the duly appointed administrator of the estate or other qualified executor of the will of the deceased.

JOHN CUBINE, Commissioner

ADOPTED: April 12, 1982

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 13, 1982 at 9:30 a.m.

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

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 2:055. Hearings and appeals.

RELATES TO: KRS 205.231

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility under 42 C.F.R. section 431.220, 45 C.F.R. section 205.10, and KRS 205.231 to provide for a system of hearings to be available to any applicant for or recipient of an assistance program who is dissatisfied with any action or inaction on the part of the bureau. This regulation sets forth the methods by which the hearing requirement is fulfilled.

Section 1. Informing the Applicant or Recipient of His/Her Rights. Each applicant or recipient shall be informed orally and in writing at the time of application and in writing at the time of any action affecting his/her claim of his/her right to a hearing, the method by which he/she may obtain a hearing and that he/she may be represented by an authorized representative, such as legal counsel, relative, friend or other spokesperson [man], or he/she may represent himself/herself.

Section 2. Request for a Hearing. Any applicant or recipient or an authorized representative acting on his/her behalf, may request a hearing by filing with either the local office or central office of the Bureau for Social Insurance a written or oral (later reduced to writing) statement clearly indicating a desire for a hearing.

Section 3. Time Limitation for Request. To be considered timely, a written or oral request must be received by the bureau within forty (40) days of the date of the advance notice of adverse action or notice of decrease or discontinuance as it affects recipients or within thirty (30) days of the notice of denial of an application except that an additional thirty (30) days may be granted if it is determined by the hearing officer that the delay was for good cause in accordance with the following criteria:

- (1) The applicant/recipient was away from home during the entire filing period; or
- (2) The applicant/recipient is unable to read or to comprehend the notice of adverse action or notice of decrease or discontinuance and right to request a hearing; or
- (3) The applicant/recipient moved resulting in delay in receiving or failure to receive notice of adverse action or notice of decrease or discontinuance; or
- (4) Serious illness of the applicant/recipient; or
- (5) The delay was no fault of the applicant/recipient.

Section 4. Continuation of Assistance. If the request results from dissatisfaction regarding a proposed discontinuance, suspension or decrease and is received within ten (10) days of the date on the advance notice of adverse action or notice of decrease or discontinuance, assistance shall be continued through the month in which the hearing officer's decision is rendered. If the request is received within twenty (20) days of the date on the advance notice of adverse action or notice of decrease or discontinuance and it is established that the reason for delay meets the good cause criteria as contained in Section 3, assistance shall be reinstated and continued through the month in which the hearing officer's decision is rendered. *Continued*

or reinstated benefits are considered overpayments if the agency decision is upheld.

Section 5. All Hearing Requests Shall Be Acknowledged by the Hearing Branch. The acknowledgment letter shall contain information regarding the hearing process, including the right to case record review prior to the hearing, the right to representation, and a statement to the effect that the local office can provide information regarding the availability of free representation by legal aid or welfare rights organizations within the community. Subsequent notification shall include the time and place the hearing will be held. Hearings shall be scheduled on a timely basis to assure that no more than ninety (90) days shall elapse from date of request to date of decision except that hearings in which the issue relates to the Emergency Assistance Program shall be given priority handling with a decision rendered within thirty (30) days of the request.

Section 6. Withdrawal or Abandonment of Request. The applicant or recipient may withdraw his/her request for a hearing at any time prior to release of the hearing officer's decision, provided, however, he/she is granted the opportunity to discuss withdrawal with his/her legal counsel or representative, if any, prior to finalizing the action. A hearing request shall be considered abandoned if the applicant or recipient fails without prior notification, to report for the hearing, except that no hearing request shall be considered as abandoned without extending to the applicant or recipient, and, if applicable, his/her legal counsel or representative, the opportunity to establish that such failure was for good cause.

Section 7. Applicant's or Recipient's Rights Prior to a Hearing. All applicants/recipients are informed of their right to legal counsel or other representation, of the right to case record review relating to the issue and of the right to submit additional information in support of the claim. When the hearing involves medical issues, a medical assessment by other than the person or persons involved in the original decision shall be obtained at bureau expense if the hearing officer considers it necessary. If a medical assessment at bureau expense is requested by the applicant/recipient and denied by the hearing officer, the reason for denial shall be set forth in writing.

Section 8. Corrective Action. If after a review of the case record, but prior to scheduling a hearing, the hearing officer determines that action taken or proposed to be taken, is incorrect, he/she shall authorize corrective action in the form of assistance to which the applicant or recipient would have been entitled but for the incorrect decision or, for proposed action, authorize continuing assistance. The applicant/recipient shall be then given the opportunity to withdraw the hearing request, but notwithstanding the corrective action, the hearing shall be scheduled if the applicant/recipient wishes to pursue the request.

Section 9. Conduct of a Hearing. (1) The hearing shall be conducted by a hearing officer whose impartiality is assured in that he/she shall not have been involved in the initial determination on the issue, or, to the extent possible, in previous hearings in behalf of the applicant/recipient. In addition a hearing officer may disqualify himself/herself due to personal knowledge of circumstances of the applicant/recipient. The applicant/recipient may challenge the hearing officer by presentation of

factual evidence that the impartiality criteria is not met. The hearing shall be conducted where the applicant/recipient may attend without undue inconvenience.

(2) The applicant/recipient, his/her representative and any other party to the hearing may present such evidence as shall be pertinent to the issue on which the adverse action was, or is proposed to be, taken, advance any arguments without undue interference.

(3) The hearing officer shall, if necessary to secure full information on the issue, examine each party who appears and his/her witnesses. The hearing officer may take any additional evidence which he/she deems necessary; but if additional evidence is taken, all interested parties shall be afforded the opportunity of examining or rebutting such additional evidence.

(4) The parties to the hearing, with the consent of the hearing officer, may stipulate the facts involved, in writing. The hearing may be decided on the basis of such stipulation or the hearing officer may schedule a hearing and take such additional evidence as is deemed necessary.

(5) All hearings shall be conducted informally and in such a manner as to determine the substantial rights of the parties. The parties and their witnesses shall testify under oath or affirmation. All facts relevant to the issue appealed shall be considered and passed upon.

(6) Subpoenas may be issued by the hearing officer to compel attendance of any witness or the production of records except that subpoenas requested by the applicant/recipient shall be issued only on a sworn statement of need thereof by the applicant/recipient.

(7) The hearing officer may in his/her discretion, direct or grant a continuance of a hearing in order to secure necessary evidence.

Section 10. The Decision. After the hearing is concluded, the hearing officer shall set forth in writing his/her finding of facts and issues, specifying the reasons for the decision and identifying the supporting evidence and regulations. A copy of the decision shall be mailed to the applicant/recipient and his/her representative. The decision, with respect to the issues considered, shall be final unless further appeal to the appeal board is initiated under KRS 205.231(4) within twenty (20) days from the date of mailing of the decision.

Section 11. Appeal from Decision of Hearing Officer. Any applicant/recipient or his/her authorized representative wishing to appeal the decision of a hearing officer may do so by filing an appeal to an appeal board appointed in accordance with KRS 205.231(3). To be timely, such request must be received in a county office or the central office of the Bureau for Social Insurance within twenty (20) days of the date on which the hearing officer's decision was mailed, except that a request received within thirty (30) days of the hearing officer's decision will be considered timely if the criteria in Section 3 is met. The request shall be filed in writing or orally, later reduced to writing, and shall be considered filed on the day it is received.

Section 12. Applicant's or Recipient's Rights Prior to Appeal Board Consideration. All appeals shall be acknowledged in writing to the applicant/recipient and his/her authorized representative. The acknowledgment shall offer the opportunity to file briefs or submit new and

additional proof and the tentative date on which the board will consider the appeal.

Section 13. Appeal Board Review. All appeals to the appeal board shall be considered upon the records of the bureau and the evidence or exhibits introduced before the hearing officer unless the applicant/recipient specifically requests permission to file additional proof. When an appeal is being considered on the record, the parties may, if they desire, present written arguments and at the board's discretion be allowed to present oral arguments. In addition, the appeal board may direct the taking of additional evidence before it, if needed, in order to resolve the appeal. Such evidence shall be taken by the board after seven (7) days notice to the parties giving the parties the opportunity to object to introduction of additional evidence or to rebut or refute any additional evidence.

Section 14. The Appeal Board Decision. The decision of the appeal board, duly signed by members of the board, shall set forth in writing the facts on which the decision is based and shall be irrevocable in respect to the issues in the individual case unless set aside through the judicial review process as provided in KRS 205.234

Section 15. Payments of Assistance. Payments of assistance to carry out decisions of hearing officers or the appeal board shall be made promptly and shall include the month of application or the month in which incorrect action of the bureau adversely affected the applicant/recipient providing it is established that the applicant/recipient was eligible during the entire period in which assistance was withheld.

Section 16. Limitation of Fees. (1) Although the department and its officers and employees, either in their official or personal capacity, are not liable for payment of any attorneys fees, the department does, in accordance with KRS 205.237, set the maximum fee that an attorney may charge the applicant or recipient for representation in all categories of public assistance as follows:

(a) Seventy-five dollars (\$75) for preparation and appearance at hearing before a hearing officer;

(b) Seventy-five dollars (\$75) for preparation and presentation (briefs included) of appeals to the appeal board;

(c) One hundred seventy-five dollars (\$175) for preparation and presentation, including pleadings and appearance in court, of appeals to the circuit court;

(d) Three hundred dollars (\$300) for preparatory work and briefs and all other matters incident to appeals to the Court of Appeals.

(2) The fee agreed to by the representative and his/her client within the above maximums shall be deemed to have the approval of the bureau.

(3) Enforcement of payment of such fee shall be a matter entirely between such counsel or agent and the applicant/recipient. Such fee shall not be deducted either in whole or in part, from the benefit checks otherwise due and payable to the applicant/recipient.

Section 17. Hearings and Appeals Relating to Decisions to Reclassify or Transfer Mentally Retarded Persons in State Institutions. In lieu of the hearing and appeal process specified above, hearings and appeals relating to decisions to reclassify or transfer mentally retarded persons in state

institutions shall be in accordance with the requirement of KRS 210.270.

JOHN CUBINE, Commissioner

ADOPTED: April 12, 1982

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 13, 1982 at 9:30 a.m.

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

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 2:100. Home energy assistance program; eligibility, criteria.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources is authorized by KRS 194.050 to administer a program to provide assistance for eligible low income households within the Commonwealth of Kentucky to offset the rising costs of home energy that are excessive in relation to household income. This regulation sets forth the eligibility and payments criteria for each of two (2) components of energy assistance, regular and crisis, under the Home Energy Assistance Program (HEAP).

Section 1. Application. Each household requesting assistance shall be required to complete an application and provide such information as may be deemed necessary to determine eligibility and payment amount in accordance with the procedural requirements prescribed by the department.

Section 2. Definitions. Terms used in HEAP are defined as follows: (1) "Principal residence" is that place where a person is living voluntarily and not on a temporary basis; the place he/she considers home; the place to which, when absent, he/she intends to return; and such place is identifiable from other residences, commercial establishments, or institutions.

(2) "Energy" is defined to include electricity, gas, and any other fuel such as coal, wood, oil, bottled gas, etc., that is used to sustain reasonable living conditions.

(3) "Household" is defined as one (1) or more persons who share common living arrangements in a principal residence within the Commonwealth of Kentucky.

(4) A "fully vulnerable household" is any household living in nonsubsidized housing which pays all energy costs directly to the energy provider or any household which rents nonsubsidized housing whose energy costs are included in the rent payment.

(5) "Regular component" is that portion of benefits reserved as energy assistance for heating for households containing at least one (1) member who is elderly (age sixty (60) or older) or disabled (as defined by Titles II, XVI, and XIX of the Social Security Act).

(6) "Crisis component" is that portion of benefits reserved for use as emergency energy assistance after the regular component is terminated for eligible households in emergency or crisis situations.

Section 3. Eligibility Criteria. A household must meet the following conditions of eligibility for receipt of a HEAP payment:

(1) The household must be fully vulnerable for energy cost.

(2) For purposes of determining eligibility, the amount of continuing and non-continuing earned and unearned gross income including lump sum payments received by the household during the calendar month preceding the month of application will be considered. Income received on an irregular basis will be prorated.

(3) Gross income for the calendar month preceding the month of application must be at or below the applicable amount shown on the income scale for the appropriate size household. Excluded from consideration as income are payments received by a household from a federal, state, or local agency designated for a special purpose and which the applicant must spend for that purpose, payments made to others on the household's behalf, loans, reimbursements for expenses, incentive payments (WIN and CETA) normally disregarded in AFDC, federal payments or benefits which must be excluded according to federal law, and Supplemental Medical Insurance premiums.

*Income Scale for Applications
Taken through March 21, 1982*

Family Size	Monthly	Yearly
1	\$359	\$4,310
2	474	5,690
3	589	7,070
4 or more	704	8,450

*Income Scale for Applications
Taken from March 22 through April 15, 1982*

Family Size	Monthly	Yearly
1	\$ 539	\$ 6,465
2	711	8,535
3	884	10,605
4 or more	1,056	12,675

(4) Applicants for the crisis component must attest financial inability to obtain or retain energy for heating and that the applicant is or will be without energy for heat within the next fifteen (15) days or has received a final termination notice.

(5) For applications taken through March 19, 1982 the household must have total liquid assets at the time of application of not more than \$3,000. For applications taken on or after March 22, 1982, total liquid assets cannot exceed \$5,000. Excluded assets are cars, household or personal belongings, primary residence, cash surrender value of insurance policies, and prepaid burial policies.

Section 4. Payment Levels. Payment amounts are set at a level to serve a maximum number of households while providing a reasonably adequate payment relative to energy costs. The highest level of assistance will be provided to households with lowest incomes and highest energy costs in relation to income, taking into account family size.

(1) For the regular component, payments to eligible households will be made for the full benefit amount based on type of energy for heating, monthly household income, and household size as specified in the following benefit scales.

Benefit Scales

Scale A.

Energy Sources: LP Gas (Propane), Fuel Oil, Electricity

Monthly Household Income	Payment Amount	
	Household Size 1 and 2	Household Size 3 or more
\$ 0-\$250	\$225	\$250
\$251-\$500	\$189	\$213
over \$500	\$150 [—]	\$175

Scale B.

Energy Sources: Wood, Natural Gas, Coal

Monthly Household Income	Payment Amount	
	Household Size 1 and 2	Household Size 3 or more
\$ 0-\$250	\$175	\$200
\$251-\$500	\$138	\$163
over \$500	\$100 [—]	\$125

(2) Benefit amounts for crisis component applicants shall not exceed the amount required to alleviate the crisis, subject to the maximums in the above benefit scales. Payment shall be made for only one (1) crisis per household. Payment amounts shall be determined by whether the energy provider uses a continuous (e.g., monthly, bi-monthly) or noncontinuous (e.g., gets payment at time of each delivery) billing cycle and by whether the applicant has arrearages as follows:

(a) If the energy provider uses a continuous billing cycle, arrearages plus current month charges billed will be paid not to exceed the maximum per household.

(b) If the energy provider uses a noncontinuous billing cycle, payment will be made for the delivery of fuel not to exceed the maximum. Arrearages will not be paid unless there is no other available vendor, and the available vendor will deliver fuel only on receipt of payment for arrearages. In such instances payment for arrearages plus current delivery may not exceed the maximum per household.

(3) If the applicant incurs an indirect fuel cost through a rent payment, the amount of the payment shall be the amount of rent owed for arrearages and the current month, not to exceed the maximum in the benefit chart.

(4) If the Department for Human Resources receives only a percentage of the federal funds authorized by Congress, benefits to eligible households in the regular component may be reduced proportionately.

Section 5. Payment Methods. Payments to eligible households will be made as follows:

(1) Payment authorization under the regular component is of two (2) types:

(a) If the recipient utilizes an energy provider who has a continuous billing cycle, payment is authorized by a two-party check paid payable to the provider and the recipient, except that a direct provider payment may be authorized if necessary to obtain energy.

(b) When there is no continuous billing cycle or heating is included as an undesignated portion of rent, payment shall be made by a check payable to the recipient.

(2) Payment authorization under the crisis component is made by two-party check to the provider/landlord and recipient unless the provider/landlord refuses to accept a two-party check. In this instance, the check shall be made payable to the recipient only.

(3) At the recipient's discretion, the total benefit may be made in separate authorizations to facilitate payment to more than one (1) provider (e.g., when the recipient heats with both a wood stove and electric space heaters). However, the total amount of the payments may not exceed maximums. The household will decide how to divide payment if more than one (1) provider is used.

Section 6. Right to a Fair Hearing. Any individual has a right to request and receive a fair hearing in accordance with 904 KAR 2:055.

Section 7. Time Standards. The department shall make an eligibility determination promptly after receipt of a completed and signed application but not to exceed thirty (30) days.

Section 8. Effective Dates. The following shall be the implementation and termination dates for HEAP:

(1) Applications for the regular component shall be accepted beginning January 4, 1982, and ending no later than January 15, 1982, at the close of business.

(2) Applications for the crisis component shall be accepted beginning January 18, 1982, and ending no later than April 15, 1982, at the close of business.

(3) Applications shall be processed in the order taken [until funds are expended]. HEAP shall be terminated by the Secretary when actual and projected program expenditures have resulted in utilization of available funds or at the discretion of the secretary.

[(4) HEAP may be reactivated after termination under the same terms and conditions as shown in this regulation should additional federal funds be made available for that purpose.]

Section 9. Allocation of Funds. (1) Up to fifteen (15) percent of the total HEAP allocation shall be reserved for weatherization assistance.

(2) Sixty (60) percent of benefit funds shall be reserved for use in the regular component. Funds shall be allocated for use in each Area Development District (ADD) based on the number of Supplemental Security Income recipients in the ADD. Funds unobligated by the close of business January 15, 1982, shall be available for use in the crisis component.

(3) Forty (40) percent of benefit funds shall be reserved for use in the crisis component. Funds shall be allocated for use in each Area Development District based on the number of households with income at or below 100 percent of poverty level. Funds unspent by the close of business February 28, 1982, shall be available for use statewide.

(4) As prescribed by the Secretary, up to \$150,000 of administrative [benefit] funds may be set aside for use in select geographic areas, for the purpose of purchasing alternative means of energy. To the extent this benefit is provided a recipient, it will replace the benefit that household would otherwise receive.

(5) At the secretary's option, any amount of funds unobligated for benefits after April 15, 1982, may be made

available as benefits in the amount, manner and for the purpose prescribed by the secretary (e.g., a summer cooling program or supplemental payments to previously approved recipients).

(6) At the secretary's option, any amount of funds, not to exceed twenty-five (25) percent of Kentucky's federal allocation under the Low Income Home Energy Assistance Program block grant, may be carried over for use in the next federal fiscal year's energy assistance program in the manner prescribed by the secretary.

Section 10. Energy Provider Responsibilities. Any provider accepting payment from HEAP for energy provided to eligible recipients is required to comply with the following:

(1) Reconnection of utilities and/or delivery of fuel must be accomplished upon certification for payment;

(2) The household must be charged in the normal billing process the difference between the actual cost of the home

energy and the amount of payment made through this program. For balances remaining after acceptance of the HEAP payment, the customer must be offered the opportunity for a deferred payment arrangement or a level payment plan;

(3) HEAP recipients shall not be treated differently than households not receiving benefits; and

(4) The household on whose behalf benefits are paid shall not be discriminated against, either in the costs of goods supplied or the services provided.

(5) A landlord shall not increase the rent of recipient households on the basis of receipt of this payment.

JOHN CUBINE, Commissioner

ADOPTED: April 14, 1982

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 14, 1982 at 11 a.m.

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

Proposed Regulations

CABINET FOR ENERGY AND AGRICULTURE Kentucky State Fair Board

303 KAR 1:100. Exposition Center grounds; sale and dissemination of real property, fixtures and goods, solicitation of contributions or sales during annual State Fair; rental of space.

RELATES TO: KRS 247.145

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To regulate sale and dissemination of real property, fixtures and goods and solicitation of contributions and sales on the Kentucky Fair and Exposition Center grounds during the annual Kentucky State Fair in order to insure orderly movement of crowds and the safety and convenience of State Fair patrons and provide exhibitors with equal and adequate access.

Section 1. Regulation 303 KAR 1:080 will not apply to the Kentucky Fair and Exposition Center grounds during the annual Kentucky State Fair.

Section 2. During the annual Kentucky State Fair, no person shall make sales or distribution of real property, fixtures or goods, including but not limited to all printed or written material, solicit for either contributions or sale, or carry placards, except from within the confines of a booth or fixed location rented from the Kentucky State Fair Board.

Section 3. A rental will be charged for each booth or fixed location assigned and leased in accordance with this regulation, and such rental shall be set according to the size of the space assigned.

Section 4. The spaces available for booths or fixed location will be assigned on a first-come, first-served basis after

May 1 of each year except that, in order to attract and maintain high-quality concessions and exhibits, the Executive Vice-President may annually, at a time on or before April 30 of each year, extend to the renters of space from the prior year's State Fair the opportunity to renew their space rental contracts for the next State Fair on the basis of a renewal for the same space, purpose, and ownership as in the prior year. Even when renewals are so offered to renters from the prior year, the Fair Board reserves the right not to renew any space rental contract where the renter has violated any regulation of the State Fair or any state or federal law in previous use of the booth.

CHARLES A. HERTZMAN, President

ADOPTED: April 15, 1982

APPROVED: DONALD G. HARTMAN, Director
Administration, Energy and Agriculture Cabinet

RECEIVED BY LRC: April 15, 1982 at 12:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Mr. Joseph R. Bell, Kentucky Fair and Exposition Center, P.O. Box 37130, Louisville, Kentucky 40233.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION Division of Water

401 KAR 6:060. Water sample analysis fees.

RELATES TO: KRS 224.032

PURSUANT TO: KRS 13.082, 224.032

NECESSITY AND FUNCTION: Under 42 USC §300g-2, the Commonwealth assumed primary enforcement

responsibility of the Safe Drinking Water Act. This enforcement requires periodic analyses of water samples for specified biological, chemical, and other contaminants. The intent of this regulation is to establish a fee structure to be used in recovering costs incurred when the state provides services to public water systems which are required to analyze water under 401 KAR 6:015.

Section 1. Definitions. (1) "Certified laboratory" means a laboratory where the physical, instrumental, procedural, and personnel capabilities have been approved by either the U.S. Environmental Protection Agency or the Department for Natural Resources and Environmental Protection. A laboratory may be certified for any one (1) or all types of the contaminants listed in 401 KAR 6:015 or for any of the specific constituents or combinations of constituents therein.

(2) "Complete analysis" means a laboratory analysis or procedure acceptable to the department for determining the amount of all the specified constituents commonly falling within a type of contaminant that is regulated under 401 KAR 6:015.

(3) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(4) "Contaminant group" means all of the constituent members that collectively comprise the individual bacteriological, inorganic chemical, organic chemical, radiological, and secondary contaminant groups regulated under 401 KAR 6:015.

(5) "Department" means the Department for Natural Resources and Environmental Protection.

(6) "Fee" means a monetary charge to be assessed for analyzing a type of contaminant group, a specific constituent within a type of contaminant, or for any laboratory certification.

(7) "PWS" means public water system as defined in 401 KAR 6:015, Section 1.

(8) "Specific analysis" means a laboratory analysis or procedure acceptable to the department for determining the amount of a specific constituent of a type of contaminant regulated under 401 KAR 6:015.

Section 2. General Provisions. (1) Water systems encompassed. This regulation shall apply to each public water system as defined in 401 KAR 6:015, Section 1.

(2) Contaminant types encompassed. Fees shall be charged for analyzing the contaminant types specified in 401 KAR 6:015. Fees shall also be charged for the fluoride analysis required by 401 KAR 6:020, Section 3, and for laboratory certification.

(3) Fee conditions. A fee shall be charged for any analysis performed by the department.

Section 3. Laboratory Requirements. (1) In addition to laboratory procedures and MCL excess reporting requirements stated in 401 KAR 6:015, the following laboratory requirements apply to all laboratories performing tests under the provisions of 401 KAR 6:015.

(2) Laboratory certification. Certification of laboratories will be performed by the U.S. Environmental Protection Agency for the central state laboratory and the department for all other water system or commercial laboratories. Certification may be for one (1) or more contaminant groups or for a single constituent within a contaminant. Each contaminant group requires a different certification, but these different certifications may be accomplished during one (1) inspection.

(3) Quality assurance management. A quality assurance

management program shall be established within the Commonwealth by the department. All certified laboratories must satisfactorily maintain the standards established by the quality assurance management program throughout the certification year.

(4) Recertification audits. Audits for recertification of laboratories will be performed annually by the department on or around the date of initial certification. This audit will be essentially the same as the initial certification procedure.

(5) Public water system laboratories. Public water systems may establish their own laboratories. These laboratories must be properly certified and must maintain annual certification. Failure to achieve or maintain certification will not relieve the local water system of the responsibility for remittance of any fees and for reporting results of the required analyses.

(6) Recognition of out-of-state laboratories. Recognition of laboratories outside of Kentucky will be granted upon submission of proof of EPA certification or certification by a state having Safe Drinking Water Act primacy. Any Kentucky PWS may enter into a contract with a certified out-of-state laboratory provided that reporting time intervals and capabilities are maintained. Written clearance shall be obtained from the department in advance of said arrangement. The department will not travel to certify laboratories which are outside of boundaries of the Commonwealth.

(7) Laboratory results. Results of laboratory analyses performed by the department will be forwarded to the PWS as soon as available. Records shall be maintained by each party concerned in a readily accessible manner for a minimum of five (5) years. Commercial laboratories shall supply results directly to the PWS and to the department.

(8) Acceptable form for laboratory results. Results of analyses performed in certified laboratories by and for public water systems within the Commonwealth will not be acceptable unless reports are submitted at the close of business each month on computer compatible forms supplied by the department. Laboratories will submit separate reports to the department for each PWS served.

(9) Interruption of laboratory service. In the event that a public water system has state laboratory services interrupted for failure to submit samples as required or failure to pay an invoice, the PWS is still responsible for the prescribed analyses listed in 401 KAR 6:015 and may be liable for penalties. Under such conditions, the PWS must obtain certified laboratory services without delay. Reinstatement of state laboratory services can only occur following arrangement with and approval (reinstatement certification) by the department.

Section 4. Billing and Terms of Payment. (1) Billing and payment. The department shall bill the owner or owner's designated agent responsible for the operational and financial management of the PWS on a scheduled basis after the services have been performed. The owner shall be responsible for payment.

(2) Semi-public water systems. Water systems defined as semi-public in 401 KAR 6:015, Section 1, may be voluntarily placed in the sample test program and will be billed accordingly for analysis other than coliform density as required by 401 KAR 6:015.

(3) Private water supplies. Private supplies defined in 401 KAR 6:015, Section 1, are exempt from the sample testing program. At its discretion, the department may provide testing requested by private supplies and bill accordingly.

(4) Terms of payment. The department will submit invoices for services on a regular basis. The owner of the PWS shall make payment within thirty (30) days after the date of the invoice. Cash payment, if sent, should be sent by certified mail. Certified checks or money orders, if used, shall be payable to the Kentucky State Treasurer. Failure to make payment on the invoice within the prescribed time may result in an interruption of laboratory services and penalties.

(5) Public notification. The department may institute public notification procedures, including warnings to customers to safeguard public health, under 401 KAR 6:015, Section 10, for failure to submit water samples or testing results.

Section 5. Fee Schedule for Laboratory Services. (1) Contaminant analytical fees will be established by the department based upon analytical costs plus administrative costs directly attributable to routine sample analysis. Administrative costs may include but not be limited to personnel, computer time costs, travel expenses, postage, shipping, and other items which are related to state laboratory service.

(2) A regular price list shall be publicly displayed at all Division of Water offices and distributed on a timely and periodic basis to all water supplies covered by these regulations and the Legislative Research Commission. The regular price list will be limited to those regularly scheduled contaminant groups and constituents. A supplemental price list which covers other contaminants or constituents which must be analyzed in the event of a maximum contaminant level (MCL) excess or special sampling conditions will be available at Division of Water offices and the Legislative Research Commission. The department will authorize special sampling analyses for drinking water and will inform the PWS of the actual price in advance of billing.

(3) The regular price list will include the following contaminants and may be adjusted as needed:

- (a) Bacteriologic analysis;
- (b) Complete inorganic contaminant analysis;
- (c) Complete organic contaminant analysis;
- (d) Nitrate (as N) analysis;
- (e) Fluoride (as minimum content) analysis;
- (f) Complete secondary contaminant analysis (including corrosivity index);
- (g) Radionuclide analysis:
 - 1. Gross alpha;
 - 2. Gross beta and photon; and
- (h) Total trihalomethane analysis.

This listing includes the regularly scheduled contaminants in the surveillance program of 401 KAR 6:015.

(4) The price list will include the following sampling related activities and may be adjusted as needed:

- (a) Travel expense for pick-up of special samples;
- (b) Certification of laboratories:
 - 1. Initial certification;
 - 2. Reinstatement certification;
 - 3. Annual recertification.

(5) The prices may be adjusted as the analytical costs or the actual costs of auditing, sampling, and performing analyses change. Notification of such changes will be made at least one (1) billing period prior to the effective date. A review of the regular price list will be performed as the need arises. The supplemental price list for specific analyses will also be reviewed as the need arises.

(6) In the event of emergency conditions, the department

may order additional testing to be performed. Determination of the party or parties responsible for payment of fees and other details pertaining to billing will be made as appropriate to each situation.

(7) The department may arrange to conduct any necessary additional analyses upon the request of an authorized official of a water supply, city, or county.

(8) The department under prior agreement may analyze for contaminants not listed in Section 5 of this regulation.

Section 6. Changes in Contaminants and Fee Schedules. The number and type of contaminants to be analyzed under the Safe Drinking Water Act may be increased due to amendments to the National Interim Primary and Secondary Drinking Water Regulations, 40 CFR Parts 141 through 143, and will take effect following amendment adoption by the Commonwealth in the Kentucky Public Water Supplies Regulations, 401 KAR 6:015. Notification procedures for contaminant changes will be the same as for a regular price or fee schedule change.

Section 7. Penalties. Failure to remit payment or refusal to comply with the requirements of Sections 3 and 4 of this regulation shall be deemed a violation of KRS 224.032 and will be subject to penalties stated in KRS 224.994.

Section 8. 401 KAR 6:050, Fees for analyses of water samples, is hereby repealed.

FY 83 Regular Fee Schedule

The following sections set out the fee schedule basis for laboratory services provided by the department under the authority of the Safe Drinking Water Act, KRS 224.032, and 401 KAR 6:015. The following fees will be in effect upon promulgation of 401 KAR 6:060.

(1) Analysis performed on a scheduled basis by the department:

- (a) Bacteriologic\$ 6.50
- (b) Complete inorganic contaminant (10)\$105.00
- (c) Complete organic contaminant (6)\$145.00
- (d) Nitrate (as N)\$ 35.00
- (e) Fluoride (as minimum content)\$ 6.50
- (f) Complete secondary contaminant
(including corrosivity index)\$ 80.00
- (g) Radionuclide:
 - 1. Gross alpha\$ 65.00
 - 2. Gross beta and photon\$ 65.00
- (h) Total trihalomethane\$185.00
- (i) Travel expense for pick-up
of special sample\$ 30.00

(2) Certification of laboratories will be performed by department personnel for all water system or commercial laboratories, with the exception of the central state laboratory which will be certified by U.S. EPA. Certification may be for one (1) or more contaminant groups or for a single constituent within a contaminant. Each contaminant requires a different certification, but these different certifications may be accomplished during one (1) inspection.

- (a) Initial certification or audit\$300.00
- (b) Reinstatement certification\$300.00
- (c) Annual renewal certification\$175.00

(3) In the event of an indicated MCL excess of a specific item within a contaminant group listed in subsection (1), the department will initiate resampling. Local authorities

may also request and receive specific sampling following department approval (refer to Supplemental Fee Schedule for specific costs).

FY 83 Supplemental Fee Schedule

The following sections set out the fee schedule basis for laboratory services conducted under the authority of the Safe Drinking Water Act, KRS 224.032, and 401 KAR 6:015. The following fees will be in effect upon promulgation of 401 KAR 6:060.

Each contaminant group listed in the Regular Fee Schedule may be further analyzed by specific components. An MCL excess, an emergency, or special reason may be cause for such an analysis. The department will initiate the sampling. The following fees have been established as the supplemental price list for specific constituent sampling.

In the event of a special pick-up of a water sample for resample, a check sample, or a local request for a special non-scheduled water analysis, a fee for lab technician travel expense will be assessed (except bacteriological samples wherein the local water supply handles the collection and delivery to the lab). If the department orders the follow-up sample solely for state purposes, no charge will be made to the water supply. The pick-up for a specific constituent represents a non-scheduled collection and analysis, and the specific test fee and the expense of specific pick-up collection apply and may be charged to the PWS.

- (1) Fees for specifics:
 - (a) No bacteriological specifics;
 - (b) Specific inorganic contamination:
 1. Arsenic\$ 33.00
 2. Barium\$ 27.50
 3. Cadmium\$ 27.50
 4. Chromium\$ 27.50
 5. Fluoride (via mail)\$ 6.50
 6. Lead\$ 27.50
 7. Mercury\$ 33.00
 8. Nitrate (as N).....\$ 22.50
 9. Selenium\$ 30.00
 10. Silver\$ 30.00
 11. No-community nitrate (as N) (includes pickup)\$ 35.00
 - (c) Specific organic contaminant:
 1. Endrin\$ 42.50
 2. Lindane\$ 42.50
 3. Methoxychlor\$ 42.50
 4. Toxaphene.....\$ 42.50
 5. 2,4-D\$ 65.00
 6. 2,4,5-TP (silvex)\$ 65.00
 7. Phenols\$ 42.50
 - (d) Nitrate (as N): see (b)(8);
 - (e) Fluoride: see (b)(5);
 - (f) Specific secondary contaminant (including corrosivity):
 1. Alkalinity:
 - Bydroxide\$ 22.50
 - Carbonate\$ 22.50
 - Bicarbonate\$ 22.50
 2. Calcium\$ 25.00
 3. Chloride\$ 20.00
 4. Color\$ 20.00
 5. Copper\$ 25.00
 6. Total hardness.....\$ 20.00
 7. Iron (Fe).....\$ 25.00
 8. Manganese (Mn)\$ 25.00
 9. pH.....\$ 16.75

10. Sodium.....\$ 25.00
11. Solids, dissolved\$ 20.00
12. Sulfate (SO₄)\$ 20.00
13. Zinc (Zn)\$ 27.50
14. TemperatureNo charge
15. Corrosivity index:
 - a. Langelier\$ 5.00
 - b. Aggressive\$ 5.00
 - c. Total filterable residue\$ 5.00
 - (g) Special collection\$ 30.00
 - (h) Petroleum products\$ 45.00
 - (i) Radionuclide specific:
 1. Gross alpha specifics:
 - a. Radium 226\$ 72.50
 - b. Radium 228\$ 60.00
 2. Gross beta specifics:
 - a. Strontium 90\$60.00
 - b. Tritium\$ 50.00
 - (j) Trihalomethane specifics:
 1. Bromodichloromethane\$ 70.00
 2. Dibromochloromethane.....\$ 70.00
 3. Tribromomethane (bromoform).....\$ 70.00
 4. Trichloromethane (chloroform)\$ 70.00

NOTE: The department may opt to analyze for group THM due to equipment or methodology.

JACKIE SWIGERT, Secretary

ADOPTED: April 15, 1982

RECEIVED BY LRC: April 15, 1982 at 4:15 p.m.

SUBMIT COMMENT BY JUNE 4, 1982 TO: John T. Smither, Director, Division of Water, Department for Natural Resources and Environmental Protection, Frankfort, Kentucky, 40601.

See public hearings scheduled on page 1137

EDUCATION AND ARTS CABINET Department of Education Bureau of Education for Exceptional Children

707 KAR 1:110. Kentucky School for the Blind; admission policies.

RELATES TO: KRS 167.150

PURSUANT TO: KRS 13.082, 156.070, 167.150

NECESSITY AND FUNCTION: KRS 167.150 authorizes the State Board of Education, upon recommendation of the Superintendent of Public Instruction, to prescribe admission policies for pupils to attend the Kentucky School for the Blind. This regulation implements that function.

Section 1. Statement of Purpose. The educational programs at the Kentucky School for the Blind (KSB) are designed to meet the educational needs of severely visually handicapped and blind students. Special emphasis is placed on meeting the needs of students in relation to their visual impairments. Specialized materials, techniques, and aids are used to teach academic subjects, as well as courses needed for well-rounded development, including career-vocational education, music, physical education, orientation and mobility, and daily living and recreation and leisure skills. The over-all program is planned to develop each child's potential for living independently. (Counsel-

ing, off-campus programs, athletic programs, student organizations, etc., give experiences which help develop the confidence and skills needed to deal with a variety of social situations.)

Section 2. Referral Procedures. Inquiries concerning services of KSB for prospective students may come to the school from parents, legal guardians, agency personnel and other interested people; referrals are made through local school districts. Subsequent to the initial referral, determinations regarding placement of the child shall be made in accordance with procedures outlined in 707 KAR 1:003 and 707 KAR 1:051. Available written reports on prospective students are requested for review by KSB's Educational Evaluation Team prior to scheduling of the initial evaluation of the child. These reports are a part of the intake procedure and may include but are not limited to the following areas:

- (1) Educational history to include reports from programs attended previously.
- (2) Family history to include medical, developmental, social and behavioral history of the child.
- (3) Ophthalmological or optometric evaluation.
- (4) Psychological evaluation.
- (5) Audiological, speech, language evaluation.
- (6) Complete physical examination to include:
 - (a) Physical development;
 - (b) Digestive and/or intestinal difficulties, as indicated;
 - (c) Neurological information;
 - (d) Seizure history and prognosis;
 - (e) Medications;
 - (f) Bowel and bladder difficulties;
 - (g) Cardiac history and prognosis;
 - (h) Hereditary problems; and
 - (i) Orthopedic evaluation as indicated.

Section 3. Initial Evaluation Procedures. The procedures are as follows:

(1) Upon receipt of the completed intake information which includes signed parental permission to evaluate the child and to release information to KSB, KSB personnel will review the existing information and begin scheduling for the necessary assessments. Each child who comes to KSB for evaluation must be accompanied by a parent or guardian or by a social worker or local school district representative. Depending upon the extent of the available assessment information, the initial assessment period at the school may range from one (1) to three (3) days.

(2) The initial evaluation may include but not be limited to the following assessments, all to be administered in the child's native language or other nondiscriminatory mode:

- (a) Educational assessments which may include achievement tests, diagnostic tests, and developmental scales;
- (b) Orientation and mobility skills;
- (c) Speech, hearing and language development;
- (d) Daily living skills;
- (e) Visual functioning;
- (f) Gross and fine motor skills;
- (g) Psychological assessment; and
- (h) Informal and formal observations in various areas, such as leisure time activities, meals, classroom activities, and dormitory activities.

(3) A summary conference will be held at the conclusion of the evaluation at which time the preliminary results will be explained to the appropriate individual who accompanies the child for evaluation. A written report will follow within fifteen (15) working days of the evaluation.

(4) Following the completion of a written report, a meeting of KSB's Admissions/Placement Committee will be held and all of the assessment information reviewed by it to determine the appropriateness of the child's placement at KSB. The parents and local school district will be informed in writing of the outcome of this meeting within thirty (30) days of the initial evaluation date.

Section 4. Eligibility and Criteria for Admission. Admission is determined by the following eligibility criteria:

(1) The primary handicap of the student will be visual impairment. Attendance at KSB is provided tuition-free to Kentucky residents, and Kentucky residents will be given first consideration for any available openings at the school. Out-of-state students shall be eligible for admission, and tuition fees for those students shall be determined by the State Board of Education, pursuant to KRS 167.150.

(2) The student must be between five (5) and twenty (20) years of age inclusive.

(3) A child's visual impairment after correction must be such that he or she needs specialized instructional materials, aids, and techniques which are offered by KSB in order to succeed in an educational program.

(4) The prospective student must meet the following criteria as related to intellectual functioning and adaptive behavior:

(a) Be able to adjust socially and psychologically to the school environment, presenting no deficits in adaptive behavior which would interfere with either the student's or other students' educational endeavors.

(b) On a standardized instrument for the evaluation of intellectual functioning, achieve at least at the trainable mentally handicapped level as defined in 707 KAR 1:057, and benefit from the educational offerings of this school. When it is not possible to determine a child's level of intellectual functioning and level of adaptive behavior during the initial evaluation, the student may be accepted for an extended evaluation time upon the recommendation of KSB Admissions/Placement Committee if he or she appears to have the potential to function at an acceptable level or demonstrates the ability to develop basic skills.

(c) Exhibit the following basic prerequisite skills or demonstrate the ability to develop these skills: Be schedule trained in toileting, accept solid foods, be able to spoon feed and drink from a cup, need minimal assistance in bathing, dressing, and grooming, express his or her needs through speech or other vocalizations, natural gestures or signs.

(5) Children with significant medical problems which are beyond the capability of the school's health center cannot be considered for admission to the residential program. Prospective students also must not require skilled nursing care.

(6) Children with orthopedic involvement must require no more than minimum assistance in moving about using orthopedic aids, including wheelchairs and walkers. These children will be evaluated individually to determine their ability to function adequately within the residential program. A request for extended trial placement may be made if it is not possible to determine a child's ability to function based on existing information.

Section 5. Placement. If a student is determined eligible for admission to KSB, educational placement within the school will be determined by each child's Individualized Education Program as developed by KSB, local school districts, and parents or guardians pursuant to 707 KAR 1:051.

Section 6. Change of Placement. A placement review may be initiated at any time by KSB, local school districts, and parents or guardians to determine if continued placement at KSB is appropriate. Review procedures shall be in accordance with the admission and release committee process as set forth in 707 KAR 1:051. Situations which lead to a review of placement may include but are not limited to the following:

(1) A change of circumstances which makes local school district placement appropriate.

(2) Destructive, physically aggressive, sexually aggressive, or other unacceptable behavior that threatens the safety or well being of the child or others and that cannot be brought under control through the use of behavior modification, personal counseling, or medication.

(3) Failure after a reasonable period to make minimum progress towards behavioral or educational objectives (i.e., self-help, language, gross and fine motor, cognitive, social/emotional) that have been established for the child in his or her Individualized Education Program.

(4) Development of significant medical problems as described in Section 4.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: March 9, 1982

RECEIVED BY LRC: March 16, 1982 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. L. W. True, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

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

815 KAR 7:060. Facilities for the physically disabled in new construction.

RELATES TO: KRS Chapter 198B

PURSUANT TO: KRS 198B.260

NECESSITY AND FUNCTION: The Board of Housing, Buildings and Construction is required by KRS 198B.260 to issue regulations establishing the requirements necessary for making buildings accessible to and usable by physically disabled persons. This regulation has been designed after and selected from various nationally recognized codes and standards. This regulation establishes the minimum new construction requirements which shall apply to buildings and facilities to provide accessibility and usability by the elimination of architectural barriers in the environment. The terms of this regulation shall be incorporated into the Kentucky Building Code.

Section 1. Purpose and Scope. It is the express intention of this regulation to achieve uniformity in the technical design criteria necessary to establish a barrier-free environment thereby allowing a physically disabled person to get to, enter and use a building or facility, so that they may have access to education, employment, living and recreational opportunities and be as self sufficient as possible.

(1) New construction. This regulation shall be mandatory to and in all buildings and facilities, including both rooms and spaces, site improvements, exterior facilities and public walks, as follows:

(a) Storage, miscellaneous and temporary occupancies in which the total occupant load is in excess of 100 persons or 20,000 square feet or three (3) stories.

(b) Factory and industrial occupancies in which the total occupant load is in excess of 100 persons or 20,000 square feet.

(c) Business occupancies in which the total occupant load is in excess of 100 persons or 10,000 square feet.

(d) Mercantile occupancies in which the total occupant load is in excess of 100 persons, 3,000 square feet of consumer area or 10,000 square feet of total floor area.

(e) Churches, parochial and private schools and other similar non-public assembly type occupancies in which the total occupant load is in excess of 250 persons or 3,200 square feet.

(f) Assembly occupancies (other than those in subsection (e)) in which the total occupant load is in excess of fifty (50) persons or 1,500 square feet total area.

(g) Residential occupancies, with the exception of single family dwellings, duplexes and multi-family housing projects of less than twenty-five (25) units.

(h) Institutional occupancies, with the exception of child day care facilities providing care for less than thirteen (13) children.

(i) All buildings and facilities which are leased or owned by the state, county, city or other municipal corporation, regardless of type of use, occupant load or total square footage.

(j) Any establishment which is physically located within any building or facility otherwise covered by this section or within the premises of which is physically located any such covered establishment; and which also holds itself out as serving patrons of such covered establishment.

(k) All gasoline service stations, regardless of size or occupant capacity.

(l) Any building of an occupant load, occupancy type or size not listed in this section shall be exempted from the requirements of this regulation as a "small business concern."

(2) Existing buildings. This regulation shall be mandatory for existing buildings, as follows:

(a) Alterations and repairs may be made to any structure without requiring other areas of the existing structure to comply with the accessibility requirement of this regulation provided such new work conforms to that of a new structure.

(b) Additions to an existing facility shall comply with the standards established by this regulation; however, the existing portion need not comply provided such addition does not result in decreased accessibility.

(c) Remodeling involving major structural changes to a building shall require full compliance with all applicable provisions of this regulation.

(d) The restoration or authentic reconstruction of buildings designated as historic properties by the Kentucky Heritage Commission or the National Register of Historic Places are exempt from the requirements of this regulation.

(3) Modifications of the technical provisions of this regulation may be allowed where such modification provides equal facilitation.

(4) Problem sites. It is not the intent of this regulation to discourage development of sites with extreme conditions,

for example, where housing would be built on steep slopes or recreation facilities provided in natural terrain, and where full accessibility might prove impractical.

(5) Interpretive decisions. Where any provision of this regulation can be shown to be clearly unreasonable or impractical as applied to a particular building or use, or if full compliance would create a safety hazard, because of a particular use or condition, any person may request to appear before the Architectural Barriers Advisory Committee of the Department of Housing, Buildings and Construction. After advice from the committee, the department shall render its decision in the matter and said decision shall be appealable to the Board of Housing, Buildings and Construction.

(6) Enforcement. It shall be the duty of the local building official or the state building official having plan review and inspection responsibility under the Kentucky Building Code to enforce the provisions of this regulation.

(7) Distribution of accessible elements. Residential units accessible to the physically handicapped must not be segregated from other units. For example, in large apartment complexes, hotels or motels, all the units or rooms for the disabled may not be placed in one (1) building but must be dispersed throughout the complex.

(8) Appendix. All figures, tables and charts which are not included under a specific section of this regulation shall be found in Appendix A which is attached hereto. Any figures or numbers not in agreement with the written language of this regulation shall be superceded by said written words or numbers.

(9) Technical provisions. Sections 3 through 35 constitute the technical provisions of this regulation.

Section 2. Definitions. The following terms shall, for the purpose of this regulation, have the meaning indicated in this section.

(1) Access aisle. An accessible pedestrian space between elements such as parking spaces, seating, and desks, that provides clearances appropriate for use of the elements.

(2) Accessible. Describes a site, building, facility, or portion thereof that complies with this section and that can be approached, entered, and used by physically disabled people.

(3) Accessible element. Part of an accessible route or accessible functional space; an item specified by this regulation (for example, telephone, controls, and the like).

(4) Accessible route. A continuous unobstructed path connecting all accessible elements and spaces in a building or facility that can be negotiated by a severely disabled person using a wheelchair and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, walks, and ramps.

(5) Adaptability. The ability of certain building elements, such as kitchen counters and sinks to be added to, raised, lowered, or otherwise altered so as to accommodate the needs of either the disabled or nondisabled, or to accommodate the needs of persons with different types or degrees of disability.

(6) Assembly area. A room or space accommodating fifty (50) or more individuals for religious, recreational, educational, political, social or amusement purposes, or for the consumption of food and drink, including all connected rooms or spaces with a common means of egress and ingress. Such areas as conference rooms would have to be accessible in accordance with other parts of this stan-

dard but would not have to meet all of the criteria associated with assembly areas.

(7) Automatic door. A door equipped with a power-operated mechanism and controls that open and close the door automatically upon receipt of a momentary actuating signal. The switch that begins the automatic cycle may be a photoelectric device, floor mat, or manual switch mounted on or near the door itself (see power-assisted door).

(8) Circulation path. An exterior or interior way of passage from one place to another for pedestrians, including, but not limited to, walks, hallways, courtyards, stairways, and stair landings.

(9) Clear. Unobstructed.

(10) Common use. Refers to those interior and exterior rooms, spaces, or elements that are made available for the use of a restricted group of people (for example, residents of an apartment building, occupants of an office building, or guests of such residents or occupants).

(11) Coverage. The extent or range of accessibility that a particular administrative authority adopts and requires.

(12) Cross slope. The slope of a pedestrian way that is perpendicular to the direction of travel (see running slope).

(13) Curb ramp. A short ramp cutting through a curb.

(14) Detectable. Perceptible by one (1) or more of the senses.

(15) Disability. A limitation or loss of use of a physical, mental, or sensory body part or function.

(16) Dwelling unit. A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(17) Egress, means of. A continuous and unobstructed path of travel from any point in a building or structure to a public way and consists of three (3) separate and distinct parts:

(a) The exitway access;

(b) The exitway; and

(c) The exitway discharge; a means of egress comprises the vertical and horizontal means of travel and shall include intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, and yards.

(18) Emergency. Refers to facilities resulting from or anticipating unforeseen combinations of circumstances, for example, storm shelters, bomb shelters, and comparable refuges.

(19) Functional spaces. The rooms and spaces in a building or facility that house the major activities for which the building or facility is intended.

(20) Handicapped. Those with significant limitations in using specific parts of the environment.

(21) Housing. A building, facility, or portion thereof, excluding inpatient health care facilities, that contains one (1) or more dwelling units or sleeping accommodations. Housing may include, but is not limited to, one (1) and two (2) family dwellings, apartments, group homes, hotels, motels, dormitories, and mobile homes.

(22) Marked crossing. A crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

(23) Operable part. A part of a piece of equipment or appliance used to insert or withdraw objects, or to activate, deactivate, or adjust the equipment or appliance (for example, coin slot, pushbutton, handle).

(24) Power-assisted door. A door with a mechanism that helps to open the door, or relieve the opening resistance of a door, upon the activation of a switch or a continued

force applied to the door itself. If the switch or door is released, such doors immediately begin to close or close completely within three (3) to thirty (30) seconds (see automatic door).

(25) Principal entrance. An entrance intended to be used by the residents or users to enter or leave a building or facility. This may include, but is not limited to, the main entrance.

(26) Public use. Describes interior and exterior rooms or spaces that are made available to the general public. Public use may be provided at a building or facility that is privately or publicly owned.

(27) Ramp. A walking surface that has a running slope greater than 1:20.

(28) Reasonable number. A number that is sufficient to accommodate the disabled users of a site, building, facility, or element.

(29) Running slope. The slope of a pedestrian way that is parallel to the direction of travel (see cross slope).

(30) Service entrance. An entrance intended primarily for delivery or service.

(31) Signage. Verbal, symbolic, and pictorial information.

(32) Site. A parcel of land bounded by a property line or a designated portion of a public right-of-way.

(33) Site improvements. Landscaping, paving for pedestrian and vehicular ways, outdoor lighting, recreational facilities, and the like, added to a site.

(34) Sleeping accommodations. Rooms in which people sleep, for example, dormitory and hotel or motel guest rooms, but not including dwelling units.

(35) Tactile. Describes an object that can be perceived using the sense of touch.

(36) Tactile warning. A standardized surface texture applied to or built into walking surfaces or other elements to warn visually impaired people of hazards in the path of travel.

(37) Temporary. Applies to facilities that are not of permanent construction but are extensively used or essential for public use for a given (short) period of time; for example, temporary classrooms or classroom buildings at schools and colleges, or facilities around a major construction site to make passage accessible, usable, and safe for everybody. Structures directly associated with the actual processes of major construction, such as port-a-potties, scaffolding, bridging, trailers, and the like, are not included.

(38) Vehicular way. A route intended for vehicular traffic, such as a street, driveway, or parking lot.

(39) Walk. An exterior pathway with a prepared surface intended for pedestrian use, including general pedestrian areas such as plazas and courts.

(40) Walking aid. A device used by a person who has difficulty walking (for example, a cane, crutch, walker, or brace).

Section 3. Minimum Requirements. (1) Accessible site and exterior facilities. An accessible site shall meet the following minimum requirements:

(a) At least one (1) accessible route complying with Section 5 shall be provided from public transportation stops, accessible parking spaces, accessible passenger loading zones if provided, and public streets or sidewalks to an accessible building entrance.

(b) At least one (1) accessible route complying with Section 5 shall connect accessible buildings, facilities, elements, and spaces that are on the same site.

(c) All objects that protrude from surfaces or posts into circulation paths shall comply with Section 5(3).

(d) Ground surfaces along accessible routes and in accessible spaces shall comply with Section 5(2).

(e) When parking is provided, parking spaces and access aisles shall comply with Section 6.

(f) Stairs shall comply with Section 9.

(g) All passenger elevators shall comply with Section 10.

(h) All doors or gates to accessible spaces and elements and along accessible routes shall comply with Section 13.

(i) All drinking fountains along accessible routes shall comply with Section 15.

(j) All toilet rooms provided for public use or as otherwise required by the Kentucky Building Code shall comply with Section 22. Bathing facilities on accessible routes shall comply with Section 23.

(k) Tactile warnings shall be provided at hazardous conditions as specified in Section 29.

(l) All signs shall comply with Section 30.

(m) If public telephones are provided, they shall comply with Section 31.

(n) If seating, tables, or work surfaces are provided in accessible spaces, they shall comply with Section 32.

(o) If places of assembly are provided, they shall comply with Section 33.

(2) Accessible buildings. Accessible buildings and facilities shall meet the following minimum requirements:

(a) At least one (1) accessible route complying with Section 5(1) shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility.

(b) All objects that overhang circulation paths shall comply with Section 5(3).

(c) Ground and floor surfaces along accessible routes and in accessible rooms and spaces shall comply with Section 5(2).

(d) Stairs shall comply with Section 9. This requirement is not mandatory within dwelling units.

(e) All passenger elevators shall comply with Section 10.

(f) If windows intended to be operated by occupants are provided, then a reasonable number, but always at least one (1), of windows in each accessible space shall comply with Section 12.

(g) All doors to accessible spaces along accessible routes shall comply with Section 13.

(h) All principal entrances shall comply with Section 14.

(i) All drinking fountains along accessible routes shall comply with Section 15.

(j) All toilet rooms provided for public use or as otherwise required by the Kentucky Building Code shall comply with Section 22. Bathing facilities on accessible routes shall comply with Section 23.

(k) If storage facilities such as cabinets, shelves, closets, and drawers are provided in accessible spaces, they shall comply with Section 25.

(l) Controls and operating mechanisms in accessible spaces, along accessible routes, or as parts of accessible elements (for example, light switches and dispenser controls), shall comply with Section 27.

(m) If emergency warning systems are provided, they shall comply with Section 28.

(n) Tactile warnings shall be provided at hazardous conditions as specified in Section 29.

(o) If signs are provided, they shall comply with Section 30.

(p) If public telephones are provided, they shall comply with Section 31.

(q) If seating tables, or work surfaces are provided in accessible spaces, they shall comply with Section 32.

(r) If places of assembly are provided, they shall comply with Section 33.

(s) If sleeping accommodations are provided, they shall comply with Section 34.

(3) Accessible housing. Accessible housing shall comply with the minimum requirements in subsections (1) and (2) of this section. It shall also meet the following requirements:

(a) Accessible dwelling units shall comply with Section 35.

(b) Each accessible dwelling unit shall be connected to an accessible entrance complying with Section 14 by an accessible route complying with Section 5.

(c) Common use spaces and facilities (for example, swimming pools, playgrounds, entrances, rental offices, lobbies, elevators, mail box areas, lounges, storage rooms, halls, corridors, and the like) that serve one (1) or more accessible dwelling units shall comply with subsections (1) and (2) of this section. At least one (1) accessible route shall connect all accessible entrances to each accessible dwelling unit.

Section 4. Space Allowances and Reach Ranges. (1) Wheelchair passage width. The minimum clear width for single wheelchair passage shall be thirty-two (32) inches at a point and thirty-five (35) inches continuously.

(2) Width for wheelchair passing. The minimum width for two (2) wheelchairs to pass is sixty (60) inches.

(3) Wheelchair turning space. The space required for a wheelchair to make a 180 degree turn is a clear space of sixty (60) inches diameter or a T-shaped space with a minimum clear width of thirty-six (36) inches.

(4) Clear floor or ground space for wheelchairs:

(a) Size and approach. The minimum clear floor or ground space required to accommodate a single, stationary wheelchair and occupant is thirty (30) inches by forty-eight (48) inches. The minimum clear floor or ground space for wheelchairs may be positioned for forward or parallel approach to an object. Clear floor or ground space for wheelchairs may be part of the knee space required under some objects.

(b) Relationship of maneuvering clearances to wheelchair spaces. One (1) full unobstructed side of the clear floor or ground space for a wheelchair shall adjoin or overlap an accessible route or adjoin another wheelchair clear floor space. If a clear floor space is located in an alcove or otherwise confined in all or part of three (3) sides, additional maneuvering clearances shall be provided (see Appendix A, Figure 1).

(c) Surfaces of wheelchair spaces. Clear floor or ground spaces for wheelchairs shall comply with Section 5(2).

(5) High forward reach. If the clear floor space only allows forward approach to an object, the maximum high forward reach allowed shall be forty (40) inches. If the high forward reach is over an obstruction, reach and clearances shall be as shown in Appendix A, Figure 2.

(6) Side reach. If the clear floor space allows parallel approach by a person in a wheelchair, the maximum high side reach allowed shall be forty-eight (48) inches and the low side reach shall be no less than nine (9) inches above the floor. If the side reach is over an obstruction, the reach and clearances shall be as shown in Appendix A, Figure 3.

Section 5. Accessible Route, Ground and Floor Surfaces, and Protruding Objects. (1) Accessible route. All

walks, halls, corridors, aisles, and other spaces that are of an accessible route shall comply with this subsection.

(a) Location:

1. At least one (1) accessible route shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve.

2. At least one (1) accessible route shall connect accessible buildings, facilities, elements, and spaces that are on the same site.

3. At least one (1) accessible route shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility.

4. An accessible route shall connect at least one (1) accessible entrance of each accessible dwelling unit with those exterior and interior spaces and facilities that serve the accessible dwelling unit.

(b) Width. The minimum clear width of an accessible route shall be thirty-six (36) inches except at doors. (See Section 13(5).) If a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the accessible route shall be as shown in Appendix A, Figure 4.

(c) Passing space. If an accessible route has less than sixty (60) inches clear width, then passing spaces at least sixty (60) inches by sixty (60) inches shall be located at reasonable intervals not to exceed 200 feet. A T-intersection of two (2) corridors or walks is an acceptable passing place.

(d) Head room. Accessible routes shall comply with subsection (3)(b) of this section.

(e) Surface texture. The surface of an accessible route shall comply with subsection (2) of this section.

(f) Slope. An accessible route with a running slope greater than 1:20 is a ramp and shall comply with Section 8. Nowhere shall the cross slope of an accessible route exceed 1:50.

(g) Changes in level. Changes in level along an accessible route shall comply with subsection (2)(b) of this section. If an accessible route has changes in level greater than one-half (½) inch, then a curb ramp, ramp or elevator shall be provided that complies with Sections 7, 8 and 10, respectively. Stairs shall not be part of an accessible route.

(h) Doors. Doors along an accessible route shall comply with Section 13.

(i) Egress. At least one (1) accessible route serving any accessible space or element shall also serve as a means of egress.

(2) Ground and floor surfaces. Ground and floor surfaces along accessible routes and in accessible rooms and spaces, including floors, walks, ramps, stairs, and curb ramps, shall be stable, firm, and relatively nonslip under all weather conditions and shall comply with this subsection.

(a) Changes in level. Changes in level up to one-fourth (¼) inch may be vertical and without edge treatment. Changes in level between one-fourth (¼) inch and one-half (½) inch shall be beveled with a slope no greater than 1:2. Changes in level greater than one-half (½) inch shall be accomplished by means of a ramp that complies with Sections 7 or 8.

(b) Carpet. If carpet or carpet tile is used on a ground or floor surface, then it shall be securely attached; have a firm cushion, pad, or backing or no cushion or pad; and have a level loop, textured loop, level cut pile or level cut/uncut pile texture. The maximum combined thickness of pile, cushion, and backing shall be one-half (½) inch. Exposed

edges and trim shall be securely fastened in place and shall comply with paragraph (a) of this subsection.

(c) Gratings. If gratings are located in walking surfaces, then they shall have spaces no greater than one-half ($\frac{1}{2}$) inch wide in one (1) direction. If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel.

(3) Protruding objects:

(a) Objects projecting from walls (for example, telephones) with their leading edges between twenty-seven (27) inches and eighty (80) inches above the finished floor shall protrude no more than four (4) inches into walks, halls, corridors, passageways, or aisles. Objects mounted with their leading edges at or below twenty-seven (27) inches above the finished floor may protrude any amount. Free standing objects mounted on posts or pylons may overhang twelve (12) inches maximum from twenty-seven (27) inches to eighty (80) inches above the ground or finished floor. Protruding objects shall not reduce the clear width of an accessible route or maneuvering space. (See Appendix A, Figure 5.)

(b) Head room. Walks, halls, corridors, passageways, aisles, or other circulation spaces shall have eighty (80) inches in minimum clear head room. (See Appendix A, Figure 5.)

Section 6. Parking and Passenger Loading Zones. (1) Minimum number. Where parking spaces are provided, the minimum number of spaces shall be in accordance with Table 1 and shall comply with subsections (2) through (4) of this section. Where passenger loading zones are provided, at least one (1) shall comply with subsection (5) of this section.

TABLE 1

1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 or over	2% of total—20 plus 1 for each 200 over 1000

(2) Parking spaces. Parking spaces for disabled people shall be at least ninety-six (96) inches wide and shall have an adjacent access aisle sixty (60) inches wide minimum (see Appendix A, Figure 6). Parking access aisles shall be part of the accessible route to the building or facility entrance and shall comply with Section 5(1). Two (2) accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.

(3) Signage. Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the international symbol of accessibility. Such signs shall be above grade.

(4) Passenger loading zones. Passenger loading zones shall provide an access aisle at least forty-eight (48) inches wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with Section 7 shall be provided.

(5) Vertical clearance. Provide minimum vertical clearance of nine (9) feet six (6) inches at accessible parking spaces, at accessible passenger loading zones and along vehicle access route to such areas from site entrances.

Section 7. Curb Ramps. (1) Location. Curb ramps complying with this section shall be provided wherever an accessible route crosses a curb.

(2) Slope. Slopes of curb ramps shall comply with Table 815 of the Kentucky Building Code. The slope shall be measured at a ratio of rise to horizontal run.

(3) Width. The minimum width of a curb ramp shall be thirty-six (36) inches, exclusive of flared sides.

(4) Surface. Surfaces of curb ramps shall comply with Section 5(2). Transitions from ramps to walks and ramps to gutters or streets shall be flush and free from abrupt changes.

(5) Sides of curb ramps. If a curb ramp is located where pedestrians must walk across the ramp, then it shall have flared sides; the maximum slope of the flare shall be 1:10. Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp. Curb ramps shall not have handrails.

(6) Built-up curb ramps. Built-up curb ramps, or curb ramps that project into a vehicular path, shall not be permitted in new construction. They may be permitted in existing conditions only where such application is determined to be the only reasonable means of access and where the location of the built-up curb ramp is not in an uncontrolled vehicular path. Built-up curb ramps shall comply with this section.

(7) Warning textures. A curb ramp shall have a tactile warning texture contrasting to adjoining surfaces and complying with Section 29, extending the full width and depth of the curb ramp, including any flares.

(8) Obstructions. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.

(9) Location at marked crossings. Curb ramps at marked crossings shall be wholly contained within the markings, excluding any flared sides.

(10) Diagonal curb ramps. If diagonal (or corner type) curb ramps have returned curbs or other well defined edges, such edges shall be parallel to the direction of pedestrian flow. If diagonal curb ramps have flared sides, they shall also have at least a twenty-four (24) inch long segment of straight curb located on each side of the curb ramp and within the marked crossing.

(11) Islands. Any raised islands in crossings shall be cut through level with the street or have curb ramps at both sides and a level area at least forty-eight (48) inches long in the part of the island intersected by the crossings.

(12) Uncurbed intersections. If there is no curb at the intersection of a walk and an adjoining street, parking lot, or busy driveway, then the walk shall have a tactile warning texture complying with Section 29(5) at the edge of the vehicular way.

Section 8. Ramps. Any part of an accessible route with a slope greater than 1:20 shall be considered a ramp and shall comply with Section 815 of the Kentucky Building Code as filed in 815 KAR 7:020.

Section 9. Stairs. Stairways shall comply with Section 816 of the Kentucky Building Code as filed in 815 KAR 7:020. These specifications are not mandatory for stairs within dwelling units.

Section 10. Elevators. (1) All public passenger elevators shall be required to be accessible and shall comply with the provisions of Article 21 of the Kentucky Building Code as filed in 815 KAR 7:020.

(2) At least one (1) public passenger elevator shall be required in buildings three (3) stories or greater in height; except that residential buildings three (3) stories in height and containing no more than twenty-four (24) units shall not be required to have an elevator.

Section 11. Platform lifts. Platform lifts are not permitted until such time as a national standard shall be created and approved by the board.

Section 12. Windows. (1) General. If windows intended to be operated by occupants are provided, at least one (1) operable window in each accessible space shall comply with this section.

(2) Window hardware. Windows requiring pushing, pulling or lifting to open (for example, doublehung, sliding, or casement and awning units without cranks) shall require no more than five (5) pounds to open or close. Locks, cranks, and other window hardware shall comply with Section 27.

Section 13. Doors. (1) General. All doors to accessible spaces and elements and along accessible routes shall comply with the requirements of this section.

(2) Revolving doors and turnstiles. Revolving doors or turnstiles shall not be the only means of passage at an accessible entrance or along an accessible route.

(3) Gates. Gates, including ticket gates, shall meet all applicable specifications of this section.

(4) Double-leaf doorways. If doorways have two (2) door leaves, then at least one (1) leaf shall meet the specifications in subsections (5) and (6) of this section. That leaf shall be an active leaf.

(5) Clear width. Doorways shall have a minimum clear opening of thirty-two (32) inches with the door open ninety (90) degrees, measured between the face of the door and the stop. Openings more than twenty-four (24) inches in depth shall have a minimum clear opening of thirty-six (36) inches.

(6) Maneuvering clearances at doors. Minimum maneuvering clearances for doors that are not automatic shall be as shown in Appendix A, Figure 7. The floor or ground area within the required clearances shall be level and clear. Doors required to be a minimum of forty-four (44) inches in institutional buildings shall be exempt from the requirements for space at the latch side of the door.

(7) Two (2) doors in series. The minimum space between two (2) doors in series shall be forty-eight (48) inches plus the width of any door swinging into the space. Doors in series shall swing either in the same direction or away from the space between the doors.

(8) Thresholds at doorways. Thresholds at doorways shall not exceed one-half ($\frac{1}{2}$) inch in height except that thresholds at exterior sliding doors shall not exceed three-fourth ($\frac{3}{4}$) inch. Raised thresholds and floor level changes at accessible doorways shall be beveled with a slope no greater than 1:2, and shall meet the requirements of Section 5(2)(a).

(9) Door hardware. Handles, pulls, latches, locks and other operating devices on accessible doors shall have a shape that is easy to grasp with one (1) hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type

mechanisms and U-shaped handles are acceptable designs. When sliding doors are fully open, operating hardware shall be exposed and usable from both sides. Doors to hazardous areas shall have hardware complying with Section 29(3).

(10) Door closers. If a door has a closer, then the sweep period of the closer shall be adjusted so that from an open position of seventy (70) degrees, the door will take at least three (3) seconds to move to a point three (3) inches from the latch, measured to the leading edge of the door.

(11) Door opening force. The maximum force for pushing or pulling open a door shall be as follows:

(a) Fire doors shall have the minimum opening force of fifteen (15) pounds and as required in Section 812.5.4 of the Kentucky Building Code.

(b) Other doors: exterior hinged doors, 8.5 pounds; interior hinged doors, five (5) pounds; sliding or folding doors, five (5) pounds. These forces do not apply to the force required to retract latch bolts or disengage other devices that may hold the door in a closed position.

(12) Automatic doors and power-assisted doors. If an automatic door is used, then it shall comply with American National Standard for Power-Operated Doors, ANSI A156.10-1979. Slowly opening, low-powered, automatic doors shall be considered a type of custom design installation as described in paragraph 1.1.1 of ANSI A156.10-1979. Such doors shall not open to back check faster than three (3) seconds and shall require no more than fifteen (15) pounds to stop door movement. If a power-assisted door is used, its door opening force shall comply with subsection (11) of this section and its closing shall conform to the requirements in Section 10 of ANSI A156.10-1979.

(13) Framed glass doors. Where framed glass doors are used, the bottom rail shall be a minimum height of seven and one-half ($7\frac{1}{2}$) inches.

Section 14. Entrances. (1) Principal entrances. Principal entrances to a building or facility shall be part of an accessible route and shall comply with Section 5(1). Such entrances shall be connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, and to public streets or sidewalks if available. They shall also be connected by an accessible route to all accessible spaces or elements within the building or facility.

(2) Service entrances. A service entrance shall not be the sole accessible entrance unless it is the only entrance to a building or facility (for example, in a factory or garage).

Section 15. Drinking Fountains and Water Coolers. (1) Minimum number. All drinking fountains or water coolers along accessible routes shall comply with this section.

(2) Spout height. Spouts shall be no higher than thirty-six (36) inches, measured from the floor or ground surfaces to the spout outlet.

(3) Spout location. The spouts of drinking fountains and water coolers shall be at the front of the unit and shall direct the water flow in a trajectory that is parallel or nearly parallel to the front of the unit. The spout shall provide a flow of water so as to allow the insertion of a cup or glass under the flow of water.

(4) Controls. Controls shall comply with Section 27(4).

(5) Clearances. Wall and post mounted cantilevered units shall have a clear knee space between the bottom of the apron and the floor or ground at least twenty-seven (27) inches high, thirty (30) inches wide, and seventeen (17) inches to nineteen (19) inches deep. Such units shall also

have a minimum clear floor space thirty (30) inches by forty-eight (48) inches to allow a person in a wheelchair to make a parallel approach to the unit. This clear floor space shall comply with Section 4(4).

Section 16. Water Closets. Accessible water closets shall comply with this section. For water closets in adaptable dwelling units, see Section 35(4)(b).

(1) Clear floor space. Clear floor space for water closets not in stalls shall comply with Appendix A, Figure 9. Clear floor space may be arranged to allow either a left-handed or right-handed approach.

(2) Height. The height of water closets shall be seventeen (17) inches to nineteen (19) inches measured to the top of the toilet seat (see Appendix A, figure 10). Seats shall not be sprung to return to a lifted position when not in use.

(3) Grab bars. Grab bars for water closets shall comply with Appendix A, Figures 9 and 10, and Section 4. Grab bars may be mounted by any desired method as long as they have a gripping surface at the locations shown and do not obstruct the required floor area.

(4) Flush controls. Flush controls shall be hand operated and shall comply with Section 27(4). Controls for flush valves shall be mounted no more than forty (40) inches above the floor.

(5) Dispensers. Toilet paper dispensers shall be installed within reach as shown in Appendix A, Figure 10. Dispensers shall not control delivery and shall permit continuous paper flow.

Section 17. Toilet Stalls. (1) Location. Accessible toilet stalls shall be on an accessible route and shall meet the requirements of this section.

(2) Water closets. Water closets in stalls shall comply with Section 16.

(3) Size and arrangement. The size and arrangement of the toilet stalls shall comply with Appendix A, Figure 11(a). In existing buildings alternate stalls (Appendix A, Figure 11(b)) may be used where available space prohibits installation of the standard stall. Arrangements shown for stalls may be reversed to allow either a left or right-handed approach.

(4) Toe clearances. In standard stalls, the front partition and at least one (1) side partition shall provide a toe clearance of at least nine (9) inches above the floor. If the depth of the stall is greater than sixty (60) inches, then the toe clearance is not required.

(5) Doors. Toilet stall doors shall comply with Section 13. Doors of toilet stalls shall be out-swinging. Doors on toilet stalls shall have either a self-closing mechanism or a pull mounted on the hinged side of the stall door.

(6) Grab bars. Provide grab bars at toilet stalls as shown in Appendix A, Figures 10 and 11. Grab bars may be mounted by any desired method as long as they have a gripping surface at the locations shown and do not obstruct the required clear floor area. Grab bars shall comply with Section 26.

Section 18. Urinals. (1) General. Accessible urinals shall comply with this section.

(2) Heights. Urinals shall be stall-type or wallhung with an elongated rim at a maximum of seventeen (17) inches above the floor.

(3) Clear floor space. A clear floor space thirty (30) inches by forty-eight (48) inches shall be provided in front of urinals to allow forward approach. This clear space shall adjoin or overlap an accessible route and shall comply with Section 4(4).

(4) Flush controls. Flush controls shall be hand operated, shall comply with Section 27(4) and shall be mounted no more than forty (40) inches above the finished floor.

(5) Urinal shields. Urinal shields that do not extend beyond the front edge of the urinal rim may be provided with twenty-nine (29) inches clearance between them.

Section 19. Lavatories and Mirrors. The requirements of this section shall apply to lavatory fixtures, vanities, and built-in lavatories.

(1) Height and clearances. Lavatories shall be mounted with a clearance of at least twenty-nine (29) inches from the floor to the bottom of the apron. Knee and toe clearances shall comply with Appendix A, Figure 12.

(2) Clear floor space. A clear floor space thirty (30) inches by forty-eight (48) inches complying with Section 4(4) shall be provided in front of a lavatory to allow a forward approach. Such clear floor space shall adjoin or overlap an accessible route and shall extend a maximum of nineteen (19) inches underneath the lavatory.

(3) Exposed pipes and surfaces. If hot water exceeds 120 degrees Fahrenheit, the hot water and drain pipes under lavatories shall be insulated or otherwise covered. There shall be no sharp or abrasive surfaces under lavatories.

(4) Faucets. Faucets shall comply with Section 27(4). Lever-operated, push-type and electronically controlled mechanisms are examples of acceptable designs. Self-closing valves are allowed if the faucet remains open for at least ten (10) seconds.

(5) Mirrors. Mirrors shall be mounted with the bottom edge no higher than forty (40) inches from the floor.

Section 20. Bathtubs. (1) General. Accessible bathtubs shall comply with this section. For bathtubs in accessible dwelling units, see Section 35(4)(d).

(2) Floor space. Clear floor space in front of bathtubs shall be as shown in Appendix A, Figure 13.

(3) Seat. An in-tub seat or a seat at the head end of the tub shall be provided as shown in Appendix A, Figures 13 and 14. The structural strength of seats and their attachments shall comply with Section 26(3). Seats shall be mounted securely and shall not slip during use.

(4) Grab bars. Grab bars complying with Section 26 shall be provided as shown in Appendix A, Figures 13 and 14.

(5) Controls. Faucets and other controls complying with Section 27(4) shall be located as shown in Appendix A, Figure 14.

(6) Shower unit. A shower spray unit with a hose at least sixty (60) inches long that can be used as a fixed shower head or as a hand-held shower shall be provided.

(7) Bathtub enclosures. If provided, enclosures for bathtubs shall not obstruct controls or transfer from wheelchairs onto bathtub seats or into tubs. Enclosures on bathtubs shall not have tracks mounted on their rims.

Section 21. Shower Stalls. (1) General. Accessible shower stalls shall comply with this section. For shower stalls in accessible dwelling units, see Section 35(4)(e).

(2) Size and clearances. Shower stall size and clear floor space shall comply with Appendix A, Figure 15.

(3) Seat. A seat shall be provided in transfer shower stalls as shown in Appendix A, Figure 16. The seat shall be mounted seventeen (17) inches to nineteen (19) inches from the bathroom floor and shall extend the full depth of the stall. The seat shall be on the wall opposite the controls.

The structural strength of seats and their attachments shall comply with Section 26(3).

(4) Grab bars. Grab bars complying with Section 26 shall be provided as shown in Appendix A, Figure 17.

(5) Controls. Faucets and other controls complying with Section 27(4) shall be located as shown in Appendix A, Figure 17. In transfer shower stalls all controls, faucets, and the shower unit shall be mounted on the side wall opposite the seat.

(6) Shower unit. A shower spray unit with a hose at least sixty (60) inches long that can be used as a fixed shower head or as a hand-held shower shall be provided.

(7) Curbs. If provided, curbs in transfer shower stalls shall be no higher than four (4) inches. Roll-in shower stalls shall not have curbs.

(8) Shower enclosures. If provided, enclosures for shower stalls shall not obstruct controls or obstruct transfer from wheelchairs onto shower seats.

Section 22. Toilet Rooms. (1) Minimum number. All toilet rooms provided for public use or otherwise required by the Kentucky Building Code shall be on an accessible route and shall comply with this section.

(2) Doors. All doors to accessible toilet rooms shall comply with Section 13. Doors shall not swing into the clear floor space required for any fixture.

(3) Clear floor space. The accessible fixtures and controls required in subsections (4), (5), (6) and (7) of this section shall be on an accessible route. An unobstructed turning space complying with Section 4(3) shall be provided within an accessible toilet room. The clear floor space at fixtures and controls, the accessible route, and the turning space may overlap.

(4) Water closets. If toilet stalls are provided, then a reasonable number, but always at least one (1), shall comply with Section 17; its water closet shall comply with Section 15. If water closets are not in stalls, then a reasonable number, but always at least one (1), of water closets shall comply with Section 16.

(5) Urinals. If urinals are provided, a reasonable number, but always at least one (1), shall comply with Section 18.

(6) Lavatories and mirrors. If lavatories and mirrors are provided, a reasonable number, but always at least one (1) of each, shall comply with Section 19.

(7) Controls and dispensers. If controls, dispensers, receptacles, or other equipment is provided, at least one (1) of each shall be on an accessible route and shall comply with Section 27.

(8) Emergency lighting. Where emergency lighting in a building is required by Section 624 of the Kentucky Building Code, the emergency lighting shall be provided in accessible toilet rooms.

Section 23. Bathrooms, Bathing Facilities and Shower Rooms. (1) Minimum number. Bathrooms, bathing facilities, or shower rooms on an accessible route shall comply with this section. For bathrooms in accessible dwelling units, see Section 35(4).

(2) Doors. Doors to accessible bathrooms shall comply with Section 13. Doors shall not swing into the floor space required for any fixture.

(3) Clear floor space. The accessible fixtures and controls required in subsections (4), (5), (6), (7), (8), and (9) of this section shall be on an accessible route. An unobstructed turning space complying with Section 4(3) shall be provided within an accessible bathroom. The clear

floor space at fixtures and controls, the accessible route, and the turning space may overlap.

(4) Water closets. If toilet stalls are provided, then a reasonable number, but always at least one (1), shall comply with Section 17; its water closet shall comply with Section 16. If water closets are not in stalls, then a reasonable number, but always at least one (1), shall comply with Section 16.

(5) Urinals. If urinals are provided, then a reasonable number, but always at least one (1), shall comply with Section 18.

(6) Lavatories and mirrors. If lavatories and mirrors are provided, then a reasonable number, but always at least one (1) of each, shall comply with Section 19.

(7) Controls and dispensers. If controls, dispensers, receptacles, or other equipment is provided, at least one (1) of each shall be on an accessible route and shall comply with Section 27.

(8) Bathing and shower facilities. If tubs or showers are provided, then at least one (1) accessible tub that complies with Section 20 or at least one (1) accessible shower that complies with Section 20 or at least one (1) accessible shower that complies with Section 21 shall be provided.

(9) Medicine cabinets. If medicine cabinets are provided, at least one (1) shall be located with a usable shelf no higher than forty (40) inches above the floor space. The floor space shall comply with Section 4(4).

Section 24. Sinks. (1) General. If accessible sinks are provided, they shall comply with this section. Sinks in kitchens of accessible dwelling units shall comply with Section 35(5)(e).

(2) Height. Sinks shall be mounted with the counter or rim no higher than thirty-four (34) inches from the floor.

(3) Knee clearance. Knee clearance that is twenty-seven (27) inches high, thirty (30) inches wide, and nineteen (19) inches deep shall be provided underneath sinks.

(4) Depth. Each sink shall be a maximum of six and one-half (6½) inches deep.

(5) Clear floor space. A clear floor space at least thirty (30) inches by forty-eight (48) inches complying with Section 4(4) shall be provided in front of a sink to allow forward approach. The clear floor space shall be on an accessible route and shall extend a maximum of nineteen (19) inches underneath the sink.

(6) Exposed pipes and surfaces. If hot water exceeds 120 degrees Fahrenheit, hot water and drain pipes under sinks shall be insulated or otherwise covered. There shall be no sharp or abrasive surfaces under sinks.

(7) Faucets. Faucets shall comply with Section 27(4). Lever-operated push-type, touch-type, or electronically controlled mechanisms are acceptable designs.

Section 25. Storage. (1) General. Accessible storage facilities such as cabinets, shelves, closets, and drawers shall comply with this section.

(2) Clear floor space. A clear floor space at least thirty (30) inches by forty-eight (48) inches complying with Section 4(4) that allows either a forward or parallel approach by a person using a wheelchair shall be provided at accessible storage facilities.

(3) Height. Accessible storage spaces shall be within at least one (1) of the reach ranges specified in Section 4(5) and (6). Clothes rods shall be a maximum of forty-eight (48) inches from the floor.

(4) Hardware. Hardware for accessible storage facilities

shall comply with Section 27(4). Touch latches and U-shaped pulls are acceptable.

Section 26. Handrails, Grab Bars and Tub and Shower Seats. (1) General. All handrails, grab bars, and tub and shower seats shall comply with this section.

(2) Size and spacing of grab bars and handrails. The outside diameter or width of the gripping surfaces of handrail or grab bar shall be one and one-fourth ($1\frac{1}{4}$) inch to one and one-half ($1\frac{1}{2}$) inch or the shape shall provide an equivalent gripping surface. If handrails or grab bars are mounted adjacent to a wall, the space between the wall and the handrail or grab bars shall be one and one-half ($1\frac{1}{2}$) inch (see Appendix A, Figure 18). Handrails may be located in a recess if the recess is a maximum of three (3) inches deep and extends at least eighteen (18) inches above the top of the rail (see Appendix A, Figure 18).

(3) Structural strength. Handrails, grab bars, tub and shower seats, fasteners, and mounting devices shall support a minimum concentrated load of 250 pounds and shall not rotate in their fittings.

(4) Eliminating hazards. A handrail or grab bar and any wall or other surface adjacent to it shall be free of any sharp or abrasive elements. Edges shall have a minimum radius of one-eighth ($1/8$) inch.

Section 27. Controls and Operating Mechanisms. (1) General. Controls and operating mechanisms in accessible spaces, along accessible routes, or as part of accessible elements (for example, light switches, dispenser controls) shall comply with this section.

(2) Clear floor space. Clear floor space complying with Section 4(4) that allows a forward or parallel approach by a person using a wheelchair shall be provided at controls, dispensers, receptacles, and other operable equipment.

(3) Height. The highest operable part of all controls, dispensers, receptacles, and other operable equipment shall be placed within at least one (1) of the reach ranges specified in Section 4(5) and (6). Except where the use of special equipment dictates otherwise, electrical and communications systems receptacles on walls shall be mounted no less than fifteen (15) inches above the floor.

(4) Operation. Controls and operating mechanisms shall be operable with one (1) hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than five (5) pounds of force.

Section 28. Alarms. (1) General. If emergency warning systems are provided, they shall include both audible alarms complying with subsection (2) of this section and visual alarms complying with subsection (3) of this section. In facilities with sleeping accommodations, accessible sleeping accommodations shall have an auxiliary visual alarm system complying with subsection (4) of this section.

(2) Audible alarms. Audible emergency alarms shall produce a sound that exceeds the ambient room or space noise by at least fifteen (15) decibels or exceeds any maximum sound level with a duration of thirty (30) seconds by five (5) decibels, whichever is louder. Sound levels for alarm signals shall not exceed 120 decibels.

(3) Visual alarms. Electronically powered internally illuminated emergency exit signs or adjacent devices shall flash as a visual emergency alarm in conjunction with audible emergency alarms. The flashing frequency of visual alarm devices shall be less than five (5) Hz. If such alarms use electricity from the building as a power source, then

they shall be installed on the same system as the audible emergency alarms.

(4) Auxiliary alarms. Accessible sleeping accommodations shall have a visual alarm connected to the building emergency alarm system or shall have a standard 110-volt electrical receptacle into which such an alarm could be connected. Instructions for use of the auxiliary alarm or connection shall be provided.

(5) Alarm activators. Alarm activators shall comply with Section 27 controls and operating mechanisms.

(6) Special alarm systems. Specialized alarm systems utilizing advanced technology will be considered on a case-by-case basis.

Section 29. Tactile Warnings. (1) General. Where tactile warnings are required, they shall comply with this section.

(2) Tactile warnings on walking surfaces. Tactile warning textures on walking surfaces shall contrast with that of the surrounding surface. Raised strips or grooves shall comply with Appendix A, Figure 19. Grooves may be used indoors only.

(3) Tactile warnings on doors to hazardous areas. Doors that lead to areas that might prove dangerous to a blind person (for example, doors to loading platforms, mechanical rooms, stages, and the like) shall be made identifiable to the touch by a textured surface on the door handle, knob, pull, or other operating hardware. This textured surface may be made by knurling or roughening or by a material applied to the contact surface. Such textured surfaces shall not be provided for emergency exit doors or any doors other than those to hazardous areas.

(4) Tactile warnings at stairs. All stairs (except those in dwelling units, in enclosed stair towers, or set to the side of the path of travel) shall have a tactile warning at the top of stair runs.

(5) Tactile warnings at hazardous vehicular areas. If a walk crosses or adjoins a frequently used vehicular way, and if there are no curbs, railings, or other elements detectable by a person who has a severe visual impairment separating the pedestrian and vehicular areas, then the boundary between the areas shall be defined by a continuous thirty-six (36) inch wide tactile warning texture complying with subsection (2) of this section.

(6) Tactile warnings at reflecting pools. The edges of reflecting pools shall be protected by railings, walls, curbs, or tactile warnings complying with subsection (2) of this section.

(7) Standardization. Textured surfaces for tactile warnings shall be standard within a building, facility, site, or complex of buildings.

Section 30. Signage. (1) General. All signage that provides emergency information of general circulation directions or identifies rooms and spaces shall comply with this section.

(2) Character proportion and contrast. Letters and numbers on sign systems shall:

(a) Have a width-to-height ratio of between 3:5 and 1:1.

(b) Have a stroke width-to-height ratio of between 1:5 and 1:10.

(c) Contrast in value with their backgrounds, preferably light letters on a dark background.

(d) Have a matte finish on a matte finish background.

(3) Raised or incised characters. Provide numbers and letters that are:

(a) Raised or incised from the background surface one thirty-second ($1/32$) inch. Also incise or raise symbols and pictographs in this manner.

(b) Between five-eighths (5/8) inch and two (2) inches high.

(c) San serif with sharply defined edges.

(d) If incised, provided with at least one-fourth (1/4) inch stroke width.

(4) Mounting location and height. Signage shall be placed in a standardized location throughout a building or facility as follows:

(a) Interior signage shall be located on the door or alongside of the door on the latch side and shall be mounted at between four feet, six inches (4'6") and five feet, six inches (5'6") above finished floor.

(b) Exterior signage shall be installed at entrances and walks to direct individuals to accessible routes and entrances as required.

(c) Symbols of accessibility. If accessible facilities are identified, then the international sign of accessibility shall be used.

Section 31. Telephones. (1) General. If public telephones are provided, then they shall comply with this section.

(2) Clear floor or ground space. A clear floor or ground space at least thirty (30) inches by forty-eight (48) inches that allows either a forward or parallel approach by a person using a wheelchair shall be provided at telephones. The clear floor or ground space shall comply with Section 4(4). Bases, enclosures, and fixed seats shall not impede approaches to telephones by people who use wheelchairs.

(3) Mounting height. The highest operable part of the telephone shall be within reach ranges specified in Section 4(5) or (6). Telephones mounted diagonally shall have the highest operable part no higher than fifty-four (54) inches above the floor.

(4) Enclosures. If telephone enclosures are provided, they may overhang the clear floor space required in subsection (2) of this section within the following limits:

(a) Side reach possible: The overhang shall be no greater than nineteen (19) inches; the height of the lowest overhanging part shall be equal to or greater than twenty-seven (27) inches.

(b) Full-height enclosures: Entrances to full-height enclosures shall be thirty (30) inches clear minimum.

(c) Forward reach required: If the overhang is greater than twelve (12) inches, then the clear width of the enclosure shall be thirty (30) inches minimum, if the clear width of the enclosure is less than thirty (30) inches, then the height of the lowest overhanging part shall be equal to or greater than twenty-seven (27) inches.

(d) Where telephone enclosures protrude into walls, halls, corridors, or aisles, they shall also comply with Section 5(3).

(5) Equipment for hearing impaired people. Telephones shall be equipped with a receiver that generates a magnetic field in the area of the receiver cap. If banks of public telephones are provided, a minimum of five (5) percent, but always at least one (1), in a building or facility shall be equipped with a volume control.

(6) Controls. Telephones shall have pushbutton controls where service for such equipment is available.

(7) Telephone books. Telephone books, if provided, shall be located so that they can be used by a person in a wheelchair.

(8) Cord length. The cord from the telephone to the handset shall be at least twenty-nine (29) inches long.

Section 32. Seating, Tables, and Work Surfaces. (1)

Minimum number. If fixed or built-in seating, tables, or work surfaces are provided in accessible spaces, a minimum of five (5) percent, but always at least one (1), of seating spaces, tables, or work surfaces shall comply with this section.

(2) Seating. If seating spaces for people in wheelchairs are provided at tables, counters, or work surfaces, clear floor space complying with Section 4(4) shall be provided. Such clear floor space shall not overlap knee space by more than nineteen (19) inches.

(3) Knee clearances. If seating for people in wheelchairs is provided at tables, counters, and work surfaces, knee spaces at least twenty-seven (27) inches high, thirty (30) inches wide, and nineteen (19) inches deep shall be provided.

(4) Height of work surfaces. The tops of tables and work surfaces shall be from twenty-eight (28) inches to thirty-four (34) inches from the floor to ground.

Section 33. Assembly Areas. (1) Minimum number. Assembly areas shall have a minimum of five (5) percent, but no less than two (2), of locations for wheelchair users in each assembly area that complies with this section. Assembly areas with audio-amplification systems shall have a listening system complying with subsections (6) and (7) of this section to assist a minimum of five (5) percent of people, but no fewer than two (2), with severe hearing loss in the appreciation of audio presentations.

(2) Size of wheelchair locations. Each wheelchair location shall provide minimum clear ground or floor space of sixty-six (66) inches wide by forty-eight (48) inches deep for forward or rear access and sixty-six (66) inches deep for side access and shall accommodate two (2) people in wheelchairs.

(3) Placement of wheelchair locations:

(a) Wheelchair areas shall be an integral part of any fixed seating plan and shall be dispersed throughout the seating area. They shall adjoin an accessible route that also serves as a means of egress in case of emergency and shall be located to provide lines of sight comparable to those for all viewing areas.

(b) Exception. In alteration work where it is structurally impossible to alter seating location to disperse seating throughout, seating may be located in collected areas, but must adjoin an accessible route.

(4) Surfaces. The ground or floor at wheelchair locations shall be level and shall comply with Section 5(2).

(5) Access to performing areas. An accessible route shall be provided to performing areas, including stages, arena floors, dressing rooms, locker rooms, and other spaces used by performers.

(6) Placement of listening systems. If the listening system provided serves individual fixed seats, then such seats shall be located within a fifty (50) foot viewing distance of the stage or playing area and shall have a complete view of the stage or playing area.

(7) Types of listening systems. Audio loops and radio frequency systems are two (2) acceptable types of listening systems.

Section 34. Hotels and Motels. Minimum Requirements. In hotel and motel buildings, lodging houses, boarding houses, and dormitory buildings, providing sleeping accommodations for twenty (20) or more individuals, a minimum of five (5) percent of those accommodations shall be accessible to and shall comply with Section 3(1) and (2).

Section 35. Dwelling Units. Where multi-family housing projects are required to be accessible, a minimum of one (1) in twenty-five (25) dwelling units shall meet the requirements of this section.

(1) An accessible dwelling unit shall be on an accessible route. An accessible dwelling unit shall have the following accessible elements and spaces as a minimum:

(a) Common spaces and facilities serving individual accessible dwelling units (for example, entry walks, trash disposal facilities, and mail boxes) shall comply with Sections 3 through 33.

(b) Accessible spaces shall have maneuvering space complying with Section 4(2) and (3) and surfaces complying with Section 5(2).

(c) At least one (1) accessible route complying with Section 5(1) shall connect the accessible entrances with all accessible spaces and elements within the dwelling units.

(d) If parking spaces are assigned for use with individual dwelling units, then at least one (1) parking space per accessible dwelling unit shall comply with Section 6(3).

(e) If windows intended to be operated by occupants are provided, then they shall comply with Section 12.

(f) Doors to and in accessible spaces that are intended for passage shall comply with Section 13.

(g) All entrances to accessible dwelling units shall comply with Section 14.

(h) Storage in accessible spaces in dwelling units, including cabinets, shelves, closets, and drawers, shall comply with Section 25.

(i) All controls in accessible spaces shall comply with Section 27. Those portions of heating, ventilating, and air conditioning equipment requiring regular, periodic maintenance and adjustment by the resident of a dwelling shall be accessible to people in wheelchairs. If air distribution registers must be placed in or close to ceilings for proper air circulation, this specification shall not apply to registers.

(j) If emergency alarms are provided, alarm connections complying with Section 28(4), (5), and (6) shall be provided in the dwelling unit.

(k) If telephone connections are installed in the dwelling unit, a reasonable number, but always at least one (1), shall comply with Section 31(2) and (3).

(l) A reasonable number, but always at least one (1), of full bathrooms shall comply with subsection (4) of this section. A full bathroom shall include a water closet, a lavatory, and a bathtub or shower.

(m) The kitchen shall comply with subsection (5) of this section.

(n) If laundry facilities are provided, they shall comply with subsection (6) of this section.

(o) The following spaces shall be accessible and shall be on an accessible route:

1. The living area.

2. The dining area.

3. The sleeping area, or the bedroom in one (1) bedroom dwelling units, or at least two (2) bedrooms or sleeping spaces in dwelling units with two (2) or more bedrooms.

4. Patios, terraces, balconies, carports, and garages, if provided with the dwelling unit.

(2) Adaptability. The specifications of subsection (5) of this section are based on the concept of adaptability.

(3) Consumer information. To ensure that the existence of adaptable features will be known to the owner or occupant of a dwelling, consumer information shall be provided for each accessible dwelling unit for rent or sale.

(4) Bathrooms. Bathrooms shall be on an accessible route and shall comply with the requirements of this subsection.

(a) Minimum dimensions. Accessible bathrooms shall accommodate wheelchair turning space in accordance with Section 4(3). Door operation shall not interfere with maneuverability.

(b) Water closets:

1. Clear floor space at the water closet shall be as shown in Appendix A, Figure 9. The water closet may be located with the clear area at either the right or left side of the toilet.

2. The height of the water closet shall be at least seventeen (17) to nineteen (19) inches measured to the top of the toilet seat.

3. Grab bars shall be installed as shown in Appendix A, Figure 10 and shall comply with Section 26.

4. The toilet paper dispenser shall be installed within reach as shown in Appendix A, Figure 10.

(c) Lavatory, mirrors, and medicine cabinets:

1. The lavatory and mirrors shall comply with Section 19.

2. If a medicine cabinet is provided above the lavatory, then the bottom of the medicine cabinet shall be located with a usable shelf no higher than forty-four (44) inches above the floor.

(d) Bathtubs. If a bathtub is provided, then it shall have the following features:

1. Floor space. Clear floor space at bathtubs shall be as shown in Appendix A, Figure 13.

2. Seat. An in-tub seat or a seat at the head end of the tub shall be provided as shown in Appendix A, Figures 13 and 14. The structural strength of seats and their attachments shall comply with Section 26(3). Seats shall be mounted securely and shall not slip during use.

3. Grab bars. Grab bars shall be installed as shown in Appendix A, Figure 14 and shall comply with Section 26.

4. Controls. Faucets and other controls shall be located as shown in Appendix A, Figure 14 and shall comply with Section 27(4). Single lever and mixing devices are acceptable designs.

5. Shower unit. A shower spray unit with a hose at least sixty (60) inches long that can be used as a fixed shower head at various heights or as a hand-held shower shall be provided.

(e) Showers. If a shower is provided, it shall have the following features:

1. Size and clearances. Shower stall size and clear floor space shall comply with Appendix A, Figure 15.

2. Seat. A seat shall be provided in the transfer shower stalls as shown in Appendix A, Figure 16. The seat shall be seventeen (17) inches to nineteen (19) inches high measured from the bathroom floor and shall extend the full depth of the stall. The seat shall be on the wall opposite the controls. The structural strength of seats and their attachments shall comply with Section 26(3). Seats shall be mounted securely and shall not slip during use.

3. Grab bars. Grab bars complying with Section 26 shall be provided as shown in Appendix A, Figure 17.

4. Controls. Faucets and other controls shall be located as shown in Appendix A, Figure 17 and shall comply with Section 27(4). In transfer shower stalls, all controls, faucets, and the shower unit shall be mounted on the side wall opposite the seat.

5. Shower unit. A shower spray unit with a hose at least sixty (60) inches long that can be used as a fixed shower head at various heights or as a hand-held shower shall be provided.

(f) Bathtub and shower enclosures. Enclosures for bathtubs or shower stalls shall not obstruct controls or transfer from wheelchairs onto shower or bathtub seats. Enclosures on bathtubs shall not have tracks mounted on their rims.

(g) Clear floor space. Clear floor space at fixtures may overlap.

(5) Kitchens. Kitchens and their components shall be on an accessible route and shall comply with the requirements of this subsection.

(a) Clearance. Clearances between all opposing base cabinets, counter tops, appliances or walls shall accommodate wheelchair turning space in accordance with Section 4(3).

(b) Clear floor space. A clear floor space at least thirty (30) inches by forty-eight (48) inches complying with Section 4(4) that allows either a forward or a parallel approach by a person in a wheelchair shall be provided at all appliances in the kitchen, including the range or cooktop, oven, refrigerator/freezer, dishwasher, and trash compactor. Laundry equipment located in the kitchen shall comply with subsection (6) of this section.

(c) Controls. All controls in kitchens shall comply with Section 27.

(d) Work surfaces. At least one (1) thirty (30) inch section of counter shall provide a work surface that complies with the following requirements:

1. The counter either shall be adjustable (or replaceable as a unit) to provide alternative heights of twenty-eight (28) inches to thirty-six (36) inches, or shall be fixed at thirty (30) inches measured from the floor to the top of the counter surface.

2. Base cabinets, if provided, shall be removable under the full thirty (30) inch minimum frontage of the counter. The finished floor shall extend under the counter to the wall.

3. Counter thickness and supporting structure shall be two (2) inches maximum over the required clear area.

4. A clear floor space thirty (30) inches by forty-eight (48) inches shall allow a forward approach to the counter. Nineteen (19) inches maximum of the clear floor space may extend underneath the counter. The knee space shall have a minimum clear width of thirty (30) inches and a minimum clear depth of nineteen (19) inches.

5. There shall be no sharp or abrasive surfaces under such counters.

(e) Sink. The sink and surrounding counter shall comply with the following requirements:

1. The sink and surrounding counter either shall be adjustable (or replaceable as a unit) to provide alternative heights of twenty-eight (28) inches to thirty-six (36) inches, or shall be fixed at thirty (30) inches measured from the floor to the top of the counter surface or sink rim. The total width of sink and counter area shall be thirty (30) inches minimum.

2. Where the sink is adjustable, rough-in plumbing shall be located to accept connections of supply and drain pipes for sinks mounted at the height of twenty-eight (28) inches.

3. The depth of a sink bowl shall be no greater than six and one-half (6½) inches.

4. Faucets shall comply with Section 27(4). Lever-operated or push-type mechanisms are two (2) acceptable designs.

5. Base cabinets, where provided, shall be removable under the full thirty (30) inch minimum frontage of the sink and surrounding counter. The finished flooring shall extend under the counter to the wall.

6. Counter thickness and supporting structure shall be two (2) inches maximum over the required clear space.

7. A clear floor space thirty (30) inches by forty-eight (48) inches shall allow forward approach to the sink. Nineteen (19) inches maximum of the clear floor space may extend underneath the sink. The knee space shall have a minimum clear width of thirty (30) inches and a clear depth of nineteen (19) inches.

8. There shall be no sharp or abrasive surfaces under sinks. If hot water exceeds 120 degrees Fahrenheit, hot water and drain pipes under sinks shall be insulated or otherwise covered.

(f) Ranges and cooktops. Ranges and cooktops shall comply with subsection (5)(b) of this section and Section 27. If ovens or cooktops have knee spaces underneath, then they shall be insulated or otherwise protected on the exposed contact surfaces to prevent burns, abrasions, or electrical shock. The clear floor space may overlap the knee space, if provided, by nineteen (19) inches maximum. The location of controls for ranges and cooktops shall not require reaching across burners.

(g) Ovens. Ovens shall comply with subsection (5)(b) of this section and Section 27. Ovens shall be of the self-cleaning type or be located adjacent to a counter with knee space below. For side-opening ovens, the door latch side shall be next to the open counter space, and there shall be a pull-out shelf under the oven extending the full width of the oven and pulling out not less than ten (10) inches when fully extended. Ovens shall have controls on front panels; they may be located on either side of the door.

(h) Refrigerator/freezers. Refrigerator/freezer type shall comply with Section 27. Refrigerators shall be:

1. Of the vertical side-by-side refrigerator/freezer type; or

2. Of the over-and-under type and meet the following requirements:

- a. Have at least fifty (50) percent of the freezer space below fifty-four (54) inches above the floor.

- b. Have 100 percent of the refrigerator space and controls below fifty-four (54) inches. Freezers with less than 100 percent of the storage volume within the limits specified in subsections (5) or (6) of this section shall be the self-defrosting type.

- (i) Dishwashers. Dishwashers shall comply with subsection (5)(b) of this section and Section 27. Dishwashers shall have all rack space accessible from the front of the machine for loading and unloading dishes.

- (j) Kitchen storage. At least fifty (50) percent of kitchen storage areas shall comply with Section 25. Door pulls or handles for wall cabinets shall be mounted as close to the bottom of cabinet doors as possible. Door pulls or handles for base cabinets shall be mounted as close to the top of cabinet doors as possible.

- (6) Laundry facilities. If laundry equipment is provided within individual accessible dwelling units, or if separate laundry facilities serve one (1) or more accessible dwelling units, then they shall meet the requirements of this subsection.

- (a) Location. Laundry facilities and laundry equipment shall be on an accessible route.

- (b) Washing machines and clothes dryers. Washing machines and clothes dryers in common-use laundry rooms shall be front loading.

- (c) Controls. Laundry equipment shall comply with Section 27.

Section 36. The effective date of this regulation is July 15, 1982. 815 KAR 40:010, Construction requirements to

accommodate physically handicapped, is hereby repealed to become effective July 15, 1982.

Insert Appendix A

CHARLES A. COTTON, Commissioner

ADOPTED: April 15, 1982

APPROVED: TRACY FARMER, Secretary

RECEIVED BY LRC: April 15, 1982 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Judith G. Walden, Office of General Counsel,
Department of Housing, Buildings and Construction, The
127 Building, U.S. 127 South, Frankfort, Kentucky 40601.

(See Appendix A on following pages.)

APPENDIX A

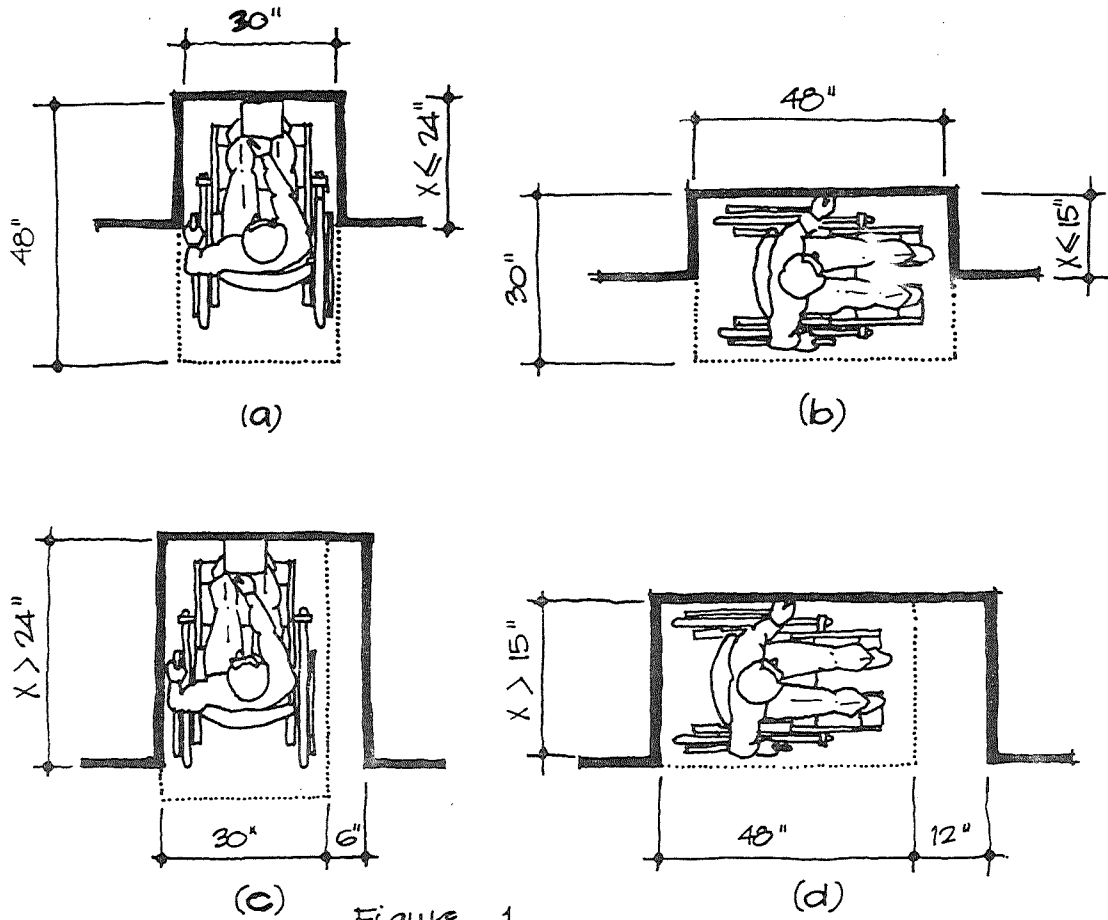


Figure 1
Clear Floor Space in Alcoves

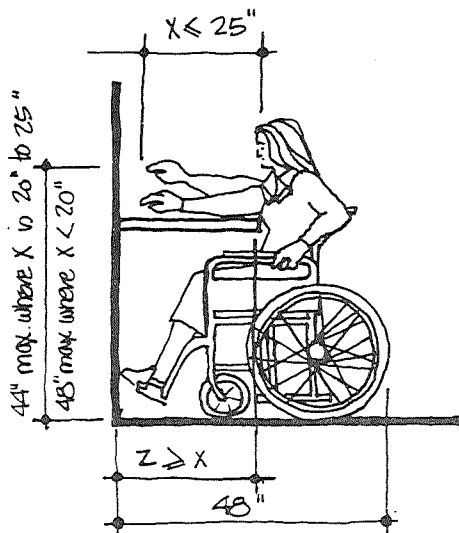


Figure 2
Maximum Forward Reach
Over an Obstruction

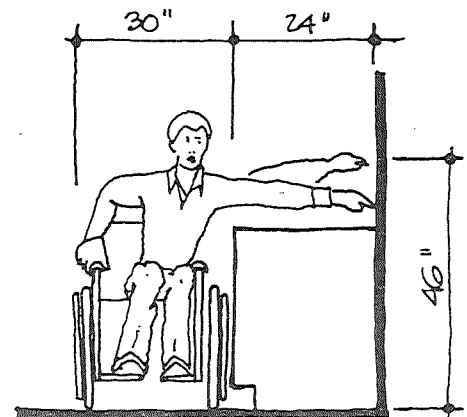
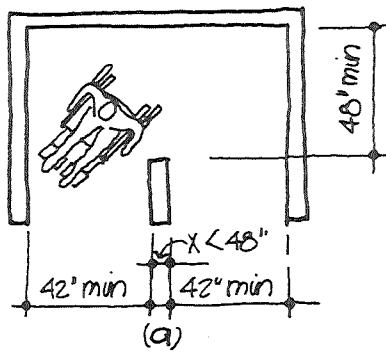
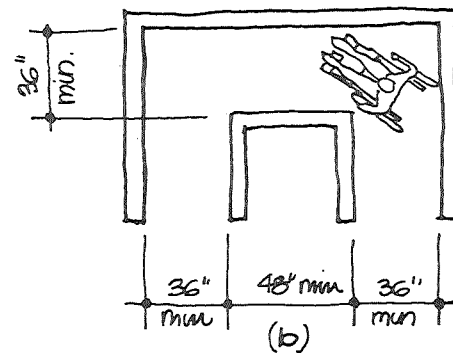


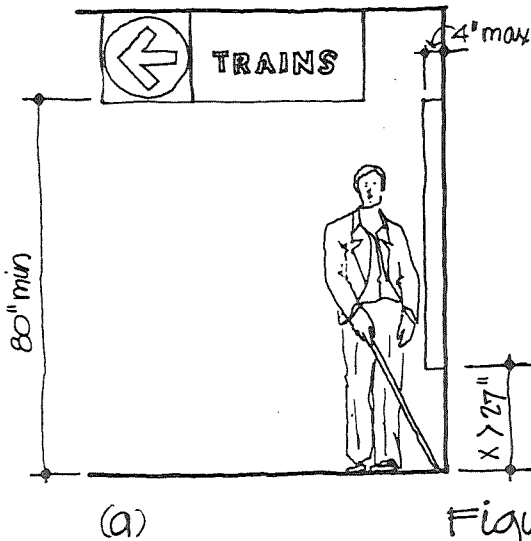
Figure 3
Maximum Side Reach
Over an Obstruction



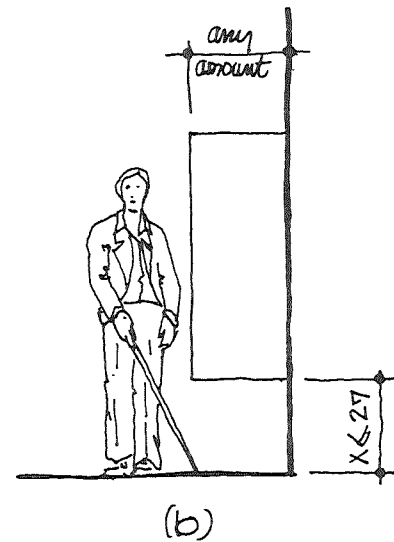
turns Around an Obstruction



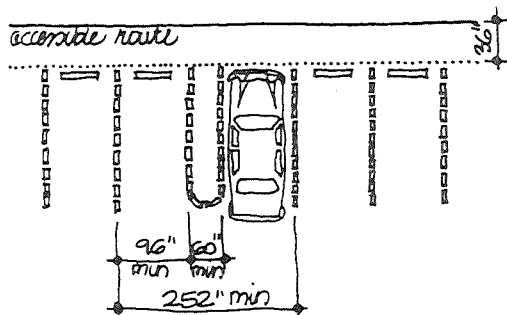
90° Turn

Figure 4
Width of Accessible
Route

(a)



(b)

Figure 5
Protruding ObjectsFigure 6
Dimensions of Parking
Spaces

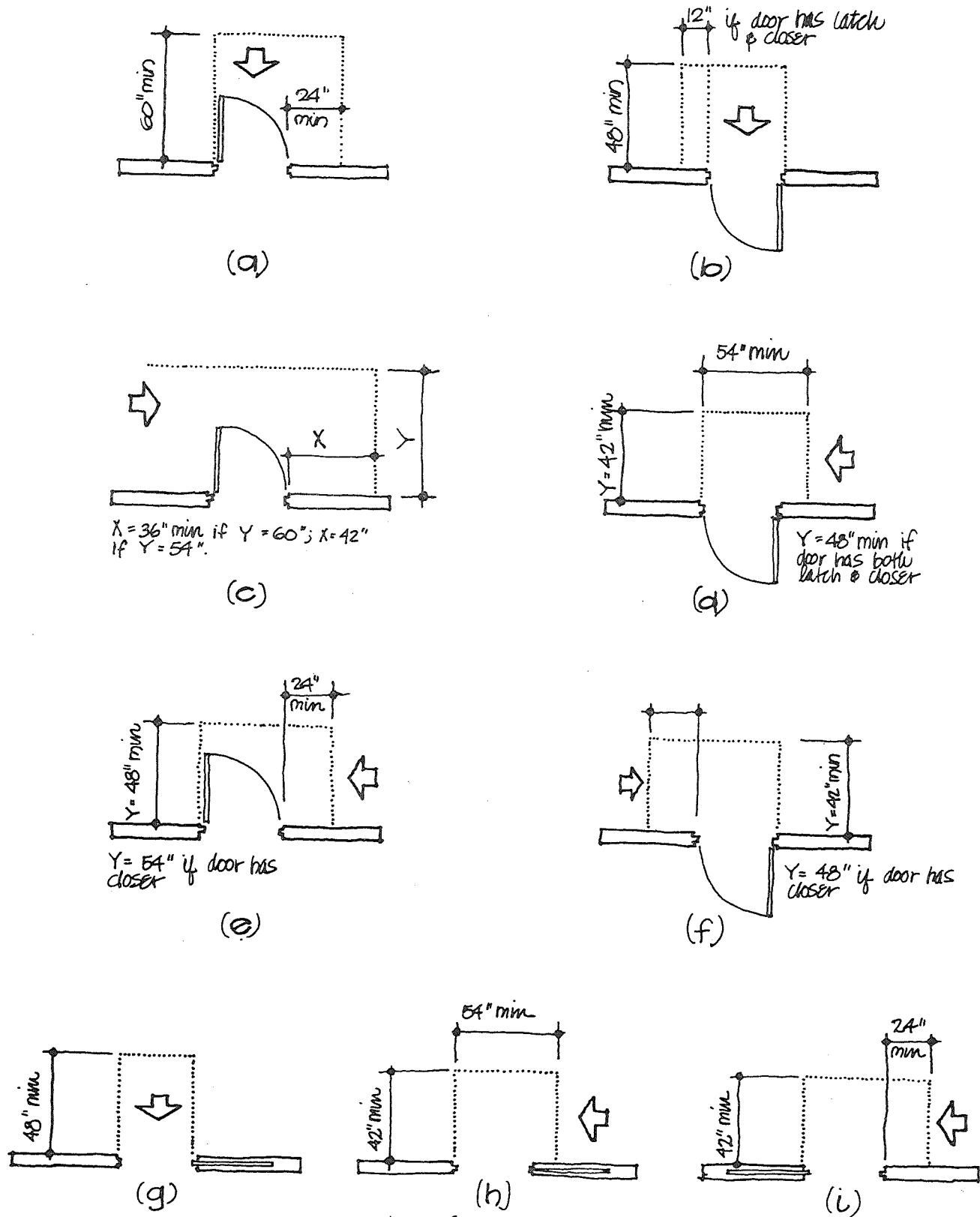
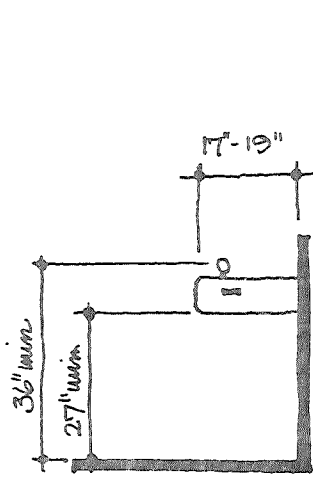
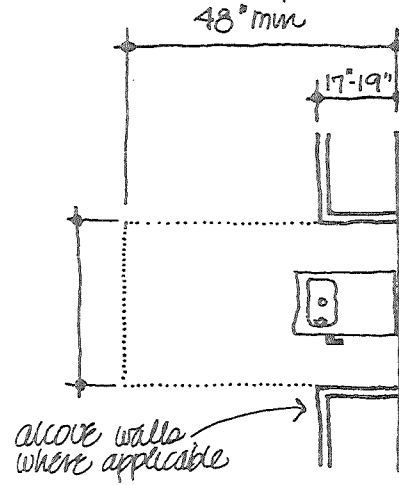


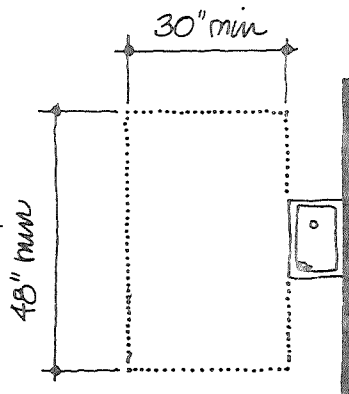
Figure 7
Maneuvering Clearances
at Doors



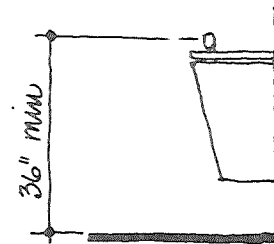
(a)
Spout Height and
Knee Clearance



(b)
Clear Floor Space

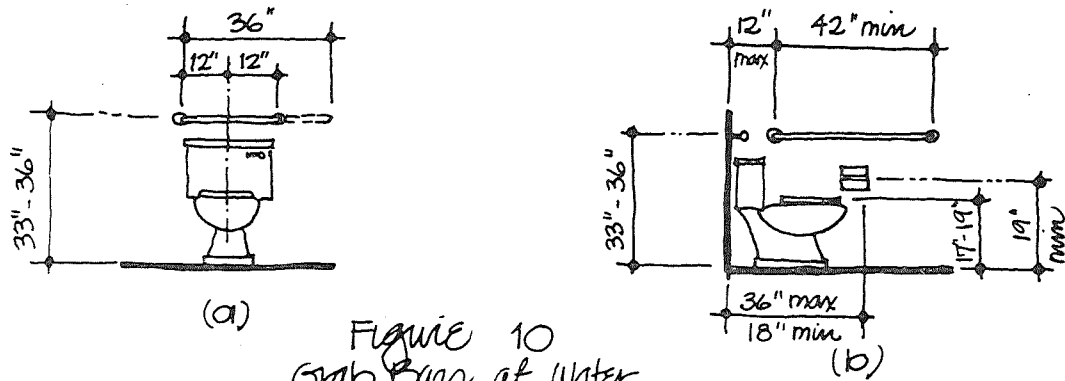
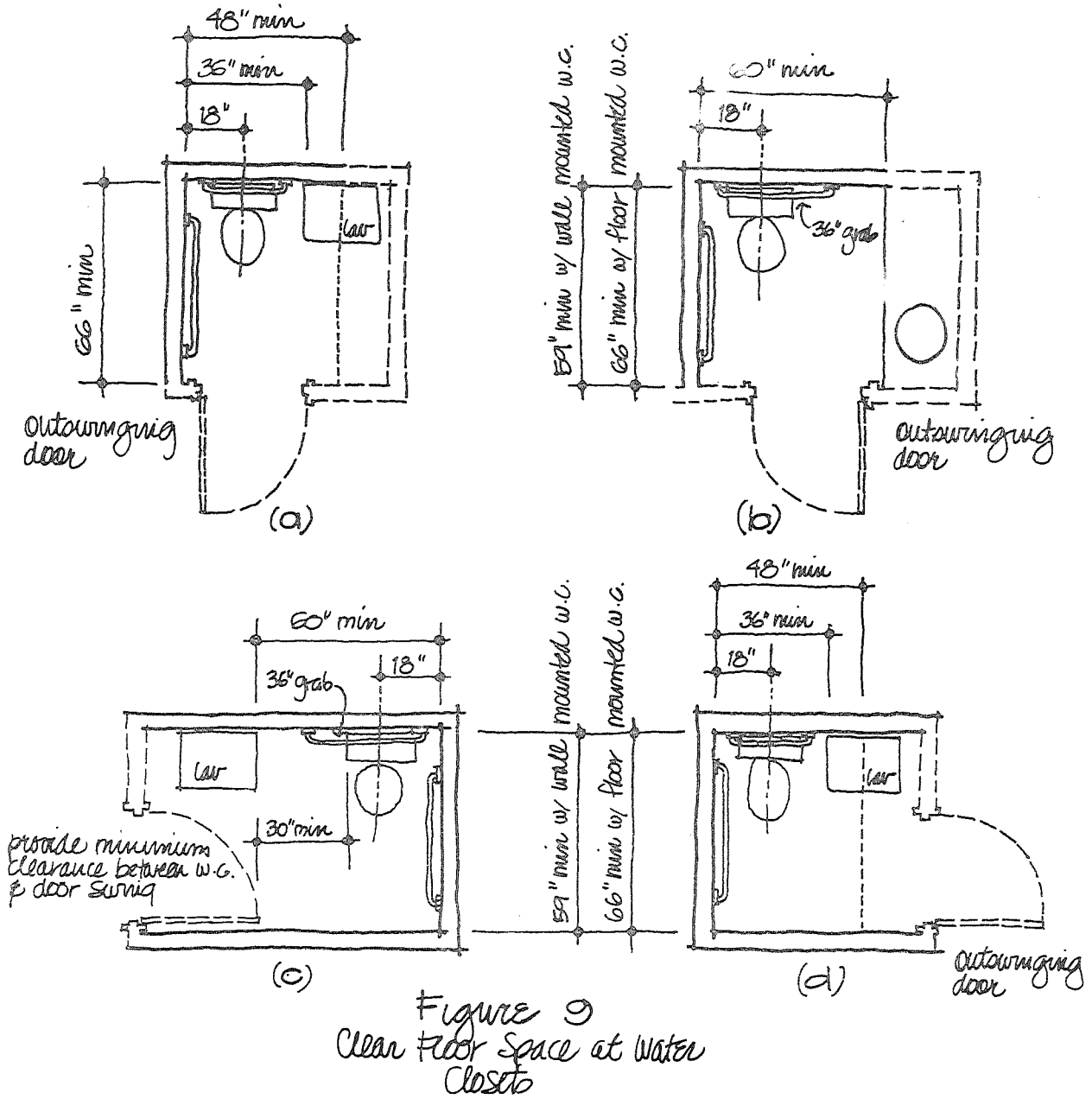


(c)
Free Standing
Fountain or Cooler



(d)
Free Standing
Fountain or Cooler

Figure 8
Drinking Fountains and
Water Coolers



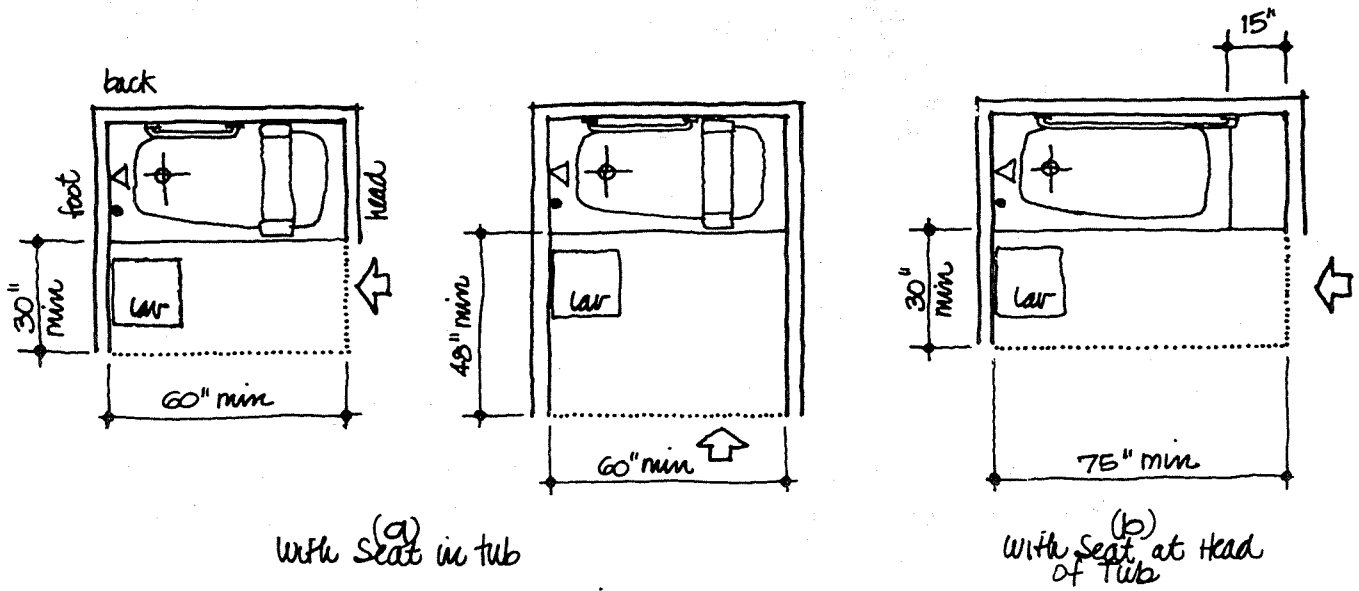


Figure 13
Clear Floor Space @ Bathtubs

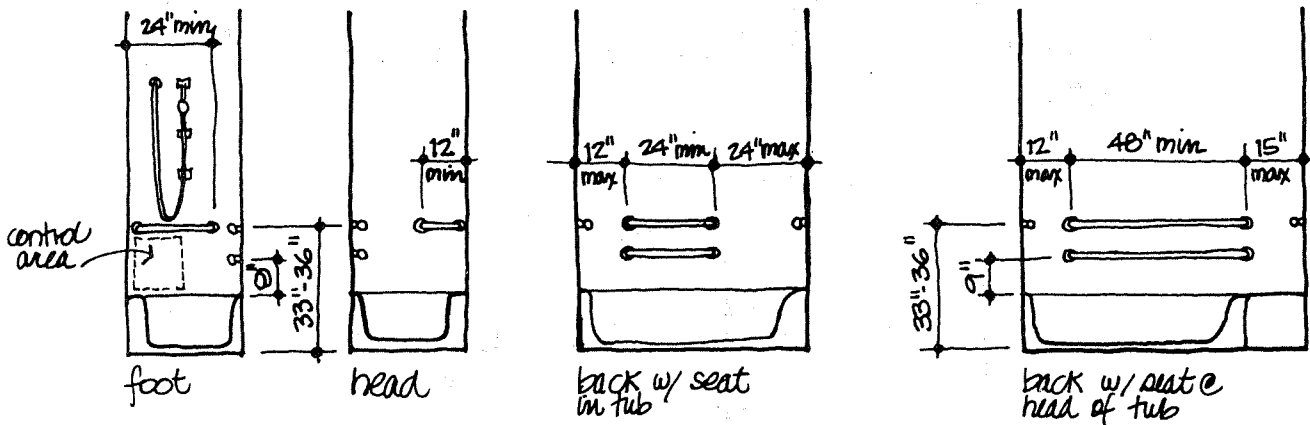


Figure 14
Grab Bars @ Bathtubs

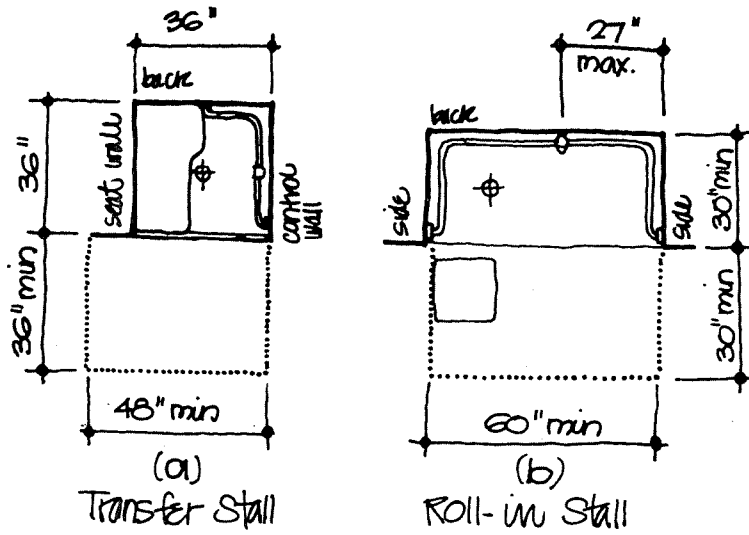


Figure 15
Shower Size and Clearances

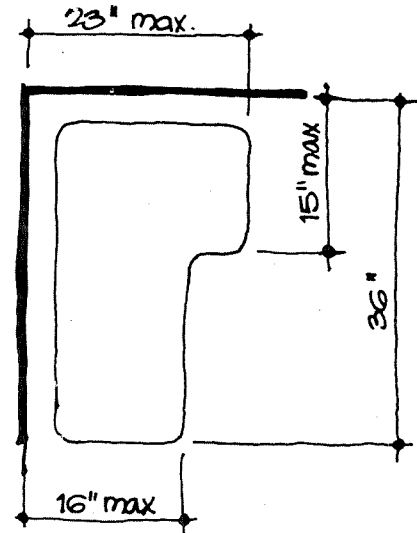


Figure 16
Shower Seat Design

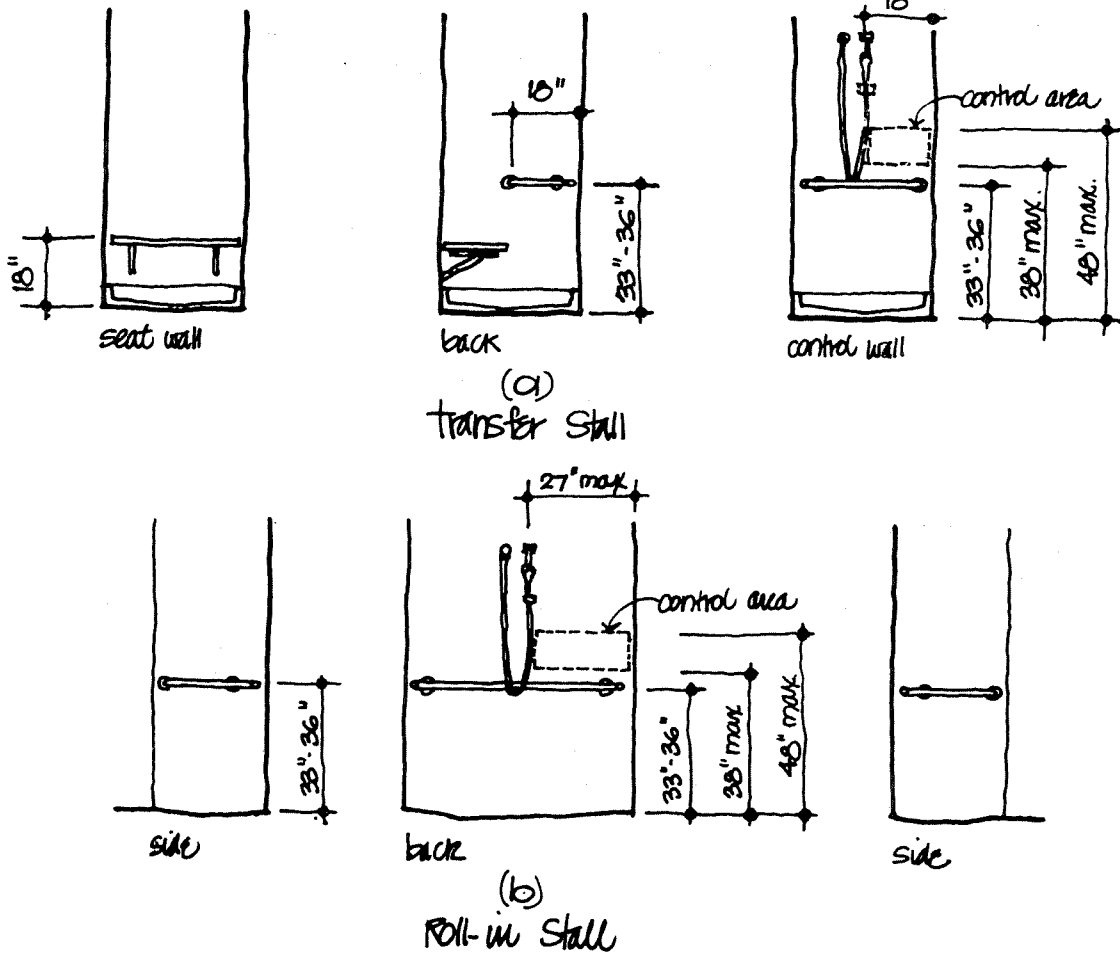


Figure 17
Grab Bars at Shower Stalls

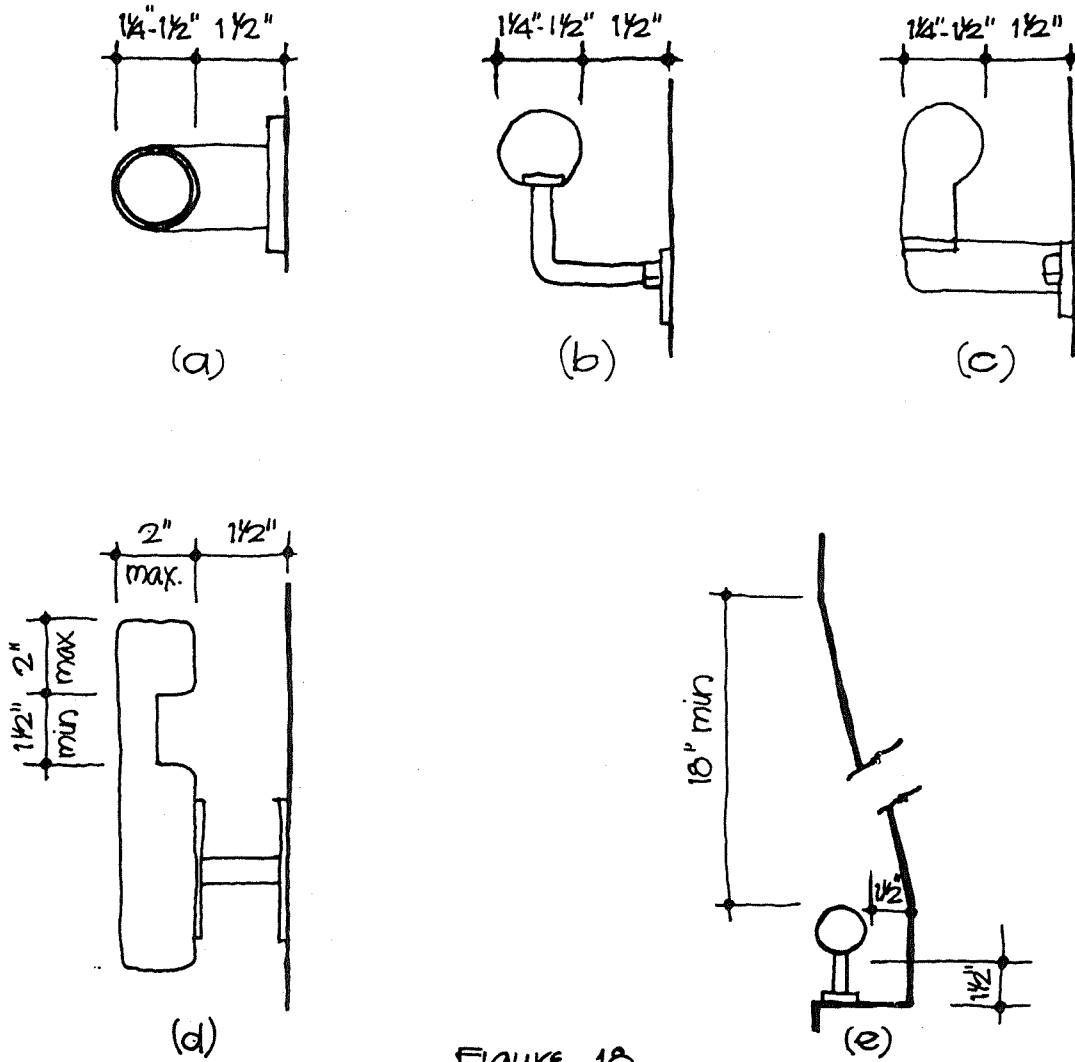


Figure 18
GRAB BARS and HANDRAILS

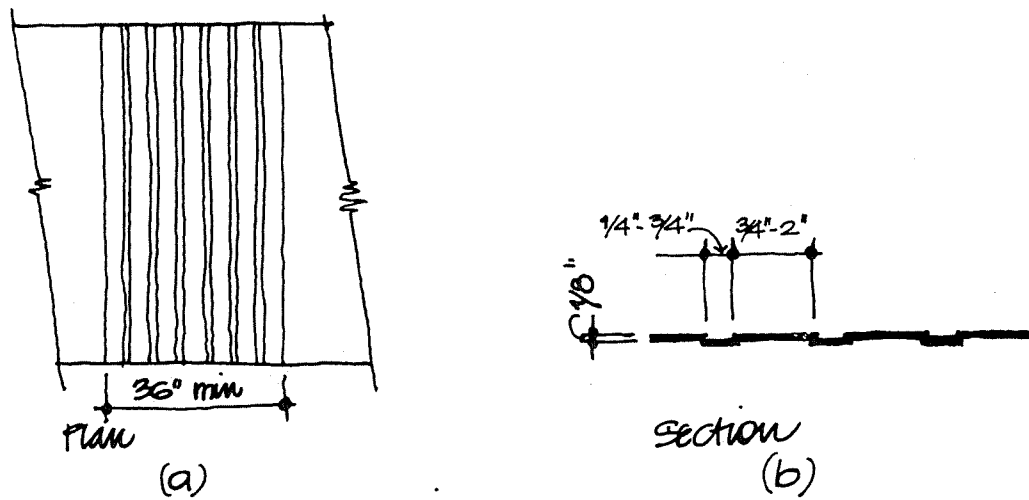


Figure 19
Tactile Warnings on
Walking Surfaces

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services

902 KAR 25:010. Section 1122 Review.

RELATES TO: KRS 194.025(3), 194.050(1)

PURSUANT TO: KRS 13.082, 194.050(1)

NECESSITY AND FUNCTION: KRS 194.050 requires the Secretary for Human Resources to adopt, administer and enforce all rules and regulations necessary to operate the programs and fulfill the responsibilities vested in the Department for Human Resources. This regulation implements the agreement between the Department and the Secretary of the Department of Health and Human Services to carry out the provisions of Section 1122 of the Social Security Act.

Section 1. Purpose. The purpose of this regulation is to assure that federal funds appropriated under Titles V, XVIII, and XIX of the Social Security Act are not used to support unnecessary capital expenditures made by or on behalf of health facilities which are reimbursed under any of these titles and that, to the extent possible, reimbursement under these titles shall support planning activities with respect to health facilities in Kentucky.

Section 2. Definitions. Except as otherwise provided herein, the meanings of all terms used in this regulation shall be the same as the definitions of corresponding terms used in the certificate of need law, KRS Chapter 216B, and regulations promulgated thereunder, as amended.

(1) "Bed capacity" means licensed bed capacity of a given facility, and includes hemodialysis stations.

(2) "Department" means the Department for Human Resources acting as the designated planning agency pursuant to its contract with the Secretary of the Department of Health and Human Services, under Section 1122 of the Social Security Act, as amended.

(3) "Health facility" means a hospital, psychiatric hospital, tuberculosis hospital, skilled nursing facility, kidney disease treatment center, including a freestanding hemodialysis unit, intermediate care facility and ambulatory surgical facility, but does not include Christian Science sanatoriums operated or listed and certified by the First Church of Christ, Scientist, Boston, Massachusetts.

(4) "Local health planning agency" means a health planning agency organized for a designated geographical area of the Commonwealth and recognized by the Governor, in whose designated area the subject capital expenditure is to be obligated.

(5) "Secretary for HHS" means the Secretary of the Department of Health and Human Services and any officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.

Section 3. Coverage. (1) Any capital expenditure proposed by or on behalf of a health facility is subject to review which:

- (a) Substantially changes the health service provided; or
- (b) Increases or decreases the bed capacity of the facility;

or

- (c) Exceeds \$100,000.

(2) The cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion or replacement of the plant and equipment for which the expenditure is made shall be included in determining whether the capital expenditure exceeds \$100,000.

(3) Where a person acquires by lease or comparable arrangement, or by donation, any health facility or part thereof or equipment for a health facility, that acquisition shall be subject to review if by purchase at fair market value it would have been subject to review.

(4) Any change in a proposed capital expenditure which meets the criteria set forth in this section shall be subject to review.

(5) A determination by the department that a capital expenditure is subject to review may be appealed to the Secretary of HHS.

(6) Review will not be necessary when the estimated cost of the project is certified by a licensed architect or engineer, within sixty (60) days of the date on which the obligation is incurred, to be \$100,000 or less; provided that where the actual cost of the project exceeds \$100,000, the health facility shall submit a written application, with a copy of the certified estimate, to the department not more than thirty (30) days after the date the capital expenditure is obligated.

(7) Pursuant to 42 CFR §100.106(a)(4), the department elects not to review any capital expenditure which does not require a certificate of need under KRS Chapter 216B and regulations promulgated thereunder; provided that the department shall review any capital expenditure for acquisition of a health facility which meets the criteria of this section.

Section 4. Findings and Recommendations. (1) With respect to each capital expenditure proposed by or on behalf of a health facility, the department will submit to the Secretary of HHS its findings as to whether:

(a) A timely application was submitted in accordance with required procedures; and

(b) The capital expenditure is or is not consistent with the appropriately established standards, criteria, or plans developed for review of certificate of need applications pursuant to KRS Chapter 216B and regulations promulgated thereunder, as amended (or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963).

(2) The department shall consider any recommendation of the respective local health planning agency in making its finding.

(3) If the department finds that the proposed capital expenditure is not consistent with prescribed standards, criteria, or plans, it will:

(a) Submit to the Secretary of HHS the findings and recommendations of the local health planning agency, if any;

(b) Recommend whether the Secretary of HHS should either:

1. Exclude expenses related to such capital expenditure in determining the federal payments to be made under Titles V, XVIII, and XIX with respect to services furnished in the health facility for which such capital expenditure is made; or

2. Not exclude such expenses, on the ground that the health facility has demonstrated proof of its capability to provide comprehensive health services efficiently, effectively, and economically, and that such an exclusion would discourage the operation or expansion of the health facility.

(4) If the department's findings are contrary to the recommendation of the local health planning agency, it will submit to the Secretary of HHS a statement of the reasons for the contrary finding.

(5) If the department finds that the proposed capital ex-

penditure is consistent with prescribed standards, criteria or plans, but that a timely application was not submitted, it shall recommend to the Secretary of HHS that the applicant not be cited for untimely notice if it finds that:

(a) The capital expenditure has been obligated in response to an emergency so that:

1. Delay for the filing of a timely application would have placed in jeopardy the health or safety of the patients of the facility;

2. The capital expenditure was not for a new health service or the expansion of capacity of an existing health service of the facility; and

3. The applicant filed the application within sixty (60) days after the emergency occurred; or

(b) The applicant made a reasonable effort to determine from the department whether the expenditure was subject to review, and the department did not inform the applicant within sixty (60) days of its inquiry that the expenditure was subject to review.

Section 5. Review Procedures. (1) The applicant shall apply on the form developed by the department, simultaneously submitting the original application and one (1) copy to the department and two (2) copies to the appropriate local health planning agency, if any.

(2) If the proposed capital expenditure also requires a certificate of need, the applicant may utilize the same application if he provides written consent that the department review his application under the certificate of need review cycle, including applicable time limitations, and the application shall be processed accordingly. If the applicant does not so consent, a separate application must be submitted.

(3) The review shall be completed within ninety (90) days of receipt of a complete application except:

(a) When the applicant elects to have his Section 1122 and certificate of need applications processed concurrently;

(b) When the applicant states in writing that he will incur the obligation prior to the ninetieth day, then the review shall be completed within sixty (60) days of receipt of a complete application; or

(c) When the applicant waives the ninety (90) day requirement.

(4) Upon receipt of an application, the department shall consult with the local health planning agency, if any, to determine if the application is complete:

(a) If the application is incomplete, the department shall notify the applicant of any additional relevant information required, not more than fifteen (15) days after receipt of the application, and shall inform the applicant that the review period shall not commence until it is provided;

(b) If the applicant provides only part of the additional information requested, the department shall, within fifteen (15) days, notify the applicant that the application is still incomplete.

(5) The review cycle commences when a complete application is received or when the applicant has responded to a request for additional information.

(6) The department shall make available through public information channels notice of its receipt of the application, after it has been determined to be complete.

(7) Within the time prescribed in subsection (3), the department shall notify the applicant whether the proposed capital expenditure is in conformity with prescribed standards, criteria, and plans, or that the department has elected not to review the proposed capital expenditure.

Notice of the department's findings shall be deemed complete upon mailing.

(8) The department shall send a copy of its findings to the local health planning agency, if any, and shall make its findings available through public information channels.

(9) Any applicant may withdraw his application, without prejudice, by filing simultaneous written notice with the department and the local health planning agency, if any, prior to the date of notice of the department's findings.

Section 6. Fair Hearings. (1) Within thirty (30) days of the date of notice of an adverse finding by the department, the applicant may file a written request for a hearing.

(2) The hearing shall be commenced within thirty (30) days after receipt of the request for the hearing, or later with the consent of the applicant.

(3) The hearing shall be conducted by an agency or person designated by the Governor, but shall not be conducted by the department or any agency which, or any person who, has taken part in any prior consideration of or action upon the application.

(4) The hearing shall be public and the department shall make available through public information channels details of the scheduled hearing.

(5) The applicant, the local health planning agency and other interested parties, including representatives of consumers of health service, shall be permitted to participate in the hearing.

(6) All testimony shall be recorded but need not be transcribed. Copies of records of the proceedings shall be furnished to any person upon request and payment of costs of reproduction.

(7) No more than forty-five (45) days after the conclusion of the hearing, the hearing officer shall serve notice of his decision to the applicant, the department, the local health planning agency, if any, and other interested parties who participated in the hearing. Notice shall be deemed complete upon mailing. The department shall make the decision of the hearing officer available through public information channels.

(8) The hearing officer shall affirm, reverse or modify the findings and recommendations of the department, and may remand the matter to the department for further action, with specified time limits.

(9) The department shall transmit its findings and recommendations, together with the hearing officer's decision, to the Secretary of HHS.

Section 7. Resubmission. (1) An applicant whose project was excluded from reimbursement by the Secretary of HHS may reapply to the department for reconsideration upon a showing that:

(a) There has been a substantial change (since the previous finding) in existing or proposed health facilities or services of the type proposed in the area served;

(b) There has been a substantial change (since the previous finding) in the need for health facilities or services of the type proposed in the area served, as reflected in the plans, criteria, or standards; or

(c) At least three (3) years have elapsed from the date of the most recent negative finding of the department.

(2) An application shall be submitted on the form prescribed by the department. If the department finds that good cause has been shown as described in this section, the application shall be reviewed in the same manner as an original application.

Section 8. Escalations. (1) An applicant whose approved capital expenditure has escalated in excess of \$100,000 since its review by the department may request exemption from review of the escalated amount, upon demonstrating to the department that:

(a) The capital expenditure has not been obligated in excess of the amount approved;

(b) The project has not changed from that originally approved; and

(c) The amount of the escalation does not exceed twenty percent (20%).

(2) The escalation request shall be submitted on a form prescribed by the department.

Section 9. Approvals. (1) An approval of an application by the Secretary of HHS shall be valid for one (1) year, subject to a six (6) month extension by the department if the applicant has a valid certificate of need, if required by KRS Chapter 216B.

(2) If an approved project involves a long-term construction plan under which a series of obligations for capital expenditures for discrete components will be incurred, the approval shall be valid for three (3) years.

W. GRADY STUMBO, Secretary

ADOPTED: April 15, 1982

RECEIVED BY LRC: April 15, 1982 at 3:30 p.m.

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

DEPARTMENT FOR HUMAN RESOURCES Bureau for Manpower Services

903 KAR 2:010. Weatherization Assistance Program.

RELATES TO: KRS 194.010, 194.050

PURSUANT TO: KRS 13.082, 194.010, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources is authorized by KRS 194.010 to develop and operate human services programs for the citizens of the Commonwealth which shall include all related federal programs in which the state elects to participate. KRS 194.050 authorizes the Secretary for the Department for Human Resources to formulate, promote, establish and execute policies, plans and programs and to adopt, administer and enforce all applicable state laws and all rules and regulations necessary to protect and maintain the health, welfare and sufficiency of the citizens of the Commonwealth. To this end the Secretary shall adopt, administer and enforce such rules and regulations as are necessary to qualify for the receipt of federal funds. The Commonwealth of Kentucky has agreed to meet the requirements set forth in Section 2605(b) of the "Low-Income Home Energy Assistance Act of 1981," and accordingly, will receive a federal grant to assist eligible households to meet the costs of home energy. Included in this act (2605K) is the provision that funds may be made available to low-income persons for weatherization of residences. The regulation sets forth the eligibility criteria

for participation in the Weatherization Assistance Program and defines various administrative responsibilities necessary through the act.

Section 1. Application. Each person requesting weatherization assistance shall be required to complete an application provided by the department, and the person shall provide such information deemed necessary to permit the department's agents to determine eligibility and benefit amount consistent with the criteria contained herein. The department may require proof of domicile and other pertinent considerations listed by the applicant.

Section 2. Definitions. Terms used in this regulation are defined as follows:

(1) "Energy crisis intervention" is an emergency situation brought on through adverse weather and energy supply shortage.

(2) "Household" shall include all individuals who occupy a housing unit as their legal residence.

(3) "Housing unit" shall be one (1) or more rooms when occupied as separate and distinct living and/or sleeping quarters.

(4) "Home energy" means a source of heating or cooling in residential dwellings.

(5) "Poverty level" means with respect to a household the income poverty guidelines as prescribed by the Office of Management and Budget.

(6) "Weatherization" is the act of repairing, altering or constructing items within a housing unit which when accomplished will eliminate or substantially reduce the "life or health threatening situation" to a household and/or reduce energy costs of a housing unit substantially.

(7) "Elderly person" means an individual who is sixty (60) years of age or older.

(8) "Handicapped person" means an individual who is handicapped as described in Section 7(b) of the Rehabilitation Act of 1973.

(9) "State" means the Commonwealth of Kentucky.

(10) "Life or health threatening situation" means a housing unit in a state of disrepair and/or disfunctioning of equipment or systems within the unit which causes a resident to be in danger of harm through inclement weather conditions, inadequate or faulty electrical, heating, cooling, plumbing, sewage, and structural systems.

(11) "Homebound" means a person who because of the infirmities of age, or this in conjunction with other disorders is unable to leave his/her home unaided by others.

(12) "Service provider" means the agency, government or non-profit, administratively responsible to accept applications for weatherization assistance and which provides assistance to an eligible household pursuant to the provisions of this regulation.

Section 3. Eligibility Criteria. A housing unit shall be eligible for weatherization, subject to the availability of federal funds specifically referenced for this purpose, if each of the following criteria is met:

(1) The housing unit shall be occupied by one (1) or more elderly, handicapped, homebound or low-income persons who use the unit as his/her legal domicile, and:

(a) The income of the household shall not exceed 125 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget and the household does not have

liquid assets in excess of \$3,000. Excluded from assets are cars, household or personal belongings, primary residence, prepaid burial policies, and cash surrender value of insurance policies.

(b) The owner of the housing unit shall issue a right of entry to the agency administering the program.

(c) The owner of the housing unit, if rented to an eligible household, shall agree in writing to refrain from raising the rental on the housing unit based on the increased value of the work performed through the weatherization project.

(d) The housing unit of an eligible household shall meet the definition of "life and/or health threatening situation."

(2) The housing unit eligible for weatherization shall be prioritized according to Section 8, contained herein.

Section 4. Distribution and Payment of Funds. (1) The Department for Human Resources shall allot funds available for the weatherization program based on the relative need for weatherization of housing units occupied by low-income persons taking into account the following factors:

- (a) Relative poverty of the area;
- (b) Relative number of low-income homes in the area;
- (c) Relative number of homebound;
- (d) Previous program performance of the service provider.

(2) The service provider shall not allot in excess of \$1,500 for any single housing unit.

(3) The service provider may not use more than fifteen (15) percent of weatherization funds for rental housing units.

(4) The service provider shall be reimbursed for services performed on a monthly basis.

Section 5. Emergency Procedures. (1) The service provider shall establish emergency procedures to permit immediate assistance where the "life and health threatening situation" is of an imminent dangerous consequence.

(2) An emergency situation requiring immediate assistance without regard to prioritization shall be reported to the grantee within seven (7) working days with full documentation of the emergency circumstance.

Section 6. Training, Technical Assistance, Monitoring and Auditing. (1) The training, technical assistance, and monitoring of the weatherization program shall be through the auspices of the Bureau for Manpower Services or its designee, and shall be designed to ensure effective and efficient provision of assistance to eligible persons consistent with the terms of this regulation.

(2) A fiscal audit of the expenditure of federal funds for purposes herein contained shall be conducted annually.

Section 7. Assurances and Certification. (1) The Department for Human Resources shall require assurances of the solvency of the provider organization and that the organization has the legal authority to apply for a grant and possesses the expertise to discharge the responsibilities noted herein.

(2) In addition to those assurances referenced in Section 7(1), the provider organization shall agree to:

(a) Comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to

discrimination under any program or activity for which the applicant receives federal financial assistance.

(b) Comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where the primary purpose of a grant is to provide employment or discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

(c) Comply with provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of federal and federally-assisted programs.

(d) Comply with the minimum wage and maximum hour provisions of the Federal Fair Labor Standards Act, and with applicable state labor laws.

(e) Comply with the regulations, policies, guidelines, and requirements, including Office of Management and Budget Circular No. A102 as it relates to the application, acceptance, and use of federal funds for this federally-assisted program.

(f) Provide safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain.

(g) Provide such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for federal funds used in this program.

(h) Maintain necessary documents, records, books and papers to enable the Department for Human Resources to audit expenditure of federal funds.

(i) Agree to repay to the state those amounts identified in an audit not to have been expended in accordance with this regulation.

(j) Develop procedures for a timely and fair administrative hearing to households denied assistance under provisions of this regulation. An unreasonable delay in acting on an application for assistance shall constitute grounds for a hearing.

(k) Perform all weatherization work consistent with local and state building codes, and that materials and workmanship conform to quality standards.

Section 8. Weatherization Priority Ranking Form. A household and housing unit eligible for assistance under provisions of this regulation shall receive a priority ranking based on factors herein indicated and shall receive assistance in sequence to the indicated ranking.

- (1) Number in household.
- (2) Conditions of home.
- (3) Family income.
- (4) Cost of fuel as a percentage of family income.
- (5) Special circumstances.

ANNA GRACE DAY, Acting Commissioner

ADOPTED: April 8, 1982

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 12, 1982 at 11 a.m.

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

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 2:016. Standards for need and amount, AFDC.

RELATES TO: KRS 205.200(2), 205.210(1)

PURSUANT TO: KRS 13.082, 205.200(2)

NECESSITY AND FUNCTION: The Department for Human Resources is required to administer the public assistance programs. KRS 205.200(2) and 205.210(1) require that the secretary establish the standards of need and amount of assistance for the Aid to Families with Dependent Children Program, hereinafter referred to as AFDC, in accordance with federal regulations and Title IV-A of the Social Security Act. This regulation sets forth the standards by which the need for and the amount of an AFDC assistance payment is established.

Section 1. Definitions. (1) "Assistance group" is composed of one (1) or more children and may include as specified relative any person specified in 904 KAR 2:006, Section 3. The incapacitated natural or adoptive parent of the child(ren) who is living in the home and legally married to the specified relative may be included as second parent if the technical eligibility factors are met. The decision regarding application for or continued inclusion of an individual child rests with the parent or other specified relative.

(2) "Full-time employment" means employment of thirty (30) hours per week or 130 hours per month or more.

(3) "Part-time employment" means employment of less than thirty (30) hours per week or 130 hours per month.

(4) "Full-time school attendance" means a workload of at least:

(a) Twenty-five (25) clock hours per week in secondary school; or

(b) Twelve (12) semester hours or more in a college or university; or

(c) Thirty (30) clock hours per week in a trade or vocational school in a program with shop practice; or

(d) Twenty-five (25) clock hours per week in a trade or vocational school in a program without shop practice; or

(e) Thirty (30) clock hours per week in apprenticeship training under the Secondary Education Program of Apprenticeship Training or the standard for the industry involved; or

(f) Four (4) clock hours per day with a minimum of one (1) hour in class and two (2) hours on the job for the Cooperative Vocational Education Program.

(g) Less than full-time attendance in apprenticeship or cooperative training is not recognized as school attendance.

(5) "Part-time school attendance" means a workload of at least:

(a) Twelve (12) clock hours per week in a secondary school; or

(b) Eight (8) semester hours in a college or university; or

(c) Fifteen (15) clock hours per week in a trade or vocational school in a program with shop practice; or

(d) Twelve (12) clock hours per week in a trade or vocational school in a program without shop practice.

(e) Attendance of less than part-time workload but fulfilling the number of hours required to complete a course leading to a certificate, degree or diploma by the end of the current term is considered part time.

(6) "Prospective budgeting" means computing the

amount of assistance based on income and circumstances which will exist in the month(s) for which payment is made.

(7) "Recoupment" means recovery of overpayments of assistance.

(8) "Retrospective budgeting" means computing amount of assistance based on actual income and circumstances which existed in the second month prior to the payment month.

Section 2. Resource Limitations. The amount of real and personal property that can be reserved by each assistance unit shall not be in excess of \$1,000 equity value excluding those items specifically listed in subsection (1) as follows:

(1) Excluded resources. The following resources shall be excluded from consideration:

(a) One (1) owner-occupied home;

(b) Home furnishings, including all appliances;

(c) Clothing;

(d) One (1) motor vehicle, not to exceed \$1,500 equity value;

(e) Farm machinery, livestock or other inventory, and tools and equipment other than farm, used in a self-employment enterprise; and

(f) Items valued at less than fifty dollars (\$50) each.

(2) Disposition of resources. An applicant/recipient must not have transferred or otherwise divested himself of property without fair compensation in order to qualify for assistance. If the transfer was made expressly for the purpose of qualifying for assistance and if the uncompensated equity value of the transferred property, when added to total resources, exceeds the resource limitation, the application is denied or assistance discontinued. The time period of ineligibility shall be based on the amount of excess transferred property and begins with the month of transfer. If the amount of excess transferred property does not exceed \$500, the period of ineligibility shall be one (1) month; the period of ineligibility shall be increased one (1) month for every \$500 increment up to a maximum of twenty-four (24) months.

Section 3. Income Limitations. In determining eligibility for AFDC the following will apply:

(1) Gross income test. The total gross non-AFDC income of the assistance group, as well as income of natural parent(s), and stepparent(s) living in the home, shall not exceed 150 percent of the assistance standard set forth in Section 8. Disregards specified in Section 4, subsection (1), shall apply. If total gross income exceeds the 150 percent income limitation standard as shown below, the assistance group is ineligible.

Number of Eligible Persons	Monthly Gross Income Limitation Standard
1 Child	\$200
2 Persons	\$243
3 Persons	\$282
4 Persons	\$353
5 Persons	\$413
6 Persons	\$465
7 or more Persons	\$518

(2) Applicant eligibility test. If the gross income is below 150 percent of the assistance standard and the applicant has not received assistance during the four (4) months prior

to the month of application, the applicant eligibility test shall be applied. The total gross income after application of exclusions/disregards set forth in Section 4, subsections (1) and (2), shall be compared to the assistance standard set forth in Section 8. If income exceeds this standard, the assistance group is ineligible. For assistance groups who meet the gross income test but who have received assistance any time during the four (4) months prior to the application month, the applicant eligibility test shall not apply.

(3) Benefit calculation. If the assistance group meets the criteria set forth in subsections (1) and (2) of this section, benefits shall be determined by applying disregards in Section 4, subsections (1), (2), and (3). If the assistance group's income, after application of appropriate disregards, exceeds the assistance standard, the assistance group is ineligible. Amount of assistance for the initial two (2) months of eligibility shall be determined prospectively in accordance with 45 CFR 233.34 and for subsequent months retrospectively, in accordance with 45 CFR 233.35.

(4) Beginning July 1, 1982, a case may be suspended rather than terminated when ineligibility occurs for only one (1) month in accordance with 45 CFR 233.34(d).

(5) Prior to July 1, 1982, a period of ineligibility shall be established for recipients whose income exceeds the limits set forth in subsections (1) or (3) of this section. Beginning July 1, 1982, a period of ineligibility shall be established in accordance with 45 CFR 233.20(a)(3)(ii)(D), for applicants/recipients whose income in the month of application or during any month for which assistance is paid exceeds the limits set forth in subsections (2) or (3) of this section due to receipt of lump sum income.

Section 4. Excluded/Disregarded Income. All gross non-AFDC income received or anticipated to be received in the month of application or redetermination by the assistance group, natural parent(s) and/or stepparent(s) living in the home, shall be considered with the applicable exclusions/disregards as set forth below:

(1) Gross income test. All incomes listed below shall be excluded/disregarded:

(a) Disregards applicable to stepparent income, as set forth in Section 5;

(b) Disregards applicable to alien sponsor's income, as set forth in Section 6;

(c) Disregards applicable to self-employment income, as set forth in 45 CFR 233.20(a)(6)(v) and 45 CFR 233.20(a)(11)(i)(b)(1)(i);

(d) Work Incentive Program (WIN) and Comprehensive Employment and Training Act Program (CETA) incentive payments;

(e) Reimbursement for training-related expenses made by a manpower agency to applicants in institutional and work experience training;

(f) Value of food coupons;

(g) Non-emergency medical transportation payments;

(h) Principal of loans;

(i) Educational grants, loans, scholarships, including payments for actual educational costs made under the GI Bill, obtained and used under conditions that preclude their use for current living costs and all education grants and loans administered by the United States Commissioner of Education;

(j) Highway relocation assistance;

(k) Urban renewal assistance;

(l) Federal disaster assistance and state disaster grants;

(m) Home produce for household consumption;

(n) Any housing subsidies received from federal, state or local governments;

(o) Receipts distributed to members of certain Indian tribes which are referred to in Section 5 of Public Law 94-114 that became effective October 17, 1975;

(p) Any funds distributed per capita to or held in trust for members of any Indian tribe under Public Law 92-254, Public Law 93-134 or Public Law 94-540;

(q) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended;

(r) Payments for supporting services or reimbursement of out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Title II and III, pursuant to Section 418 of Public Law 93-113;

(s) Payments to volunteers under Title I of Public Law 93-113 pursuant to Section 404(g) of Public Law 93-113;

(t) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the special food service program for children under the National School Lunch Act, as amended;

(u) Any payment from the Department for Human Resources, Bureau for Social Services, for child foster care, adult foster care, or subsidized adoption;

(v) Energy assistance payments;

(w) Beginning July 1, 1982, earnings received by a person employed by CETA under the Youth Incentive Entitlement Pilot Projects (YIEPP), the Youth Community Conservation and Improvement Project (YCCIP), and the Youth Employment and Training Program (YETP); and

(x) For the period prior to July 1, 1982, earned income tax credits.

(2) Applicant eligibility test. The exclusions/disregards set forth in subsection (1) of this section and those listed below shall be applied:

(a) Earnings received from participation in the Job Corps Program under CETA by an AFDC child;

(b) Earnings of a child in full-time school attendance or in part-time school attendance, if not working full time;

(c) Standard work expense deduction of seventy-five dollars (\$75) for full-time employment. A forty dollar (\$40) deduction is allowed for part-time employment;

(d) Child care, for a child(ren) or incapacitated adult living in the home and receiving AFDC, is allowed as a work expense is allowed not to exceed \$160 per month for full-time employment or \$110 per month for part-time employment; and

(e) Prior to July 1, 1982, earnings received by a person employed by CETA under the Youth Incentive Entitlement Pilot Projects (YIEPP), the Youth Community Conservation and Improvement Project (YCCIP), and the Youth Employment and Training Program (YETP).

(3) Benefit calculation. After eligibility is established, exclude/disregard all incomes listed in subsections (1) and (2), as well as:

(a) Child support payments assigned and actually forwarded or paid to the department; and

(b) First thirty dollars (\$30) and one-third ($\frac{1}{3}$) of the remainder of each individual's earned income not already disregarded, if that individual's needs are considered in determining the benefit amount. This disregard shall not be applied to an individual after the fourth consecutive month it has been applied to his/her earned income unless he/she has not been a recipient for twelve (12) consecutive months in accordance with 45 CFR 233.20(a)(11)(ii)(B).

(4) Exceptions. Disregards from earnings in subsection (2)(c) and (d) and subsection (3)(b) shall not apply for any

month in which the individual:

(a) Reduces, terminates, or refuses to accept employment within the period of thirty (30) days preceding such month, unless good cause exists as follows:

1. The individual is unable to engage in such employment or training for mental or physical reasons; or
2. The individual has no way to get to and from the work site or the site is so far removed from the home that commuting time would exceed three (3) hours per day; or
3. Working conditions at such job or training would be a risk to the individual's health or safety; or
4. A bona fide offer of employment at a minimum wage customary for such work in the community was not made.

(b) For the period beginning July 1, 1982, fails to make a timely report of earnings unless good cause exists as follows:

1. The assistance group moved resulting in a delay in receiving or failure to receive the mandatory monthly report form; or
2. Institutionalization of the specified relative; or
3. Death of any member of the assistance group; or
4. The specified relative was away from home during the entire filing period; or
5. The assistance group has been directly affected by a natural disaster (i.e., fire, flood, storm, earthquake).

(c) Requests assistance be terminated for the primary purpose of evading the four (4) month limitation on the deduction in subsection (3)(b) of this section.

Section 5. Stepparent Income and Resources. (1) Income. The gross income of a stepparent living in the home is considered available to the assistance group, subject to the following exclusions/disregards:

(a) The first seventy-five dollars (\$75) of the gross earned income of the stepparent who is employed full time or the first forty dollars (\$40) of the gross earned income of the stepparent who is employed part time;

(b) An amount equal to the AFDC assistance standard for the appropriate family size, for the support of the stepparent and any other individuals living in the home but whose needs are not taken into consideration in the AFDC eligibility determination and are or could be claimed by the stepparent as dependents for purposes of determining his/her federal personal income tax liability;

(c) Any amount actually paid by the stepparent to individuals not living in the home who are or could be claimed by him/her as dependents for purposes of determining his/her personal income tax liability;

(d) Payments by the stepparent for alimony or child support with respect to individuals not living in the household; and

(e) Income of a stepparent receiving Supplemental Security Income under Title XVI.

(2) Resources. Resources belonging exclusively to the stepparent are deemed available to the natural parent and considered in determining eligibility of the natural parent for inclusion in the assistance group. Resources of a stepparent receiving SSI under Title XVI shall not be considered.

Section 6. Alien Income and Resources. The gross non-AFDC income and resources of an alien's sponsor and sponsor's spouse (if living with the sponsor) shall be deemed available to the alien(s), subject to disregards as set forth below, for a period of three (3) years following entry into the United States. If an individual is sponsoring two (2) or more aliens, the income and resources shall be pro-

rated among the sponsored aliens. A sponsored alien is ineligible for any month in which adequate information on the sponsor/sponsor's spouse is not provided. The provisions of this section shall not apply to those aliens identified in 45 CFR 233.51(e).

(1) Income. The gross income of the sponsor and spouse is considered available to the assistance group subject to the following disregards:

(a) Twenty percent (20%) of the total monthly gross earned income, not to exceed \$175;

(b) An amount equal to the AFDC assistance standard for the appropriate family size of the sponsor and other persons living in the household who are or could be claimed by the sponsor as dependents in determining his/her federal personal income tax liability, and whose needs are not considered in making a determination of eligibility for AFDC;

(c) Amounts paid by the sponsor to non-household members who are or could be claimed as dependents in determining his/her federal personal income tax liability; and

(d) Actual payments of alimony or child support paid to non-household members.

(2) Resources. Resources deemed available to the alien(s) shall be the total amount of the resources of the sponsor and sponsor's spouse determined as if he/she were an AFDC applicant in this state, less \$1,500.

Section 7. Earned Income Tax Credit. In the case of an applicant or recipient of AFDC, earned income shall include the amount of advance payments of the earned income credit for which he/she is eligible determined in accordance with 45 CFR 233.20(a)(6)(ix).

Section 8. Assistance Standard. The AFDC assistance standard, including amounts for food, clothing, shelter, utilities and non-medical transportation from which countable income is deducted in determining eligibility for and the amount of the AFDC assistance payment, is as follows:

Number of Eligible Persons	Monthly Standard
1 Child	\$133
2 Persons	\$162
3 Persons	\$188
4 Persons	\$235
5 Persons	\$275
6 Persons	\$310
7 or more Persons	\$345

Section 9. Recoupment. Beginning July 1, 1982, the following provisions shall be effective for all overpayments discovered on or after April 1, 1982, regardless of when the overpayment occurred.

(1) Necessary action will be taken promptly to correct and recoup any overpayments.

(2) Overpayments shall be recovered from:

- (a) The assistance group which was overpaid; and/or
- (b) Any assistance group of which a member of the overpaid assistance group has subsequently become a member; and/or

(c) Any individual members of the overpaid assistance group whether or not currently a recipient.

(3) Overpayments shall be recovered through:

- (a) Repayment by the individual to the department; and/or

(b) Reduction of future AFDC benefits, which shall

result in the assistance group retaining, for the payment month, family income and liquid resources of not less than ninety percent (90%) of the amount of assistance paid to a like size family with no income in accordance with Section 8; and/or

(c) Civil action in the court of appropriate jurisdiction.

(4) In cases which have both an overpayment and an underpayment, the department shall offset one against the other in correcting the payment to current recipients.

(5) Cases in which the amount of assistance is reduced to zero, as a result of recoupment, shall be considered as recipients of AFDC for all other purposes.

(6) Neither reduction in future benefits nor civil action shall be taken except after notice and an opportunity for a fair hearing is given and the administration and judicial remedies have been exhausted or abandoned in accordance with Title 904, Chapter 2.

Section 10. Foster Care. (1) Payment rates. Payment rates are based on the Department for Human Resources per diem payment rates. The department's rates are based on the age and needs of the child.

(a) A child in foster family care who is eligible for AFDC foster care payments receives payment in one (1) of the following monthly amounts according to the child's age and needs assessment (as determined by the Bureau for Social Services):

Age	Regular	Special	Extraordinary
0-5	\$144	\$167	\$228
6-12	160	183	228
13-over	175	198	228

(b) A child in a private child caring institution who is eligible for AFDC foster care payments receives payment in one (1) of the following monthly amounts according to the child's age and needs assessment (as determined by the Bureau for Social Services):

Age	Regular	Special
0-5	\$151	\$212
6-12	175	212
13-over	192	212

(2) Income limitations. Gross income shall not exceed 150 percent of the payment rate set forth in subsection (1). If that gross income exceeds the 150 percent income limitation standard as shown below, the child(ren) is ineligible.

Age	Foster Family Care			Institutional Care	
	Regular	Special	Extraordinary	Regular	Special
0-5	216	251	342	227	318
6-12	240	275	342	263	318
13 +	263	297	342	288	318

(3) Provisions of this section shall apply only to the period prior to July 1, 1982.

Section 11. 904 KAR 2:010, AFDC; standards for need and amount, is hereby repealed.

JOHN CUBINE, Commissioner

ADOPTED: April 15, 1982

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: April 15, 1982 at 3:30 p.m.

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

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the April 7, 1982 Meeting

(Subject to subcommittee approval at the May 5, 1982 meeting.)

The Administrative Regulation Review Subcommittee held its regular meeting on Wednesday, April 7, 1982, at 10 a.m., in Room 103 of the Capitol Annex. Present were:

Members: Representative William T. Brinkley, Chairman; Senators James Bunning and Bill Quinlan; and Representative Albert Robinson.

Guests: Sherill D. McNamee, Greg Lawther, Diane Simmons, Sharon Rodriguez and Ked R. Fitzpatrick, Department for Human Resources; Gene Lorenz, Kentucky Hospital Association; John W. Hudson, Jr., Kentucky School for the Deaf; Jim Judy, KAHCF; Steve Colthurst, Kentucky Feed and Grain Association; Gary Bale and Conley Manning, Department of Education; Mike Salyers, Kentucky OSH Program; Marlin M. Volz,

James K. Sharpe and Ellyn E. Crutcher, Public Service Commission; Martha L. Hall, Larry Wilson and R. Renee Cahal, Department for Natural Resources; Carol M. Palmore, Department of Labor; Patrick Watts, Paul Carmony and Stephen B. Cox, Department of Insurance; Jim Ahler, State Board of Accountancy; Michael W. Davidson, Kentucky State Racing Commission; Bill Debord, George Asbury, Donald L. Ecton, James D. Ramsey and Mel Jenkins, Department of Transportation.

Staff: Susan Harding, Cindy De Reamer, O. Joseph Hood and Garnett Evins.

Press: Ed Ryan, Courier-Journal.

Chairman Brinkley called the meeting to order.

The following emergency regulations were reviewed and the subcommittee took no action:

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

904 KAR 1:013E. Payments for hospital inpatient services.

904 KAR 1:036E. Amounts payable for skilled nursing and intermediate care facilities services.

Public Assistance

904 KAR 2:100E. Home energy assistance program.

The following regulation was deferred until the May meeting at the request of the subcommittee for technical clarification:

PUBLIC PROTECTION AND REGULATION CABINET**Department of Insurance**

806 KAR 38:060. Cancellation of enrollees' coverage.

The following regulations were approved by the subcommittee and ordered filed:

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

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

Real Estate Commission

201 KAR 11:045. Written offers to be submitted to owner-client.

**DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION****Bureau of Environmental Protection****New Source Standards**

401 KAR 59:105. New process gas streams.

Existing Source Standards

401 KAR 61:035. Existing process gas streams.

DEPARTMENT OF TRANSPORTATION**Bureau of Vehicle Regulation****Division of Motor Carriers**

601 KAR 1:090. Exempted commodities.

Bureau of Highways**Traffic**

603 KAR 5:096. Highway classifications.

603 KAR 5:115. Coal-haul highway system; reporting requirements.

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

704 KAR 10:022. Elementary, middle and secondary school standards.

Bureau of Education for Exceptional Children**Exceptional and Handicapped Programs**

707 KAR 1:090. Kentucky School for the Deaf; code of conduct.

PUBLIC PROTECTION AND REGULATION CABINET**Department of Labor****Occupational Safety and Health**

803 KAR 2:015. General industry standards.

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

Department of Insurance

806 KAR 2:020. Interest and rewards prohibited.

806 KAR 9:011. Repeal of 806 KAR 9:010.

806 KAR 9:070. Examination retake limits.

806 KAR 9:170. Minimum score of examination for license.

806 KAR 17:070. Filing procedures for health insurance rates; experience data on individual Medicare supplement policies.

806 KAR 26:010. Proxies, consents and authorizations.

Public Service Commission**Utilities**

807 KAR 5:001. Rules of procedure.

807 KAR 5:006. General rules. (As amended)

807 KAR 5:016. Advertising.

807 KAR 5:021. Gas.

807 KAR 5:026. Gas service; service lines.

807 KAR 5:031. Gas well determinations.

807 KAR 5:041. Electric.

807 KAR 5:046. Prohibition of master metering.

807 KAR 5:051. Electric consumer information.

807 KAR 5:054. Small power production and cogeneration.

807 KAR 5:056. Fuel adjustment clause.

807 KAR 5:061. Telephone.

807 KAR 5:066. Water.

807 KAR 5:071. Sewage.

807 KAR 5:076. Alternative rate adjustment procedure for small utilities.

State Racing Commission**Thoroughbred Racing Rules**

810 KAR 1:018. Medication; testing procedures.

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

902 KAR 20:026. Operations and services; skilled nursing facilities.

902 KAR 20:048. Operation and services; nursing homes.

902 KAR 20:051. Operation and services; intermediate care.

902 KAR 20:054. Health maintenance organization.

902 KAR 20:135. Certificate of need application fee schedule. (As amended.)

902 KAR 20:140. Operation and services; hospice.

Bureau for Social Insurance**Medical Assistance**

904 KAR 1:084. Payment for medical assistance services furnished out of state.

Public Assistance

904 KAR 2:020. Child support. (As amended.)

Food Stamp Program

904 KAR 3:010. Definitions.

904 KAR 3:035. Certification process.

904 KAR 3:045. Coupon issuance procedures. (As amended.)

On motion of Senator Bunning, seconded by Senator Quinlan, the minutes of the March meeting were approved.

The meeting was adjourned at 11:45 a.m. until May 5, 1982, at 10:00 a.m. in Room 103 of the Capitol Annex.

Administrative Register ^{of} kentucky

Cumulative Supplement

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NOTE: Emergency regulations expire upon being repealed or replaced.

Volume 7

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807 KAR 5:016E Replaced	725	3-4-81 4-7-82	902 KAR 20:070E Expired	165	8-8-80 4-15-82	Withdrawn	672	
807 KAR 5:021E Replaced	726	3-4-81 4-7-82	902 KAR 20:075E Expired	172	8-8-80 4-15-82	Amended	893	4-1-81
807 KAR 5:026E Replaced	735	3-4-81 4-7-82	904 KAR 1:020E Replaced	587	1-7-81 7-1-81	Rejected	866	4-23-81
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807 KAR 5:036E Expired	738	3-4-81 4-15-82	904 KAR 1:024E Replaced	802	4-1-81 3-1-82	Rejected	See 8 Ky.R.	10-7-81
807 KAR 5:041E Replaced	739	3-4-81 4-7-82	904 KAR 2:007E Replaced	857	4-27-81 2-1-82	Amended	220	10-1-80
807 KAR 5:046E Replaced	746	3-4-81 4-7-82		804		Amended	845	
807 KAR 5:051E Replaced	746	3-4-81 4-7-82	Regulation	7 Ky.R. Page No.	Effective Date	815 KAR 20:141 Amended	213	8-6-80
807 KAR 5:056E Replaced	747	3-4-81 4-7-82	201 KAR 19:025 Amended	913	9-2-81	Amended	851	8-3-81
807 KAR 5:061E Replaced	748	3-4-81 4-7-82	201 KAR 19:035 Amended	913	9-2-81	904 KAR 1:022 Amended	857	3-1-82
807 KAR 5:066E Replaced	753	3-4-81 4-7-82	201 KAR 19:040 Amended	913	9-2-81	904 KAR 1:024 Amended	357	11-6-80
						Amended	857	3-1-82
						904 KAR 1:060 Amended	580	

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302 KAR 20:110E Replaced	626	12-23-81 3-1-82	405 KAR 8:010E Expired	649	12-29-81 4-15-82	405 KAR 16:010E Expired	694	12-29-81
302 KAR 20:120E Replaced	784	12-23-81 3-1-82	405 KAR 8:020E Expired	658	12-29-81 4-15-82	405 KAR 16:020E Expired	695	12-29-81
303 KAR 1:100E Expired	143	8-5-81 4-15-82	405 KAR 8:030E Expired	661	12-29-81 4-15-82	405 KAR 16:030E Expired	696	12-29-81
405 KAR 1:005E Expired	627	12-29-81 4-15-82	405 KAR 8:040E Expired	669	12-29-81 4-15-82	405 KAR 16:040E Expired	697	12-29-81
405 KAR 3:005E Expired	628	12-29-81 4-15-82	405 KAR 8:050E Expired	678	12-29-81 4-15-82	405 KAR 16:050E Expired	697	12-29-81
405 KAR 7:020E Expired	629	12-29-81 4-15-82	405 KAR 10:010E Expired	682	12-29-81 4-15-82	405 KAR 16:060E Expired	698	12-29-81
405 KAR 7:030E Expired	636	12-29-81 4-15-82	405 KAR 10:020E Expired	683	12-29-81 4-15-82	405 KAR 16:070E Expired	701	12-29-81
405 KAR 7:040E Expired	636	12-29-81 4-15-82	405 KAR 10:030E Expired	684	12-29-81 4-15-82	405 KAR 16:080E Expired	701	12-29-81
405 KAR 7:060E Expired	639	12-29-81 4-15-82	405 KAR 10:040E Expired	686	12-29-81 4-15-82	405 KAR 16:090E Expired	703	12-29-81
405 KAR 7:080E Expired	640	12-29-81 4-15-82	405 KAR 10:050E Expired	688	12-29-81 4-15-82	405 KAR 16:100E Expired	704	12-29-81
405 KAR 7:090E Expired	642	12-29-81 4-15-82	405 KAR 12:010E Expired	689	12-29-81 4-15-82	405 KAR 16:110E Expired	705	12-29-81
405 KAR 7:100E Expired	647	12-29-81 4-15-82	405 KAR 12:020E Expired	690	12-29-81 4-15-82	405 KAR 16:120E Expired	706	12-29-81

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405 KAR 16:130E	709	12-29-81	405 KAR 20:060E	760	12-29-81	904 KAR 1:040E	272	9-30-81
Expired		4-15-82	Expired		4-15-82	Replaced	881	2-1-82
405 KAR 16:140E	712	12-29-81	405 KAR 20:070E	761	12-29-81	904 KAR 1:045E	337	10-16-81
Expired		4-15-82	Expired		4-15-82	Replaced	882	2-1-82
405 KAR 16:150E	714	12-29-81	405 KAR 20:080E	762	12-29-81	904 KAR 2:005E	273	9-16-81
Expired		4-15-82	Expired		4-15-82	Repealed	432	12-14-81
405 KAR 16:160E	714	12-29-81	405 KAR 24:020E	763	12-29-81	904 KAR 2:008E	432	12-14-81
Expired		4-15-82	Expired		4-15-82	Replaced	616	2-1-82
405 KAR 16:170E	715	12-29-81	405 KAR 24:030E	764	12-29-81	904 KAR 2:010E	44	7-1-81
Expired		4-15-82	Expired		4-15-82	Replaced	31	8-5-81
405 KAR 16:180E	716	12-29-81	405 KAR 24:040E	766	12-29-81	Amended	276	9-16-81
Expired		4-15-82	Expired		4-15-82	Repealed	434	12-14-81
405 KAR 16:190E	716	12-29-81	603 KAR 5:110E	41	6-30-81	904 KAR 2:016E	434	12-14-81
Expired		4-15-82	Replaced	13	8-5-81	Amended	851	2-3-82
405 KAR 16:200E	718	12-29-81	807 KAR 5:006E	843	2-8-82	904 KAR 2:040E	854	2-3-82
Expired		4-15-82	Expired		4-15-82	Expired		4-15-82
405 KAR 16:210E	721	12-29-81	902 KAR 14:015E	850	2-3-82	904 KAR 2:045E	278	9-16-81
Expired		4-15-82	Expired		4-15-82	Repealed	279	10-8-81
405 KAR 16:220E	723	12-29-81	902 KAR 20:007E		7-24-80	904 KAR 2:046E	279	10-8-81
Expired		4-15-82	Repealed	493	2-1-82	Replaced	621	2-1-82
405 KAR 16:250E	725	12-29-81	902 KAR 20:010E		8-8-80	904 KAR 2:081E		
Expired		4-15-82	Repealed	580	2-1-82	Repealed	622	2-1-82
405 KAR 18:010E	725	12-29-81	902 KAR 20:015E		8-8-80	904 KAR 2:088E	144	8-4-81
Expired		4-15-82	Repealed	596	2-1-82	Repealed	421	1-6-82
405 KAR 18:020E	726	12-29-81	902 KAR 20:017E		8-8-80	904 KAR 2:100E	983	3-2-82
Expired		4-15-82	Repealed	219	11-5-81	Expired		4-15-82
405 KAR 18:030E	726	12-29-81	902 KAR 20:020E		7-24-80	904 KAR 3:010E	280	9-30-81
Expired		4-15-82	Repealed	376	1-6-82	Replaced	535	2-1-82
405 KAR 18:040E	727	12-29-81	902 KAR 20:030E		7-24-80	904 KAR 3:020E	282	9-30-81
Expired		4-15-82	Repealed	227	11-5-81	Replaced	537	2-1-82
405 KAR 18:050E	728	12-29-81	902 KAR 20:035E		7-24-80	904 KAR 3:030E	284	9-30-81
Expired		4-15-82	Repealed	222	11-5-81	Replaced	539	2-1-82
405 KAR 18:060E	729	12-29-81	902 KAR 20:040E		7-24-80	904 KAR 3:035E	285	9-30-81
Expired		4-15-82	Repealed	232	11-5-81	Replaced	540	2-1-82
405 KAR 18:070E	731	12-29-81	902 KAR 20:045E		7-24-80	904 KAR 3:040E	338	10-30-81
Expired		4-15-82	Repealed	391	1-6-82	Replaced	330	12-2-81
405 KAR 18:080E	732	12-29-81	902 KAR 20:055E		7-24-80	904 KAR 3:045E	855	2-3-82
Expired		4-15-82	Repealed	234	11-5-81	Replaced	1146	4-7-82
405 KAR 18:090E	733	12-29-81	902 KAR 20:059E		8-8-80	904 KAR 3:050E	286	9-30-81
Expired		4-15-82	Repealed	412	1-6-82	Replaced	541	2-1-82
405 KAR 18:100E	735	12-29-81	902 KAR 20:065E		8-8-80	904 KAR 3:060E	146	7-16-81
Expired		4-15-82	Repealed	240	11-5-81	Replaced	83	12-2-81
405 KAR 18:110E	736	12-29-81	902 KAR 20:077E		8-8-80			
Expired		4-15-82	Repealed	414	1-6-82	Regulation	8 Ky.R. Page No.	Effective Date
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Expired		4-15-82	Repealed	243	11-5-81	Amended	778	3-1-82
405 KAR 18:130E	739	12-29-81	902 KAR 20:085E		8-8-80	12 KAR 1:105		
Expired		4-15-82	Repealed	606	2-1-82	Amended	778	3-1-82
405 KAR 18:140E	742	12-29-81	902 KAR 20:090E		8-8-80	31 KAR 1:020		
Expired		4-15-82	Repealed	418	1-6-82	Amended	1	6-3-81
405 KAR 18:150E	744	12-29-81	902 KAR 20:095E		8-8-80	45 KAR 1:010		
Expired		4-15-82	Repealed	418	1-6-82	Repealed	341	11-5-81
405 KAR 18:160E	744	12-29-81	902 KAR 20:100E		8-8-80	45 KAR 1:020	207	
Expired		4-15-82	Repealed	245	11-5-81	Amended	341	11-5-81
405 KAR 18:170E	745	12-29-81	902 KAR 20:105E		8-8-80	101 KAR 1:055	1072	
Expired		4-15-82	Repealed	251	11-5-81	101 KAR 1:090		
405 KAR 18:180E	746	12-29-81	902 KAR 20:110E		8-8-80	Amended	988	
Expired		4-15-82	Repealed	254	11-5-81	101 KAR 1:110		
405 KAR 18:190E	747	12-29-81	903 KAR 2:010E		2-19-82	Amended	989	
Expired		4-15-82	Expired	974	4-15-82	101 KAR 1:140		
405 KAR 18:200E	748	12-29-81	904 KAR 1:003E		9-30-81	Amended	990	
Expired		4-15-82	Repealed	263	10-30-81	101 KAR 1:200		
405 KAR 18:210E	750	12-29-81	904 KAR 1:004E		9-16-81	Amended	994	
Expired		4-15-82	Amended	266	12-14-81	102 KAR 1:057		
405 KAR 18:220E	751	12-29-81	Replaced	428	2-1-82	Amended	779	3-1-82
Expired		4-15-82	904 KAR 1:010E		9-30-81	102 KAR 1:190	784	3-1-82
405 KAR 18:230E	753	12-29-81	Replaced	268	2-1-82	102 KAR 1:195	784	3-1-82
Expired		4-15-82	904 KAR 1:011E		10-30-81	103 KAR 8:090		
405 KAR 18:260E	755	12-29-81	Amended	335	12-14-81	Amended	68	9-2-81
Expired		4-15-82	Replaced	430	2-1-82	103 KAR 16:140		
405 KAR 20:010E	756	12-29-81	904 KAR 1:013E		3-1-82	Repealed	175	10-7-81
Expired		4-15-82	Expired	976	4-15-82	103 KAR 16:141	175	10-7-81
405 KAR 20:020E	757	12-29-81	904 KAR 1:026E		9-30-81	103 KAR 18:030		
Expired		4-15-82	Replaced	269	2-1-82	Amended	153	10-7-81
405 KAR 20:030E	758	12-29-81	904 KAR 1:027E		9-30-81	105 KAR 1:010		
Expired		4-15-82	Replaced	271	6-30-81	Amended	494	2-1-82
405 KAR 20:040E	758	12-29-81	904 KAR 1:033E		8-5-81	105 KAR 1:030		
Expired		4-15-82	Replaced	43	3-2-82	Repealed	542	2-1-82
405 KAR 20:050E	760	12-29-81	904 KAR 1:036E		977			
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105 KAR 1:050 Repealed	542	2-1-82	301 KAR 2:047 Amended	4	6-3-81	401 KAR 59:210 Amended	910	
105 KAR 1:060 Repealed	542	2-1-82	301 KAR 2:050 Amended	1156		401 KAR 59:212 Amended	912	
105 KAR 1:061 Amended	542	2-1-82	301 KAR 2:085 Repealed	209	11-5-81	401 KAR 61:035 Amended	518	
105 KAR 1:070 Amended	542		301 KAR 2:086 Amended	209	11-5-81	401 KAR 61:055 Amended	884	4-7-82
106 KAR 1:020 Amended	1	6-3-81	301 KAR 2:111 Amended	1159		401 KAR 61:056 Amended	1051	
108 KAR 1:010 Amended	6		301 KAR 2:115 Amended	1076		401 KAR 61:085 Amended	1052	
200 KAR 2:006 Amended	148	8-5-81	302 KAR 1:040 Amended	503	2-1-82	401 KAR 61:120 Amended	1054	
200 KAR 4:005 Amended	259		302 KAR 1:050 Amended	212	11-5-81	401 KAR 61:122 Amended	913	
200 KAR 5:308 Amended	997		302 KAR 20:010 Amended	213	11-5-81	401 KAR 61:132 Amended	915	
200 KAR 5:320 Amended	153	10-7-81	302 KAR 20:110 Amended	157	10-7-81	401 KAR 61:165 Amended	7	
200 KAR 6:030 Repealed	1076		302 KAR 20:120 Amended	784	3-1-82	401 KAR 61:165 Amended	318	12-2-81
200 KAR 6:035 Amended	193	11-5-81	303 KAR 1:100 Amended	785	3-1-82	401 KAR 63:030 Withdrawn	164	11-5-81
200 KAR 9:010 Amended	193	11-5-81	401 KAR 2:050 Amended	1197		401 KAR 63:031 Amended	86	11-30-81
201 KAR 1:045 Amended	999		401 KAR 2:055 Amended	158		405 KAR 30:010 Amended	1129	
201 KAR 2:050 Amended	910	4-7-82	401 KAR 2:060 Amended	441	2-1-82	405 KAR 30:020 Amended	87	
201 KAR 9:095 Withdrawn	154	10-7-81	401 KAR 2:063 Amended	447		405 KAR 30:025 Amended	460	3-1-82
201 KAR 11:015 Repealed	374	1-26-82	401 KAR 2:070 Amended	865	2-1-82	405 KAR 30:030 Withdrawn	91	3-1-82
201 KAR 11:016 Amended	784	3-1-82	401 KAR 2:073 Amended	505		405 KAR 30:035 Amended	465	
201 KAR 11:045 Amended	784	3-1-82	401 KAR 2:075 Amended	505	3-2-82	405 KAR 30:040 Amended	573	
201 KAR 16:020 Amended	780	4-7-82	401 KAR 2:077 Amended	542		405 KAR 30:050 Amended	92	12-13-81
201 KAR 16:030 Amended	347		401 KAR 2:080 Amended	1008	3-2-82	405 KAR 30:060 Amended	574	
201 KAR 16:040 Amended	499	12-10-81	401 KAR 2:085 Amended	1078		405 KAR 30:070 Amended	93	3-1-82
201 KAR 16:050 Amended	857	2-1-82	401 KAR 2:090 Amended	508	3-2-82	405 KAR 30:080 Amended	467	
201 KAR 16:060 Amended	500	2-1-82	401 KAR 2:095 Amended	1025		405 KAR 30:090 Amended	575	3-1-82
201 KAR 16:070 Amended	501	2-1-82	401 KAR 2:101 Amended	572	3-2-82	405 KAR 30:100 Amended	94	
201 KAR 16:080 Amended	1001		401 KAR 2:105 Amended	1108		405 KAR 30:110 Amended	468	3-1-82
201 KAR 16:090 Amended	194		401 KAR 2:111 Amended	513	3-2-82	405 KAR 30:120 Amended	95	
201 KAR 16:100 Amended	343	11-5-81	401 KAR 2:115 Amended	1030		405 KAR 30:130 Amended	469	3-1-82
201 KAR 16:110 Amended	33	8-5-81	401 KAR 2:120 Amended	175	2-1-82	405 KAR 30:140 Amended	96	3-1-82
201 KAR 16:120 Amended	780	3-1-82	401 KAR 2:125 Amended	450		405 KAR 30:150 Amended	96	
201 KAR 16:130 Amended	781	3-1-82	401 KAR 2:130 Amended	176	2-1-82	405 KAR 30:160 Amended	470	3-1-82
201 KAR 16:140 Amended	780	3-1-82	401 KAR 2:135 Amended	452		405 KAR 30:170 Amended	97	
201 KAR 16:150 Amended	780	3-1-82	401 KAR 2:140 Amended	869	2-1-82	405 KAR 30:180 Amended	471	3-1-82
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201 KAR 16:180 Amended	780	3-1-82	401 KAR 2:155 Amended	456	2-1-82	405 KAR 30:210 Amended	576	12-14-81
201 KAR 16:190 Amended	780	3-1-82	401 KAR 2:160 Amended	985	3-1-82	405 KAR 30:220 Amended	578	
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201 KAR 16:210 Amended	780	3-1-82	401 KAR 2:170 Amended	458	2-1-82	405 KAR 30:240 Amended	472	2-1-82
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201 KAR 16:260 Amended	780	3-1-82	401 KAR 2:195 Amended	1035		405 KAR 30:290 Amended	108	12-13-81
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201 KAR 16:280 Amended	780	3-1-82	401 KAR 2:205 Amended	1041		405 KAR 30:310 Amended	109	3-1-82
201 KAR 16:290 Amended	780	3-1-82	401 KAR 2:210 Amended	1044		405 KAR 30:320 Amended	110	
201 KAR 16:300 Amended	780	3-1-82	401 KAR 2:215 Amended	1112		405 KAR 30:330 Amended	478	3-1-82
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201 KAR 16:320 Amended	780	3-1-82	401 KAR 2:225 Amended	1125		405 KAR 30:350 Amended	112	
201 KAR 16:330 Amended	780	3-1-82	401 KAR 2:230 Amended	1046		405 KAR 30:360 Amended	479	3-1-82
201 KAR 16:340 Amended	780	3-1-82	401 KAR 2:235 Amended	1049		405 KAR 30:370 Amended	113	3-1-82
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201 KAR 16:360 Amended	780	3-1-82	401 KAR 2:245 Amended	883		405 KAR 30:390 Amended	114	3-1-82
201 KAR 16:370 Amended	780	3-1-82	401 KAR 2:250 Amended			405 KAR 30:400 Amended	115	3-1-82
201 KAR 16:380 Amended	780	3-1-82	401 KAR 2:255 Amended			405 KAR 30:410 Amended	116	3-1-82
201 KAR 16:390 Amended	780	3-1-82	401 KAR 2:260 Amended			405 KAR 30:420 Amended	117	3-1-82
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Amended	486	3-1-82	Amended	17	8-5-81	Repealed	954	4-7-82
405 KAR 30:330	127		Amended	918	4-7-82	806 KAR 9:011	954	4-7-82
Amended	488	3-1-82	704 KAR 20:005			806 KAR 9:070		
405 KAR 30:340	128		Amended	17	8-5-81	Amended	926	4-7-82
Amended	489	3-1-82	Amended	167	10-7-81	806 KAR 9:091	1130	
405 KAR 30:350	128	3-1-82	704 KAR 20:120			806 KAR 9:170	964	4-7-82
405 KAR 30:360	130		Amended	1164		806 KAR 12:070	1130	
Withdrawn		12-14-81	704 KAR 20:210			806 KAR 17:060		
405 KAR 30:370	130		Amended	1165		Amended	1055	
Withdrawn		12-14-81	704 KAR 20:229			806 KAR 17:070	955	4-7-82
405 KAR 30:380	132		Amended	72	9-2-81	806 KAR 26:010		
Withdrawn		12-14-81	704 KAR 20:230			Amended	926	4-7-82
405 KAR 30:390	133		Amended	72	9-2-81	806 KAR 38:060	959	
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405 KAR 30:400	134		Amended	73	9-2-81	Amended	1166	
Amended	490	3-1-82	704 KAR 20:245			807 KAR 5:001	786	4-7-82
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Repealed	12	8-5-81	Amended	75	9-2-81	Amended	1137	4-16-82
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