

LEGISLATIVE RESEARCH COMMISSION  
FRANKFORT, KENTUCKY

VOLUME 9, NUMBER 9  
TUESDAY, MARCH 1, 1983



**IN THIS ISSUE**

Public Hearings Scheduled .....	993
<b>Recodified:</b>	
Natural Resources and Environmental Protection:	
Waste Management .....	993
<b>Emergency Regulations:</b>	
Finance .....	995
Corrections—Community Services .....	997
Public Service Commission .....	999
Human Resources—Social Insurance .....	1000
<b>Amended Regulations Now in Effect:</b>	
Higher Education Student Loan Corporation .....	1003
Insurance .....	1004
Human Resources—Social Services .....	1005
<b>Amended After Hearing:</b>	
Human Resources .....	1012
Social Services .....	1024
<b>Proposed Amendments:</b>	
Teachers' Retirement System .....	1025
Finance .....	1025
Board of Accountancy .....	1026
Board of Pharmacy .....	1027
Board of Nursing .....	1027
Board of Examiners of Social Work .....	1028
Agriculture .....	1031
Transportation .....	1033
Education .....	1036
Racing Commission .....	1038
Housing, Buildings and Construction .....	1041
Human Resources:	
Health Services .....	1055
Social Insurance .....	1059
<b>Proposed Regulations Received Through February 15:</b>	
Natural Resources and Environmental Protection:	
Water .....	1070
Surface Mining .....	1072
Corrections—Community Services .....	1073
Public Service Commission .....	1075
Human Resources:	
Health Services .....	1078
Social Insurance .....	1082
<b>Reprint:</b>	
Human Resources—Long Term Care Facilities .....	1085
Minutes of the Administrative Regulation Review Subcommittee .....	1086
<b>CUMULATIVE SUPPLEMENT</b>	
Locator Index—Effective Dates .....	J 2
KRS Index .....	J 8
Subject Index .....	J 12

NOTE: The March meeting of the Administrative Regulation Review Subcommittee will be a ONE-DAY meeting—Wednesday, March 23, 1983, at 10 a.m. in Room 103 of the 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 1983 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)

© 1982 Legislative Research Commission, All Rights Reserved

The *Administrative Register of Kentucky* is published monthly by the Legislative Research Commission, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: \$36 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.

### KENTUCKY LEGISLATIVE RESEARCH COMMISSION

SENATOR JOE PRATHER  
Senate President Pro Tem

Chairmen

REPRESENTATIVE BOBBY H. RICHARDSON  
Speaker of the House

#### Senate Members

DELBERT MURPHY  
Assistant President Pro Tem

GENE HUFF  
Minority Caucus Chairman

JOE WRIGHT  
Majority Floor Leader

HELEN GARRETT  
Majority Whip

JAMES P. BUNNING  
Minority Floor Leader

DOUG MOSELEY  
Minority Whip

DAVID K. KAREM  
Majority Caucus Chairman

#### House Members

DONALD J. BLANDFORD  
Speaker Pro Tem

WILLIAM (BILL) DONNERMEYER  
Majority Caucus Chairman

JIM LEMASTER  
Majority Floor Leader

RICHARD TURNER  
Minority Caucus Chairman

ARTHUR L. SCHMIDT  
Minority Floor Leader

JAMES R. DUNN  
Majority Whip

WILLARD (WOODY) ALLEN  
Minority Whip

VIC HELLARD, JR., Director

SAMUEL L. HENSLEY, Assistant Director for Education and Information

### ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

#### Members

REPRESENTATIVE WILLIAM T. BRINKLEY, Chairman  
SENATOR WILLIAM L. QUINLAN  
SENATOR JAMES P. BUNNING  
SENATOR PAT McCUISTON  
REPRESENTATIVE ALBERT ROBINSON  
REPRESENTATIVE JAMES E. BRUCE  
REPRESENTATIVE GREGORY D. STUMBO

#### Staff

SUSAN C. HARDING, Regulations Compiler  
JUNE Q. MABRY  
SHIRLEY W. HART  
O. JOSEPH HOOD, Counsel for the Subcommittee  
DAN RISCH, Co-Counsel

# Public Hearings Scheduled

## NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

A public hearing has been scheduled on March 3, 1983, at 10 a.m. in Room G-2, Capital Plaza Tower, Frankfort, Kentucky, on the following regulations:

- 401 KAR 50:025. Classification of counties. [9 Ky.R. 935]
- 401 KAR 61:015. Existing indirect heat exchangers. [9 Ky.R. 935]

A public hearing has been scheduled on March 29, 1983, at 7 p.m., in the Auditorium, Capital Plaza Tower, Frankfort, Kentucky, on the following regulations:

- 405 KAR 30:010. Definitions. [9 Ky.R. 941]
- 405 KAR 30:020. General provisions. [9 Ky.R. 945]
- 405 KAR 30:025. Experimental practices. [9 Ky.R. 947]
- 405 KAR 30:070. Procedures, criteria and schedule for release of performance bond. [9 Ky.R. 948]
- 405 KAR 30:121. Oil shale exploration. [9 Ky.R. 949]
- 405 KAR 30:130. Oil shale operation permits. [9 Ky.R. 951]
- 405 KAR 30:160. Data requirements. [9 Ky.R. 983]
- 405 KAR 30:201. Repeal. [9 Ky.R. 986]
- 405 KAR 30:250. Use of explosives. [9 Ky.R. 957]
- 405 KAR 30:280. Prime farmland. [9 Ky.R. 960]
- 405 KAR 30:320. Water quality standards; effluent limitations, and monitoring. [9 Ky.R. 962]
- 405 KAR 30:360. Waste management. [9 Ky.R. 1072]
- 405 KAR 30:370. Disposal of excess spoil materials and spent shale. [9 Ky.R. 986]
- 405 KAR 30:390. Backfilling and grading. [9 Ky.R. 964]

## Recodified

COMPILER'S NOTE: Due to extensive revisions to 401 KAR Chapter 2, Waste Management, these regulations are hereby recodified to 401 KAR Chapters 30 through 49, effective March 1, 1983.

Former Regulation Number	New Regulation Number—Title		
401 KAR 2:050	401 KAR Chapter 30—Waste Management—General Administrative Procedures	401 KAR 2:060	401 KAR Chapter 38 Waste Management—Hazardous Waste Permitting Process
Section 1	401 KAR 30:010—Definitions	Sections 2, 4(1), 10, 13, 17	401 KAR 38:010—General provisions for permitting
Section 2	401 KAR 30:040—Transfer of responsibility for coal mining solid waste	Section 1	401 KAR 38:020—Interim status provisions
		Section 7	401 KAR 38:030—Conditions applicable to all permits
		Sections 3, 6, 14	401 KAR 38:040—Duration, termination, renewal and deadlines
		Sections 5, 9	401 KAR 38:050—Public information procedures and confidentiality
		Section 8	401 KAR 38:060—Compliance schedules
401 KAR 2:055	401 KAR 30:020—General provisions	Sections 11, 12, 15, 16(1)	401 KAR 38:070—Application procedures
Sections 1-5	401 KAR 30:030—Environmental performance standards	Sections 16(2), 4(2)	401 KAR 38:080—Specific facility permitting requirements
Sections 6, 7			

<b>401 KAR 2:063</b>	401 KAR Chapter 34—Waste Management—Standards for Owners and Operators of Hazardous Waste Storage, Treatment and Disposal Facilities	Section 17	401 KAR 34:180—Use and management of containers
		Section 18	401 KAR 34:190—Tanks
		Section 19	401 KAR 34:200—Surface impoundments
Section 1	401 KAR 34:010—General provisions for facilities	Section 20	401 KAR 34:210—Waste piles
Section 2	401 KAR 34:020—General facility standards	Section 21	401 KAR 34:240—Incinerators
Section 3	401 KAR 34:030—Preparedness and prevention	Section 22(3)	401 KAR 34:290—Appendix on recordkeeping instructions
Section 4	401 KAR 34:040—Contingency plan and emergency procedures	Section 22(2)	401 KAR 34:330—Appendix on examples of potentially incompatible waste
Section 5	401 KAR 34:050—Manifest system, recordkeeping and reporting	Section 22(1)	401 KAR 34:340—Appendix on political jurisdictions and demonstration of compliance with the seismic standards
Section 6	401 KAR 34:070—Closure and post-closure		
Sections 7-9	401 KAR 34:080—General financial requirements	<b>401 KAR 2:065</b>	401 KAR Chapter 40—Waste Management—Enforcement and Compliance Monitoring for Hazardous Waste
Sections 10, 11	401 KAR 34:090—Closure financial requirements		
Sections 12, 13(1)-(9)	401 KAR 34:100—Post-closure financial requirements	Section 1	401 KAR 40:010—General enforcement provisions
Section 13(10)	401 KAR 34:110—Use of a mechanism for closure and post-closure	Sections 2, 3	401 KAR 40:020—Inspections
		Section 5	401 KAR 40:030—Hearings
Section 14	401 KAR 34:120—Liability requirements	Sections 4, 6-8	401 KAR 40:040—Remedies
		Section 9	401 KAR 40:050—Penalties
Section 15	401 KAR 34:130—Incapacity of owners or operators, guarantors financial institutions	<b>401 KAR 2:070</b>	401 KAR Chapter 32—Waste Management—Standards Applicable to Generators of Hazardous Waste
Section 16(1)	401 KAR 34:140—Wording of the instruments for trust funds	Section 1	401 KAR 32:010—General provisions
		Section 2	401 KAR 32:020—Manifest system
Section 16(2)	401 KAR 34:144—Wording of the instrument for a surety bond guaranteeing payment into a trust fund	Section 3	401 KAR 32:030—Pre-transport requirements
		Section 4	401 KAR 32:040—Recordkeeping and reporting
Section 16(3)	401 KAR 34:148—Wording of the instrument for a surety bond guaranteeing performance	Section 5	401 KAR 32:050—Special conditions
Section 16(4)	401 KAR 34:152—Wording of the instrument for a letter of credit		401 KAR Chapter 35—Waste Management—Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
Section 16(5)	401 KAR 34:156—Wording of the instrument for a certificate of insurance		
Section 16(9)	401 KAR 34:159—Wording of the instrument for a financial test on closure and post-closure care	<b>401 KAR 2:073</b>	401 KAR 35:010—General provisions for facilities (IS)
Section 16(6)	401 KAR 34:162—Wording of the instrument for a financial test on liability coverage and closure or post-closure care	<b>401 KAR 2:075</b>	401 KAR Chapter 31—Waste Management—Identification and Listing of Hazardous Waste
Section 16(10)	401 KAR 34:165—Wording of the instrument for a corporate guarantee	Sections 1-7	401 KAR 31:010—General provisions for hazardous wastes
Section 16(7)	401 KAR 34:172—Wording of the instrument for a liability endorsement	Section 8	401 KAR 31:030—Characteristics of hazardous waste
Section 16(8)	401 KAR 34:176—Wording of the instrument for a certificate of liability insurance	Section 9	401 KAR 31:040—Lists of hazardous wastes
		Section 10	401 KAR 31:050—General provisions for special wastes



Section 11(1)	401 KAR 31:100—Appendix on representative sampling methods	Sections 1, 2	401 KAR 33:010—General provisions for transporters
Section 11(2)	401 KAR 31:110—Appendix on EP toxicity test procedures	Sections 3, 4	401 KAR 33:020—Compliance with the manifest system and recordkeeping
Section 11(3)	401 KAR 31:120—Appendix on chemical analysis test methods	Section 5	401 KAR 33:030—Hazardous waste discharges during transportation
Section 11(4)	401 KAR 31:160—Appendix on basis for listing		401 KAR Chapter 47—Waste Management—Solid Waste Site or Facilities
Section 11(5)	401 KAR 31:170—Appendix on hazardous constituents	401 KAR 2:090	401 KAR 47:020—Solid waste permit process
401 KAR 2:080	401 KAR Chapter 39—Waste Management—Hazardous Waste Fees	401 KAR 2:095	401 KAR 47:040—Sanitary landfills
Sections 1-6	401 KAR 39:010—General provisions on fees	401 KAR 2:101	401 KAR 47:050—Landfarming
401 KAR 2:085	401 KAR Chapter 33—Waste Management—Standards Applicable to Transporters of Hazardous Waste	401 KAR 2:105	401 KAR 47:060—Permit fees
		401 KAR 2:111	401 KAR 47:070—Operator certification

## Emergency Regulations Now In Effect

(NOTE: Emergency regulations expire upon being repealed or replaced.)

JOHN Y. BROWN, JR., GOVERNOR  
Executive Order 83-103  
January 27, 1983

### EMERGENCY REGULATION Finance and Administration Cabinet

WHEREAS, the Secretary of the Finance and Administration Cabinet ("Secretary of Finance") is authorized and directed by KRS 45A.035 to promulgate purchasing regulations for the implementation of the Kentucky Model Procurement Code, KRS Chapter 45A; and

WHEREAS, pursuant to such authority, the Secretary of Finance has promulgated a certain regulation, codified in the Kentucky Administrative Register as 200 KAR 5:307, relating to and implementing the provisions of KRS 45A.085, authorizing the award of procurement contracts through competitive negotiations solicited in accordance with the provisions of such statute and such regulations; and

WHEREAS, it appears that within the context of negotiations for a contract for which proposals were solicited in accordance with such statute and regulation, a question has arisen as to the effect, if any, that the receipt of a single response to a solicitation for competitive negotiations may have upon a procurement undertaken pursuant to the authority of and in accordance with the provisions of such statute and such regulations; and

WHEREAS, neither such statute nor such regulation, as promulgated and in current effect, addresses or answers such question in specific terms; and

WHEREAS, it has been made to appear that the resolution of such question is important to the completion of the aforementioned negotiations and the Secretary of Finance has proposed to amend the said regulation, 200 KAR 5:307, to clarify and answer said question, and has determined that an emergency exists with respect to said amendatory regulation and that it should become effective, sub-

ject to the provisions of KRS 13.088(1), immediately upon being filed with the Legislative Research Commission:

NOW, THEREFORE, I, John Y. Brown, Jr., Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by Section 13.088(1) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Secretary of the Finance and Administration Cabinet that an emergency exists and direct that the attached regulation become effective immediately upon being filed in the Office of the Legislative Research Commission.

JOHN Y. BROWN, JR., Governor  
FRANCES JONES MILLS, Secretary of State

### FINANCE AND ADMINISTRATION CABINET Department for Administration

#### 200 KAR 5:307E. Competitively negotiated contracts.

RELATES TO: KRS Chapter 45A  
PURSUANT TO: KRS 45A.035, 45A.090  
EFFECTIVE: January 27, 1983

NECESSITY AND FUNCTION: The Secretary of the [Department of] Finance and Administration Cabinet is authorized by KRS 45A.055 to publish state purchasing regulations for the implementation of the Kentucky Model Procurement Code (KRS Chapter 45A). This regulation implements the provisions of KRS 45A.085 and 45A.090 relating to competitively negotiated contracts.

Section 1. When, due to the complex nature or technical detail of a particular procurement, or when, in the opinion of the purchasing official, specifications cannot be fairly and objectively prepared so as to permit competition in the invitation for sealed bids, or for high technology electronic

equipment available from a limited number of sources of supply and for which specifications cannot practicably be prepared except by reference to the specifications of the equipment of a single source of supply, or when it is otherwise determined by the purchasing official that the invitation for competitive sealed bids is not practicable, or when it is determined by the purchasing official that the conditions described in KRS 45A.085(3) or 45A.090(1) exist, and except for procurements under KRS 45A.095 and 45A.100, and regulations adopted pursuant thereto, a contract may be awarded for a procurement by competitive negotiations as authorized by KRS 45A.085 and 45A.090 and this regulation. The purchasing official shall make a written determination of the reasons it is considered impractical to invite bids prior to initiating any other action leading toward the award of a contract on the basis of competitive negotiations.

Section 2. When it has been determined that it is not practical to invite competitive bids as provided in Section 1 of this regulation, except when such determination is based on the existence of the conditions mentioned in KRS 45A.085(3) or 45A.090(1), action to obtain a procurement by competitive negotiations shall commence by advertisement and solicitation for written proposals in the manner specified by KRS 45A.080(3) and regulations adopted pursuant thereto. The advertisement or solicitation for proposals for competitive negotiations shall state:

(1) That the purchasing agency proposes to enter into competitive negotiations with responsible offerors for a procurement;

(2) The date, hour and place that written proposals for the procurement shall be received;

(3) The type of procurement involved and a description of the supplies or services sought; provided, however, that detailed specifications need not be listed in newspaper advertisements, or solicitations for proposals sent to vendors listed on a bidder's list maintained by the purchasing agency if it is considered impractical by the purchasing official to do so, but potential offerors shall be informed by such advertisement or solicitation where such detailed specifications, if available for the particular procurement, may be obtained;

(4) The evaluation factors to be considered by the purchasing agency in the competitive negotiations in determining the proposal most advantageous to the Commonwealth, and the proposed method or methods of award of contract;

(5) Such other information as, in the opinion of the purchasing official, may be desirable or necessary to reasonably inform potential offerors about the requirements of the procurement or the limits or bounds of the competitive negotiations proposed to obtain the procurement.

Section 3. All written proposals received by the purchasing agency in response to advertisement or solicitation for proposals for competitive negotiations shall be kept secure and unopened until the date and hour set for opening the proposals. Proposals for competitive negotiations not clearly marked as such on the envelope in which received may be opened for identification purposes, and shall be appropriately identified with reference to the particular procurement and resealed until the time for opening proposals.

Section 4. At the close of business on, or at the beginning of the next business day after the date fixed for receiving

proposals for competitive negotiations, all proposals received as of the close of business on that date shall be transmitted to the purchasing official for the procurement for opening. Proposals for competitive negotiations shall not be subject to public inspection until negotiations between the purchasing agency and all offerors have been concluded and a contract awarded to the responsible offeror submitting the proposal determined in writing to be the most advantageous to the Commonwealth, price, and the evaluation factors set forth in the advertisement and solicitations for proposals considered.

Section 5. (1) The purchasing official shall examine each written proposal received for general conformity with the advertised terms of the procurement. If it has been provided in the advertisement or solicitation for proposals that an award may be made without written or oral discussions, the purchasing official may, upon the basis of the written proposals received, award the contract to the responsible offeror submitting the proposal determined in writing to be the most advantageous to the Commonwealth, price, and the published evaluation factors considered. If, after the proposals have been examined, it is determined that written and/or oral discussions should be had with the offerors, the purchasing official shall determine in writing, based on an individual review, those proposals received from responsible offerors that are preliminarily susceptible of being selected for award of a contract for the procurement. Each such offeror shall be contacted informally by the purchasing official and a meeting scheduled for discussion of the offeror's proposals. Discussions need not be conducted under the circumstances of or relative to the topics enumerated in KRS 45A.085(6)(a), (b) or (c).

(2) Discussions with offerors shall be held informally and may be conducted orally, in writing, or both orally and in writing, as determined by the purchasing official in writing to be the most advantageous to the Commonwealth. If, however, after discussions with all responsible offerors have concluded, or after examination of the written proposals initially submitted, it is determined that no acceptable proposal has been submitted, any or all proposals may be rejected and, in the discretion of the purchasing official, new proposals may be solicited as provided in this regulation on the basis of the same, or revised terms, or the procurement may be abandoned.

Section 6. The purchasing official shall prepare a written summary of all oral discussions in competitive negotiations setting forth the date or dates of discussions with all responsible offerors and the general substance of the discussions. Verbatim records of the discussion shall not be required.

Section 7. When it is determined in writing by the purchasing official that the conditions mentioned in either KRS 45A.085(3), or 45A.090(1), exist with respect to any particular procurement, competitive negotiations may be undertaken to obtain the requirements of such procurement as provided by KRS 45A.085(3) or 45A.090(1), and according to the procedures set forth in Sections 3 to 7 of this regulation.

Section 8. When, after solicitation for proposals to enter into competitive negotiations only one (1) proposal responsive to the solicitation is received, the purchasing official may commence negotiations with the single offeror and any subsequent contract entered into with that offeror

*shall be deemed to have been competitively negotiated and awarded in accordance with KRS 45A.085 and this regulation; provided, however, that the terms and conditions of any such contract shall not in any material respect deviate in a manner detrimental to the purchasing agency from the terms and conditions specified in the solicitation for proposals.*

ROBERT L. WARREN, Secretary

ADOPTED: January 27, 1983

RECEIVED BY LRC: January 27, 1983 at 4 p.m.

JOHN Y. BROWN, JR., GOVERNOR  
Executive Order 83-151  
February 7, 1983

EMERGENCY REGULATIONS  
Corrections Cabinet

WHEREAS, the Secretary of the Corrections Cabinet is responsible under KRS 441.011 through KRS 441.015 for promulgating by regulation minimum standards for jails by January 1, 1983; and

WHEREAS, the Secretary of the Corrections Cabinet has the responsibility to employ jail inspectors necessary to administer and enforce the regulations pursuant to KRS 441.011 through KRS 441.013; and

WHEREAS, pursuant to KRS 441.011 through KRS 441.013, the Corrections Cabinet assumes responsibility for approving jail construction and renovation plans on January 1, 1983; and

WHEREAS, the Corrections Cabinet filed the proposed regulations with the Legislative Research Commission on October 14, 1982, but due to amendments having been filed as a result of a public hearing, the proposed regulations have not been acted upon by the Legislative Research Commission; and

WHEREAS, the Governor, in Executive Order 83-3, acknowledged the finding of an emergency by the Secretary of Corrections with respect to the filing of regulations on jail inspections and directed that said emergency regulations be effective as of January 3, 1983; and

WHEREAS, upon re-examination of said regulations by the Corrections Cabinet, it was discovered that additional regulations must be added to allow the jail inspectors to adequately cover all safety standards; and

WHEREAS, the Corrections Cabinet has withdrawn the previously filed regulations and are refiling the regulations with additional regulations; and

WHEREAS, final review of the regulations by the Legislative Research Commission will not occur until April, 1983; and

WHEREAS, the Secretary has determined in a letter dated February 7, 1983, that an emergency exists with respect to said regulations and that, therefore, said regulations, pursuant to the provisions of KRS 13.088(1), should become effective immediately upon filing with the Legislative Research Commission:

NOW, THEREFORE, I, John Y. Brown, Jr., Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.088(1), do hereby acknowledge the finding of an emergency by the Secretary of the Corrections Cabinet and hereby direct that said regulations shall become effective upon being filed with the

Legislative Research Commission as provided in Chapter 13 of the Kentucky Revised Statutes.

JOHN Y. BROWN, JR., Governor  
FRANCES JONES MILLS, Secretary of State

CORRECTIONS CABINET  
Office of Community Services

501 KAR 3:070E. Safety; emergency procedures.

RELATES TO: KRS 441.011(6)

PURSUANT TO: KRS 13.082, 441.011(6)

EFFECTIVE: February 7, 1983

NECESSITY AND FUNCTION: KRS 441.011 requires the Corrections Cabinet to promulgate regulations establishing minimum standards for jails. This regulation sets forth safety and emergency procedures to be followed in local jails.

Section 1. Policy and Procedure. (1) Each jail shall have a written policy and procedure which specify fire prevention regulations and practices to ensure the safety of inmates, visitors, and staff. These shall include but not be limited to:

- (a) Provision for fire emergency drills for staff and inmates at least quarterly.
- (b) Written documentation of fire drills.
- (c) A fire safety inspection by the Corrections Cabinet at least semi-annually.

(d) Inspection and testing of fire protection equipment by qualified persons at least annually with visual inspections by staff monthly.

(e) Smoking restrictions and regulations.

(f) Written evacuation plan coordinated with local fire officials.

(2) Each jail shall have written policies and procedures for emergency situations including but not limited to:

- (a) Escapes.
- (b) Taking of hostages.
- (c) Riots.
- (d) Food poisoning.
- (e) Civil disturbances in the community.
- (f) Natural disasters.
- (g) Suicides.
- (h) Other deaths and disorder.

Section 2. Physical Plant. (1) Each jail shall have exits which are distinctly and permanently marked, visible at all times, kept clear, and maintained in usable condition.

(2) Each jail shall have equipment necessary to maintain essential lights, power, and communications in an emergency situation.

(3) In all areas where an inmate may be confined, each jail shall be provided with an emergency smoke evacuation system activated by smoke detectors and be operated by emergency power, if necessary.

(4) Each jail shall have an approved fire alarm and smoke detection system which meets the National Fire Safety Code (1981 edition, Chapters 14 and 15).

(5) Each jail shall comply with the National Fire Safety Code (1981 edition, Chapters 14 and 15).

Section 3. The provisions of this regulation shall be effective as of January 1, 1983.

GEORGE W. WILSON, Secretary

ADOPTED: October 1, 1982

RECEIVED BY LRC: February 7, 1983 at 4:20 p.m.

**CORRECTIONS CABINET**  
Office of Community Services

501 KAR 3:120E. Admission; release.

RELATES TO: KRS 441.011(6)

PURSUANT TO: KRS 13.082, 441.011(6)

EFFECTIVE: February, 7, 1983

NECESSITY AND FUNCTION: KRS 441.011 requires the Corrections Cabinet to promulgate regulations establishing minimum standards for jails. This regulation sets forth admission and release procedures.

Section 1. Policy and Procedure. (1) Each jail shall develop written admission, orientation, and release procedures to be included in the jail's policy and procedure manual.

(2) The provisions of this section shall be effective as of July 1, 1983.

Section 2. Admission. (1) Any seriously injured, seriously ill, or unconscious persons (as determined by the jailer or his designee) shall not be admitted to the jail until a medical examination has been conducted by a licensed physician. A denial of admission form shall be completed which lists the reasons for the denial and shall be signed by the arresting officer and the jail staff member on duty. The provisions of this subsection shall be effective as of January 1, 1983.

(2) The jail staff shall assure that each inmate is committed under proper legal authority by a duly authorized officer. The provisions of this subsection shall be effective as of January 1, 1983.

(3) An intake form shall be completed on every new inmate admission and shall include but not be limited to the following:

- (a) Time and date of commitment;
- (b) Name, alias, nickname;
- (c) Official charge—cite eight (8) digit KRS number;
- (d) Authority ordering commitment;
- (e) Unit of government to be billed;
- (f) Signature and title of arresting or committing officer;
- (g) Date of birth;
- (h) Race;
- (i) Sex;
- (j) Height and weight;
- (k) Current or last known address;
- (l) Telephone number;
- (m) Marital status;
- (n) Spouse or next of kin;
- (o) Emergency contact (name, relation, address, telephone number);
- (p) Employer, place of employment, telephone number;
- (q) Social Security number;
- (r) Health status (including current medications, known allergies, diet or other special medical needs);
- (s) Blood type, if known;
- (t) The name of any known person in the jail who might be a threat to the arrestee; and

(u) Mental health history (including past hospitalizations, comprehensive care treatment, current treatment, and medication).

The provisions of this subsection shall be effective as of July 1, 1983.

(4) The jail staff shall conduct a search of inmates and their possessions.

(a) Each inmate shall be searched for contraband in such a manner as responsible staff reasonably determine is necessary to protect the safety of fellow inmates, staff, and institutional security. Such search shall be conducted in a private area and in a manner which protects the inmate's dignity to such extent as possible in that particular jail.

(b) When a strip search is conducted, it shall be performed by a staff person of the same sex as the inmate.

(c) When a strip search of an inmate is conducted, it shall include a thorough visual check for birthmarks, wounds, sores, cuts, bruises, scars, and injuries, "health tags," and body vermin. A less complete search shall include the same checks to the extent determined reasonably necessary.

(d) The probing of body cavities shall not be done except where there is reasonable suspicion to believe that the inmate is carrying contraband there and such search shall only be conducted by medically trained persons (physician, emergency medical technician, registered nurse, licensed practical nurse) in a private location and under sanitary conditions.

(e) The provisions of this subsection shall be effective as of January 1, 1983.

(5) Each jail shall develop written policies and procedures, specifying the personal property that inmates may retain in their possession.

(a) Any cash or personal property shall be taken from the inmate upon admission, listed by complete description on a receipt form in duplicate, and securely stored pending the inmate's release. The receipt shall be signed by the receiving officer and the inmate, the duplicate shall be stored with the inmate's personal property and the original kept for the jail record.

(b) If the inmate is in an inebriated state, is a mental inquest detainee, or is mentally ill or mentally retarded, there shall be at least one (1) witness to verify this transaction. As soon as the inmate is able to understand and account for his actions, he shall sign the receipt and his copy stored with his personal property.

(c) Personal property released to a third party must have the inmate's signature of approval and the signature receipt of the third party.

(d) The provisions of this subsection shall be effective as of July 1, 1983.

Section 3. Orientation. (1) As soon after assignment as possible, each inmate shall receive an oral and written orientation.

(2) The orientation shall provide the inmate with information regarding his confinement including but not limited to the following:

(a) Information pertaining to rising and retiring, meals, mail procedures, work assignments, telephone privileges, visitation, correspondence, commissary, medical care, and other matters related to the conditions of the inmate's confinement;

(b) Rules of inmate conduct;

(c) Disciplinary procedures;

(d) Information regarding programs (work, educational and vocational training, counseling, and other social services); and

(e) Procedures for making requests or registering complaints with the jail staff, judiciary, or Corrections Cabinet personnel.

(3) Special assistance shall be given to illiterate and non-English speaking inmates.

(4) The provisions of this section shall be effective as of July 1, 1983.

Section 4. Release. (1) Written legal authorization shall be required prior to the release or removal of any inmate from confinement.

(2) When an inmate is released or removed for any legal purpose to the custody of another, the identity of receiving authority shall be verified.

(3) A written record shall be kept of the time, purpose, date, and authority for release or removal from confinement, and into whose custody the inmate is released or removed.

(4) Prior to the release or removal of an inmate, the receiving authority shall sign an authorized release form.

(5) Before the jailer releases an inmate to an out-of-state jurisdiction, he shall consult with the appropriate prosecutorial office in the county.

(6) Any property, not legally confiscated or retained, receipted from the inmate upon admission shall be returned to the inmate at the time of release.

(7) Each inmate shall sign a receipt for property returned at the time of release.

(8) Any complaint regarding property returned must be submitted in writing with specific details within twenty-four (24) hours.

(9) The provisions of this section shall be effective as of January 1, 1983.

GEORGE W. WILSON, Secretary

ADOPTED: October 1, 1982

RECEIVED BY LRC: February 3, 1983 at 4:20 p.m.

JOHN Y. BROWN, JR., GOVERNOR

Executive Order 83-153

February 3, 1983

#### EMERGENCY REGULATION

Cabinet for Public Protection and Regulation  
Public Service Commission

WHEREAS, the Public Service Commission is statutorily charged with insuring the availability of safe, adequate and reliable utility service to the citizens of the Commonwealth; and

WHEREAS, the rapid rise in the cost of utility services, coupled with the recent severe winter weather, has imposed a severe hardship on many persons subsisting on limited incomes; and

WHEREAS, such customers who are unable to pay their utility bills are subject to termination of their utility service under existing Public Service Commission regulations and may not be reconnected without tendering full payment of all outstanding charges; and

WHEREAS, the Public Service Commission and the Secretary of the Cabinet for Public Protection and Regulation have determined that an emergency exists and that there is an immediate need to reconnect customers provided they meet the criteria established in the emergency regulation; and

WHEREAS, the Secretary of the Cabinet for Public Protection and Regulation, in conjunction with the Public Service Commission, pursuant to KRS 13.082 and KRS 278.040, has promulgated the regulation hereinabove referenced:

NOW, THEREFORE, I, John Y. Brown, Jr., Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by Section 13.088(1) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Public Service Commission within the Cabinet for Public Protection and Regulation that an emergency exists and direct that the attached regulation become effective immediately upon being filed in the Office of the Legislative Research Commission.

JOHN Y. BROWN, JR., Governor

FRANCES JONES MILLS, Secretary of State

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

807 KAR 5:008E. Winter hardship reconnection of electric and gas service.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.280(2)

EFFECTIVE: February 8, 1983

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 a reconnection rule which applies to electric and gas utility service during the winter months in hardship situations.

Section 1. Notwithstanding the provision of 807 KAR 5:006, Section 11(5) to the contrary, an electric or gas utility shall reconnect service to a customer who has been previously disconnected for nonpayment of bills during the previous fifteen (15) months pursuant to 807 KAR 5:006, Section 11(2)(a) and who applies for such reconnection of service during the months from November through March when the customer or his or her agent:

(1) Presents a certificate of need from the Department for Social Insurance including a certification that a referral for weatherization services has been made in accordance with Section 3 of this regulation;

(2) Pays one-third ( $\frac{1}{3}$ ) of his or her outstanding bill or \$200, whichever is less; and

(3) Agrees to a repayment schedule which would permit the customer to become current in the payment of his or her electric or gas bill as soon as possible but no later than October 15 provided, however, that if, at the time of application for reconnection, the customer has an outstanding bill in excess of \$600 and agrees to a repayment plan that would pay current charges and makes a good faith reduction in the outstanding bill consistent with his or her ability to pay, then such plan shall be accepted.

Section 2. Certificate of Need for Reconnection. Federal and statewide energy assistance programs are administered by the Kentucky Cabinet for Human Resources, Department for Social Insurance. A customer who is eligible for energy assistance under the department's guidelines or is certified as being in genuine financial need, defined as any household with gross income at or below 130 percent

of the poverty level, may obtain a certificate of need from the department to be used in obtaining a service reconnection from the utility.

Section 3. Weatherization Program. Customers obtaining a certificate of need under this regulation shall agree to accept referral to and utilize weatherization services which are administered by the Department for Manpower Services. The provision and acceptance of weatherization services is contingent on the availability of funds and other program guidelines. Weatherization services include, but are not limited to, weather-stripping, insulation and caulking.

Section 4. Customers who are current in their payment plans under Section 1(3) of this regulation shall not be disconnected.

LAURA MURRELL, Chairman

ADOPTED: February 4, 1983

APPROVED: NEIL J. WELCH, Secretary

RECEIVED BY LRC: February 8, 1983 at 3 p.m.

JOHN Y. BROWN, JR. GOVERNOR

Executive Order 83-180

February 10, 1983

EMERGENCY REGULATION

Cabinet for Human Resources

Department for Social Insurance

WHEREAS, the Further Continuing Appropriations Act of 1983 (P.L. 97-377) provides that oil pricing settlement funds be made available to the states from the United States Department of Energy; and

WHEREAS, a decision has been made to distribute the funds Kentucky receives to needy low income households under the provisions of the Home Energy Assistance Program; and

WHEREAS, the Secretary of the Cabinet for Human Resources is responsible for setting forth, by regulation, the policies of the Cabinet under the provisions of KRS 194.050(1) with respect to the provision of the Home Energy Assistance Program; and

WHEREAS, the Secretary has promulgated a regulation for the Home Energy Assistance Program to utilize the oil pricing settlement funds to provide assistance to households whose utility service has been disconnected or who are in an energy crisis situation; and

WHEREAS, the time delays inherent in complying with procedural requirements of KRS Chapter 13 would preclude the effectiveness of the regulation during the winter months; and

WHEREAS, the Secretary has determined in writing that an emergency exists with respect to said regulation, and that, therefore, said regulation, in accordance with the provisions of KRS 13.088(1), should be effective upon filing with the Legislative Research Commission.

NOW, THEREFORE, I, John Y. Brown, Jr., Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.088(1), do hereby acknowledge the finding of an emergency by the Secretary of the Cabinet for Human Resources with respect to the filing of said regulation of the Cabinet for Human Resources providing for the Home Energy Assistance Program, and direct that said regulation shall become effective upon fil-

ing with the Legislative Research Commission as provided in Chapter 13 of the Kentucky Revised Statutes.

JOHN Y. BROWN, JR., Governor

FRANCES JONES MILLS, Secretary of State

## CABINET FOR HUMAN RESOURCES Department for Social Insurance

904 KAR 2:115E. Eligibility, criteria for home energy assistance program.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: February 15, 1983

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility as prescribed by P.L. 97-35 (Title XXVI of the Omnibus Budget Reconciliation Act of 1981) to administer a program to provide assistance for eligible low income households within the Commonwealth of Kentucky to help meet the costs of home energy. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth the eligibility and benefits criteria for each of *four (4)* [three (3)] components of energy assistance, regular, crisis, [and] Project Warmup, and *emergency reconnection* 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 benefit amount in accordance with the procedural requirements prescribed by the cabinet.

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, that is used to sustain reasonable living conditions.

(3) "Household" means any individual or group of individuals who are living together as one (1) economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

(4) "Economic unit" is one (1) or more persons sharing common living arrangements.

(5) A "fully vulnerable household" is any household living in non-subsidized housing which pays all energy costs directly to the energy provider or any household which rents non-subsidized housing whose energy costs are included in the rent payment.

(6) "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 receiving benefits on the basis of 100 percent disability.



(7) "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.

(8) "Project Warmup" is that component of HEAP administered by local governments and other local organizations under contract with the cabinet to provide benefits to eligible households who are without adequate heat.

(9) "Emergency reconnection component" is that portion of benefits reserved as energy assistance for eligible households who use a utility service with a continuous billing cycle and whose service has been disconnected.

Section 3. Eligibility Criteria. (1) A household must meet the following conditions of eligibility for receipt of a HEAP payment under the regular, [and] crisis, and emergency reconnection components:

(a) The household must be fully vulnerable for energy cost.

(b) 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.

(c) 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.

Family Size	Income Scale	
	Monthly	Yearly
1	\$500	\$6,000
2	600	7,200
3	700	8,400
4 or more	800	9,600

(d) The household must have total liquid assets at the time of application of not more than \$5,000. Excluded assets are cars, household or personal belongings, principal residence, cash surrender value of insurance policies, and prepaid burial policies.

(e) Applicants for the crisis and emergency reconnection components must attest that an immediate need for energy exists because the household is financially incapable of meeting their energy costs at the time of application or within fifteen (15) days. The thirty (30) day extension of service prior to energy cut-off granted by Public Service Commission regulations does not affect eligibility for the crisis component.

(f) Under the emergency reconnection component, the utility service for the principal residence of the household must be disconnected.

(2) A household must meet the following conditions of eligibility for receipt of a Project Warmup component benefit:

(a) The household must be without adequate heat.

(b) The household must meet the income and assets

criteria contained in subsection (1)(b) through (d) of this section.

(c) The applicant for shelter cannot be, in the opinion of the contracting agency, a threat to the health and/or welfare of other Project Warmup recipients.

(3) Households are eligible to receive benefits under either the regular, [or] crisis, or emergency reconnection component and Project Warmup.

Section 4. Benefit Levels. (1) Payment amounts for the regular, [and] crisis, and emergency reconnection components 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.

(a) 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, Wood, Kerosene

Monthly Household Income	Payment Amount	
	Household Size 1 and 2	Household Size 3 or more
\$ 0-300	\$275	\$300
301-600	238	263
over 600	—	225

##### Scale B.

Energy Sources: Natural Gas, Coal

Monthly Household Income	Payment Amount	
	Household Size 1 and 2	Household Size 3 or more
\$ 0-300	\$225	\$250
301-600	188	213
over 600	—	175

(b) If the cabinet receives only a percentage of the federal funds authorized by Congress, benefits to eligible households under the regular or crisis components may be reduced proportionately.

(2) Benefits to eligible households under the Project Warmup component shall be in the form of temporary shelter, blankets, space heater(s), short term fuel supplies, or the payment of utility reconnection fees and deposits if such payment will enable the household to obtain heat. Other benefits may be provided which directly or indirectly assist households in obtaining energy. Benefits will be available only in counties which contract with the cabinet for the provision of these services.

Section 5. Benefit Delivery Methods. Benefits shall be provided to eligible households as follows:

(1) Payment authorization under the regular and crisis components 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 (2) party check made payable to the provider and the recipient, *whenever feasible*.

(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 and the provider/landlord whenever feasible.

(c) When a two (2) party check is not feasible, the recipient shall sign an affidavit prior to receipt of funds stating that benefits received under HEAP shall be utilized solely for home energy.

(2) *Payment authorization under the emergency reconnection component shall be made by a two-party check made payable to the provider and the recipient, whenever feasible.*

(3) [(2)] Under the regular, [or] crisis, or emergency reconnection components, 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 the maximum for the primary source of energy for heating. The household will decide how to divide payment if more than one (1) provider is used.

(4) [(3)] For Project Warmup, no direct cash payments shall be made to the recipient. Benefits shall be provided to eligible households by the contracting agency as necessary.

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 cabinet 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 3, 1983, and ending no later than January 14, 1983, at the close of business.

(2) Applications for the crisis component shall be accepted beginning January 17, 1983.

(3) *Applications for the emergency reconnection component shall be accepted beginning February 14, 1983.*

(4) [(3)] Application shall be processed in the order taken until funds are expended. HEAP regular, [and] crisis, and emergency reconnection components shall be terminated by the secretary when actual and projected component [program] expenditures have resulted in utilization of available funds or March 31, 1983, whichever comes first.

(5) [(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.

(6) [(5)] Project Warmup may be implemented by contracting agencies on December 15, 1982 [and must be implemented no later than January 1, 1983]. Benefits shall be provided until funds are exhausted or March 31, 1983, whichever comes first.

Section 9. Allocation of Funds. (1) Up to fifteen (15) percent of the total HEAP allocation shall be reserved for weatherization assistance.

(2) Up to \$1.6 million shall be reserved for Project Warmup.

(3) *Remaining benefit funds available under Public Law 97-35 shall be reserved for the regular and crisis components [shall be equally divided between the two (2) components. Regular component funds unobligated by the close of business January 14, 1983, shall be available for use in the crisis component].*

(4) *Of the approximately \$2.57 million oil pricing settlement funds made available to Kentucky by the United States Department of Energy pursuant to the 1983 Further Continuing Appropriation Act, up to \$1.0 million shall be reserved for the emergency reconnection component with the remainder made available for use in the crisis component.*

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: February 14, 1983

APPROVED:

BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: February 15, 1983 at 4:15 p.m.



# Amended Regulations Now In Effect

## KENTUCKY HIGHER EDUCATION STUDENT LOAN CORPORATION As Amended

15 KAR 1:020. [Lending and] Purchasing policies.

RELATES TO: KRS 164A.060(2), (8)

PURSUANT TO: KRS 13.082, 164A.060(8)

EFFECTIVE: February 2, 1983

**NECESSITY AND FUNCTION:** To establish policies for the purchase of Guaranteed Student Loans. The *Kentucky Higher Education Student Loan Corporation* (Corporation) is authorized by statute to finance, make, and purchase Guaranteed Student Loans. The capability to finance such loans requires the adoption of reasonable [lending and] purchase policies to minimize defaults and other losses of fund assets.

**Section 1. Purchase Conditions.** The [Kentucky Higher Education Student Loan] Corporation will purchase [continue purchasing all] eligible loans from participating lenders under the terms of the operative [Kentucky Higher Education Student Loan] Corporation Loan Purchase Agreement until the occurrence of one (1) of the following conditions:

(1) Ten (10) percent of the originally disbursed principal amount of loans made by a single participating lender to borrowers for attendance at a single educational institution, and owned by the Corporation, have come due for repayment (matured paper) and the default rate (total dollar amount of default claims paid divided by matured paper) on those loans exceeds ten (10) percent.

(2) [(1)] Ten (10) percent of the originally disbursed principal amount of all loans made by a single participating lender and owned by the Kentucky Higher Education Student Loan Corporation have come due for repayment (matured paper) and the default rate (total dollar amount of default claims paid divided by matured paper) on those loans exceeds ten (10) percent.

(3) [(2)] Ten (10) percent of the original disbursed principal amount of all loans, purchased or made [owned] by the [Kentucky Higher Education Student Loan] Corporation, to borrowers [made by all participating lenders to students] for attendance at a single educational institution have come due for repayment (matured paper) and the default rate (total dollar amount of default claims paid divided by matured paper) on those loans exceeds ten (10) percent.

(4) Ten (10) percent of the originally disbursed principal amount of all loans purchased, or made, by the Corporation to borrowers for attendance at a single educational institution have come due for repayment (matured paper) and the default rate (total dollar amount of default claims paid divided by matured paper) on those loans exceeds fifteen (15) percent.

**Section 2. Suspension of Purchases.** When a [the] condition enumerated in [of] Section 1 of this regulation [(1)] occurs, the Corporation will suspend making purchase commitments as follows [following action will taken]:

(1) When a condition of Section 1(1) occurs, the [Kentucky Higher Education Student Loan] Corporation will immediately suspend [cease] making purchase com-

mitments to that lender for loans to borrowers for attendance at that educational institution.

(2) When a condition of Section 1(2) occurs, the Corporation will immediately suspend making purchase commitments to that lender. [The lender will be notified in writing signed by the Kentucky Higher Education Student Loan Corporation Executive Director and will have the opportunity to appeal, within thirty (30) days after the date of such notification, the policy application to the Kentucky Higher Education Student Loan Corporation Board at their next regularly scheduled meeting or within thirty (30) days, whichever is earlier.]

(3) When a condition of Section 1(3) occurs, the Corporation will immediately suspend making purchase commitments to any lender for loans to borrowers for attendance at that educational institution, unless the loans are endorsed by a surety acceptable to the Corporation and disbursed in multiple disbursements in accordance with regulations, policies or procedures established by the Corporation, Kentucky Higher Education Assistance Authority or the federal government pertaining to such loans. (This does not preclude the Corporation from otherwise requiring endorsements or multiple disbursements based upon individual credit criteria.) [The Kentucky Higher Education Student Loan Corporation Board will prescribe appropriate remedies within thirty (30) days of hearing such an appeal.]

(4) When a condition of Section 1(4) occurs, the Corporation will immediately suspend making purchase commitments to all lenders for loans to borrowers for attendance at that educational institution.

**Section 3. Reports, Notification and Appeal.** Reports containing the necessary data on loan volumes, matured loans and current default rates will be produced by the Corporation effective the last business day of each month and forwarded to each participating lender and to each Kentucky educational institution by the 10th business day of the following month. When, on the basis of such reports, any of the conditions specified in Section 1 of this regulation occur and action is to be taken under Section 2 of this regulation, the affected lender(s) will be notified by letter enclosed with such reports, signed by the Corporation Executive Director. A copy of such letter and applicable parts of such reports will be provided to any educational institution whose students may be affected by such action. The suspension specified in Section 2 of this regulation will be effective sixty (60) days following [on] the date the mailing is certified for delivery by the U.S. Postal Service, unless within such sixty (60) days, any interested party or parties petition the Corporation for a hearing to show cause why the suspension should not occur. Any interested party or parties may petition the Corporation [appeal the policy application] by submitting a written request for a hearing to the Executive Director or to the Chairman of the Corporation Board. The Corporation Board will subsequently hear the matter [appeal] at their next regularly scheduled meeting or will schedule a special meeting within thirty (30) days, whichever is earlier. In no event shall a suspension under this regulation occur prior to the holding of such hearing if a hearing is requested within the sixty (60) day period. When purchases are suspended under this regulation, they will be resumed

only upon approval by the Corporation Board. [When the condition of Section 1(2) occurs, the following action will be taken:]

[(1) The Kentucky Higher Education Student Loan Corporation will immediately cease making purchase commitments to participating lenders on loans made to students to attend that school.]

[(2) The school will be notified in writing, signed by the Kentucky Higher Education Student Loan Corporation Executive Director, and will have the opportunity to appeal, within thirty (30) days after the date of such notification, the policy application to the Kentucky Higher Education Student Loan Corporation Board at their next scheduled meeting or within thirty (30) days, whichever is earlier.]

**Section 4. Delay of Suspension of Purchases.** The [Kentucky Higher Education Student Loan] Corporation Executive Director may delay implementation of the administrative actions provided in Section 2 of this regulation when the applicable volume of matured paper is less than \$100,000. [, in order to avoid unnecessary administrative actions involving lenders or schools with low volumes of matured paper, has the authority to delay any action until the next scheduled Kentucky Higher Education Student Loan Corporation Board meeting.] However, each instance in which this authority is exercised shall be brought to the attention of the board at its next regular meeting.

**Section 5. Effective Date.** This regulation [policy] shall become effective March 1, 1983, except that Section 2(4) of this regulation will become effective September 1, 1983. [be effective December 1 [July 1], 1982, or when approved under KRS 13.082 [this regulation becomes effective], whichever is later.] Prior to the effective [that] date, [schools and] lenders and educational institutions will be provided with a copy of this regulation [policy] and a report showing applicable [their] loan volumes, matured loans [paper] and current default rates. [Such a report will be provided to participating schools and lenders on a monthly basis when the institution approaches the limits in Section 1, and at least quarterly to all other institutions.]

[Section 6. Once terminated under this policy, a school or lender will not be offered a new purchase contract until the default rate falls below six (6) percent.]

PAUL P. BORDEN, Executive Director

ADOPTED: October 21, 1982

RECEIVED BY LRC: November 1, 1982 at 9:30 a.m.

**PUBLIC PROTECTION AND REGULATION CABINET**  
Department of Insurance  
As Amended

806 KAR 12:080. Life insurance; replacement of.

RELATES TO: KRS 304.12-030

PURSUANT TO: KRS 13.082, 304.2-110

EFFECTIVE: February 2, 1983

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable rules and regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.12-030 establishes minimum standards of conduct to be observed in replacement or propos-

ed replacement of life insurance policies. This regulation sets forth the procedures to be followed in the replacement or proposed replacement of life insurance policies.

**Section 1. Purpose.** The purpose of this regulation is:

(1) To regulate the activities of insurers and agents with respect to the replacement of existing life insurance; and

(2) To protect the interests of life insurance policy owners by establishing procedures to be employed in the replacement or proposed replacement of existing life insurance.

**Section 2. Definitions.** For the purposes of this regulation, the following terms shall have the meaning herein provided:

(1) "Replacement," "existing insurer," "existing life insurance," and "replacing insurer," are defined as in KRS 304.12-030.

(2) "Conservation" means any attempt by the existing insurer or its agent to continue existing life insurance in force after the existing insurer has received a copy of the "Notice Regarding Replacement of Life Insurance" as required by Section 4(2)(a) of this regulation from a replacing insurer. A conservation effort does not include such routine administrative procedures as late payment reminders, late payment offers or reinstatement offers.

(3) "Direct-response sales" means any sale of life insurance where the insurer does not utilize an agent in the sale or delivery of the policy.

(4) "Soliciting material" means written sales aids of all kinds, including policy summaries and comparison statements, which are used by an insurer, agent or broker in comparing existing life insurance to proposed life insurance in order to recommend the replacement or conservation of existing life insurance. Sales aids of a generally descriptive nature, which are maintained in the insurer's advertising compliance file, shall not be considered soliciting material.

**Section 3. Exemptions.** This regulation shall not be applicable as set forth in KRS 304.12-030(4).

**Section 4. Duties of Agents where [Existing Insurance or] Replacement is Involved.** (1) Each replacing agent shall submit to the replacing insurer with or as part of each application for life insurance a statement signed by the applicant as to whether or not he has existing life insurance.

(2) Where [existing insurance or] replacement is involved, the replacing agent shall[:]

[(a)] present to the applicant, not later than at the time of taking the application a "Notice Regarding Replacement of Life Insurance," Form A, or a substantially similar form with prior approval of the commissioner. The notice must be signed by and left with the applicant.

(3) Where replacement is involved, the agent shall:

(a) [(b)] Submit to the replacing insurer, with the application, a copy of the "Notice Regarding Replacement of Life Insurance" signed by the agent and the applicant, and a copy of all soliciting material used for presentation to the applicant.

(b) [(c)] Leave with the applicant the original or a copy of all solicitation material used for presentation to the applicant.

[(3)] When conserving existing life insurance each agent who uses soliciting material shall leave with the applicant the original or a copy of all soliciting material used in the conservation effort.]

Section 5. Duties of Replacing Insurers Except for Direct Response Insurers. Each replacing insurer except direct response insurers shall:

(1) Inform its field representatives of the requirements of this regulation and KRS 304.12-030 [21-030];

(2) Require with or as part of each completed application for life insurance a statement signed by the applicant as to whether or not *the proposed life insurance will replace [he has] existing life insurance*; and

(3) Where *[existing insurance or] replacement is involved*[:]

[(a)] require from the agent with the application for life insurance a copy of the "Notice Regarding Replacement of Life Insurance" signed by the agent and the applicant, and a copy of all soliciting material shown or delivered to the applicant. *[If only existing insurance is involved, the policy information in the notice need not be completed and no soliciting material shall be required from the agent.]*

(4) *Where replacement is involved:*

(a) [(b)] Verify the substantial accuracy of information concerning the proposed policy furnished to the applicant in the soliciting material.

(b) [(c)] Send the existing insurer notice of the proposed replacement within five (5) working days of the date the application is received at its home or regional office.

(c) [(d)] Provide the existing insurer, upon request, copies of all soliciting materials used within twenty (20) days of receipt of said request.

(d) [(e)] Delay the issuance of its policy for thirty (30) days after the notice of the proposed replacement required by paragraph (c) of this subsection is delivered to the existing insurer.

(e) [(f)] Maintain copies of the "Notice Regarding Replacement of Life Insurance," and all soliciting material used, and a replacement register, cross indexed, by replacing agent and existing insurer, for at least three (3) years or until the conclusion of the next succeeding regular examination by the insurance department of its state of domicile, whichever is later.

Section 6. Duties of Insurer With Respect to Direct-Response Sales. Each insurer shall:

(1) Inform its responsible personnel of the requirements of this regulation.

(2) Require with or as part of each completed application for life insurance a statement signed by the applicant as to whether such applicant has existing life insurance.

(3) Request from the applicant, where existing insurance exists, with or as part of the application a list of all existing life insurance identified by name of insurer.

(4) Include at the time the policy is mailed to the applicant, a "Notice Regarding Replacement of Life Insurance," Form A, or a substantially similar form with prior approval of the commissioner.

(5) Provide the existing insurer, upon request, copies of all soliciting materials used within twenty (20) days of receipt of said request.

Section 7. Duties of Existing Insurer and its Agents. (1) Each existing insurer shall inform its responsible personnel of the requirements of this regulation and KRS 304.12-030.

(2) Each existing insurer, or such insurer's agent, that undertakes a conservation effort shall:

(a) Request copies of all soliciting materials used by the replacing insurer or agent if such information is desired.

(b) Maintain a file containing all soliciting material used by it to conserve business. *This file shall be retained for at*

*least three (3) years or until the conclusion of the next succeeding regular examination by the insurance department of its state of domicile, whichever is later.*

(3) *When conserving existing life insurance each agent who uses soliciting material shall leave with the applicant the original or a copy of all soliciting material used in the conservation effort.*

Section 8. Departmental Form A, entitled "Notice Regarding Replacement of Life Insurance," is filed herein by reference. Copies may be obtained from the Department of Insurance, 151 Elkhorn Court, P.O. Box 517, Frankfort, Kentucky 40602.

Section 9. 806 KAR 12:031 [2:031], Life insurance replacement, is hereby repealed.

DANIEL D. BRISCOE, Commissioner

ADOPTED: December 13, 1982

APPROVED:

NEIL J. WELCH, Secretary

RECEIVED BY LRC: December 15, 1982 at 1:00 p.m.

#### CABINET FOR HUMAN RESOURCES

Department for Social Services

As Amended

905 KAR 2:010. Standards for all *child day care* facilities.

RELATES TO: KRS 199.892 to 199.896

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: February 2, 1983

NECESSITY AND FUNCTION: KRS 199.896 grants authority to establish regulations and standards for day care of children. The function of this regulation is to set minimum standards for all child day care facilities.

Section 1. Definitions. The following definitions shall apply to all child day care regulations and standards:

(1) "Day care" means care of a child away from his own home and is designed to supplement, but not substitute for, the parent's responsibility for the child's protection, development and supervision, when it is necessary or desirable for the parent or child to be out of the home for all or part of the day or night. The term shall not include child care facilities operated by religious organizations while religious services are being conducted, or kindergarten or nursery schools which have as their primary function educational instruction. [In those instances where there is a question as to whether the facility should be licensed by the Department of Education, the determination will be made by the two (2) state departments. Full-time boarding care shall not be permitted in a day care facility.] Day care includes:

(a) "Type I day care facility" means (i) any facility other than a dwelling unit which regularly receives four (4) or more children for day care; (ii) any facility, including a dwelling unit, which regularly provides day care for thirteen (13) or more children. If pre-school children of any day care staff receive care in the facility, they shall be included in the number for which the facility is licensed.

(b) "Type II day care facility" means any home or dwelling unit which regularly provides care apart from parents for four (4), but not more than twelve (12) children. The director's own pre-school children shall be included in the number for which the home is licensed.

(2) "Cabinet" ["Department"] means the Kentucky Cabinet [Department] for Human Resources.

(3) "Secretary" means the Secretary of the Cabinet [Department] for Human Resources.

(4) "Child" means a person under eighteen (18) years of age.

(5) "Director" means the person responsible for the day-to-day operation of a facility for the care of children.

(6) "Day care staff" means all persons, including volunteers, who work in a Type I or Type II day care facility.

(7) "Facility" shall include both Type I and Type II day care facilities.

(8) "Regularly" means the provision of day care services at a facility on more than one (1) day in any one (1) week or more than ten (10) hours per week, whichever is greater.

(9) "Full-time boarding care" means twenty-four (24) hour foster care, which provides substitute family life for a planned period of time, for a child who, of necessity, must be separated from his natural or legal parents.]

(9) "School-age child" shall be considered one attending first grade or above.

(10) "Infant/toddler" shall be considered to be under two (2) years of age.

(11) "Nighttime care facilities" are defined as facilities in which children are received for periodic care during the night.

## Section 2. Responsibilities of the Cabinet [Department].

(1) Licensing Authority. The cabinet [department] has responsibility for the licensing and supervision of any agency, association, organization, group, or individual who regularly provides full or part-time care during any time of the day or night for four (4) or more children not related to the licensee [director] by blood, marriage or adoption. Authorized representatives of the cabinet [department] shall at all times have the right to inspect premises, records required by [Section 11,] and programs of day care facilities. *Inspection by the cabinet shall be unannounced.* [The Office of the State Fire Marshal, or his designee, shall have the right to inspect premises, records, and programs insofar as such inspections relate to fire safety requirements.]

(2) Consultation and training. The department has the responsibility to provide consultation services to day care facilities through individual and group meetings with the staffs and boards, and to provide periodic scheduled workshops and training sessions.]

Section 3. Licensing Issuance. (1) The license shall be issued for a specified physical location and for operation by a designated [director and] sponsor or owner, for specific hours of operation, and for a specified maximum number of children on the premises at any one time. The number for which the facility is licensed shall be determined by available space, *as determined by the state fire marshal's office*; adequacy of program, equipment, and staff *as defined in these regulations.*

### (2) Types of licenses:

(a) A regular license shall be issued when the facility has met all requirements provided for by the regulations of the department under KRS 199.892 to 199.896.

(b) A provisional license shall be issued when the facility does not meet the requirements for a regular license but there is sufficient reason for belief that the facility will comply with minimum regulations within the time period designated by the licensing authority. A provisional license

shall be issued for a period not to exceed six (6) months [one (1) year] and shall not be renewable.

(3) A license is not transferable. A change in ownership of a facility requires a new application and fee. When circumstances covered by the license change (i.e., [a] number of children to be served, location, [director,] hours of operation[,], when the difference is over one (1) hour), notification shall be made *in writing* to the Division for Licensing and Regulation. *Notification shall be made within the time established under Section 11 of this regulation.* [department so that a revised license can be issued. This does not require an additional fee. In all cases except change of director, notification shall be made in advance.]

(4) The license shall be posted in a conspicuous place.

## Section 4. (1) Licensing fees shall be:

(a) *Fifty dollars (\$50)* [Twenty-five dollars (\$25)] for all new Type I facilities.

(b) *Twenty-five dollars (\$25)* for all new Type II facilities.

(c) [(b)] *Twenty-five dollars (\$25)* [Ten dollars (\$10)] annual renewal fee for all facilities.

(2) A check or money order payable to the Kentucky State Treasurer shall be attached to the license application. *Initial application fees shall not be refundable. Renewal fees shall be refunded if relicensure is denied but not if a license is revoked.*

Section 5. Licensing Procedure. (1) To qualify for a license, a day care facility shall comply with regulations and standards established by the cabinet [department].

(2) *An applicant for licensure shall:* [Prior to application, a prospective director contacts the department to obtain a copy of standards and regulations. A representative from the department will be assigned to work with the prospective operator. After conferring with the representative, applicant applies for license.]

(a) *Secure approval of the office of the State Fire Marshal or his designee.*

(b) [(a)] Complete three (3) copies of the application, *which may be obtained from the Cabinet for Human Resources, Division for Licensing and Regulation, Frankfort, Kentucky 40621.* [provided by representative;]

(c) [(b)] Send application fee, and two (2) completed applications to Cabinet [Department] for Human Resources, Division of Licensing and Regulation, [or its successor,] Frankfort, Kentucky;

(d) [(c)] Keep one (1) copy on file.

(3) *To obtain the license to open, a day care facility must have:* [Prior to opening, all day care personnel shall obtain a statement from a physician verifying satisfactory conditions of health and negative reports of VDRL and TB tests. All adults who reside on premises shall have a current report of negative TB test.]

(a) *A current report (within the last year) of negative TB test on all day care personnel and adults who reside on the premises.*

(b) *Approved sewage system in accordance with local, county, and state laws.* [Approval of Office of the State Fire Marshal or his designee.]

[(c) Approval of the Cabinet, Department for Health Services, or its designee as to adequate health and sanitation standards.]

(c) [(e)] *Been surveyed by a representative of the Cabinet for Human Resources to determine if the facility qualifies for licensing, based on the regulations.*

(d) Adequate equipment, supplies, and staff to serve initial enrollment of children.

(4) No facility subject to licensing shall begin operation without a license to operate from the Cabinet for Human Resources.

[Section 6. Permission to Open. (1) No facility subject to licensing shall begin operation without permission to open from the department. In order to open, the facility shall have:]

[(a) Approval of Office of the State Fire Marshal or his designee.]

[(b) Approval of the Department, Bureau for Health Services, or its designee as to adequate health and sanitation standards.]

[(c) Adequate equipment, supplies, and staff to serve initial enrollment of children.]

[(2) Once a facility is serving children, license evaluation study will be made by a representative of the department to determine if the facility qualifies for licensing, based on the regulations.]

Section 6. [7.] License Renewal Procedure. (1) Facilities shall be relicensed annually from the date of issuance of the original license.

(2) To be eligible for relicensure, a day care facility shall: [The department shall notify the facility when a renewal application shall be filed.]

(a) Submit a renewal application and fee prior to the expiration date of the current license. [Renewal application shall be mailed to a facility at least six (6) weeks prior to expiration date.]

(b) Comply with the applicable provisions of the day care licensure regulations. Compliance will be verified through on-site inspection by representatives of the Cabinet for Human Resources. [Health and safety inspections shall be requested by the department.]

[(c) A licensing representative shall visit and make recommendations for relicensing.]

Section 7. [8.] Basis for Revocation or Denial. The secretary may deny, suspend, or revoke a license at any time the day care facility fails to meet the requirements [minimum standards] as set forth [out] in the regulations.

Section 8. [9.] Right of Appeal. (1) When a license has been denied, suspended, or revoked, the licensee [director, owner, or president of the governing board,] shall be notified in writing of the right to appeal [to the secretary or his authorized representative for a hearing]. The request for a hearing shall be made in writing within fifteen (15) days after receiving the notice of the action of the secretary.

(2) Upon receipt of the request for a hearing, the secretary or his representative shall notify the licensee [director, owner, or president of the governing board] in writing within fifteen (15) days of the time and place of the hearing. The secretary shall appoint a hearing officer to review the record, take additional evidence, and make recommendations upon the matter appealed.

(3) Based upon the record and upon the information obtained at the hearing, the hearing officer shall affirm or overturn the initial decision of negative action. Such decision shall be considered final. The licensee shall be notified in writing of the decision of the hearing officer. Where license denials, suspensions or revocations are upheld, the

cabinet's notification shall specify the date by which the facility shall close.

(4) [(3)] A day care facility continuing to have children in attendance after the closing date established by the secretary, shall be subject to legal action by the cabinet [department] as provided by law. Likewise, a facility operating without having received a license [made license application] shall be subject to legal action.

Section 9. [10.] Administrative Responsibilities. (1) General:

[(a) The person, corporation, partnership, voluntary association, or other public or private organization ultimately responsible for the overall operation of a child day care facility must be sufficiently familiar with the provisions of the day care regulations to ensure continuing compliance.]

(a) [(b)] The licensee [One (1) person designated as director] shall have primary responsibility to the cabinet [department] for maintaining adequate standards of operation in accordance with the child day care regulations.

(b) [(c)] Staff shall be instructed in the requirements for operation and a copy of the minimum standards must be available for their use.

(c) Liability insurance shall be carried by the facility.

[(d) Sufficient funds shall be available and utilized to ensure adequate care of the children in accordance with these regulations. No child shall be exploited in fund raising or advertising campaigns. Liability insurance shall be carried by the facility.]

(d) [(c)] [(e)] All information concerning children, their parents, relatives, or guardian shall be kept in strict confidence by the staff, except for sharing information with individuals who are personally or professionally responsible for the well-being of the child.

(e) [(d)] The licensee shall provide a safe and supervised environment which will protect children from hazardous situations.

(2) Services. The services to be provided within the day care facility shall be clearly stated at the time of the application. [The department shall be notified of any change in services.] A written statement of services and policies shall be given to [shared with] parents.

(3) Staff-child ratios:

(a) Minimum staff-child ratios for all facilities shall be maintained throughout the times that a facility is in operation, as follows:

Age of Children	Ratio
Under one year	1 staff for 6 children
1 to 2 years	1 staff for 6 children
2 to 3 years	1 staff for 10 [8] children
3 to 4 years	1 staff for 12 [10] children
4 to 5 years	1 staff for 14 [12] children
5 to 7 years	1 staff for 15 children
7 [8] and older	1 staff for 25 children (for before and after school)
	1 staff for 20 children (for full day of care)

(b) When only one (1) staff member is present in the facility, the age of the youngest child determines the staff-child ratio. In no case may one (1) adult alone provide care for more than ten (10) pre-school children, or for more than fifteen (15) school-age children.

(c) Children under care shall never be left without

[competent] adult supervision. Additional staff shall be employed during cooking and cleaning periods if necessary to insure adequate supervision of the children.

(d) In facilities where more than one (1) staff member is present, the following apply: Mixed age groups including children under two (2) years, one (1) staff for seven (7) [six (6)] children; mixed age groups children, age two (2) to six (6), one (1) staff for ten (10) children; mixed age groups children, age six (6) and older, one (1) staff for [twenty (20)] fifteen (15) children.

Section 10. [11.] Records of the following shall be maintained at the facility: (1) Sufficient records to identify the individual children and to enable the person in charge to communicate with the parents or persons designated as being responsible for the child either at their home or place of employment, and in a medical emergency, with the family physician.

(2) Each child's medical history, along with authorization for emergency medical care, signed by the parent or guardian and left with the center director at the time of enrollment.

(3) Immunization records [certificates] for pre-school children shall be on file within thirty (30) days of admission. The facility will have ninety (90) days to obtain evidence that immunizations are current. [Permission for children to be toilet trained, signed by the parent or guardian.]

(4) Permission for trips off the premises, signed by the parent or guardian.

(5) Records of non-center sponsored activities attended by school-age children, signed by the parent.]

(5) [(6)] Daily attendance records of children.

(6) For each employee, a copy of the results of a TB skin test administered within thirty (30) days of the date of his/her employment. [Current (within the past year) negative TB test reports for all staff.]

[(7) Health records of all staff.]

(7) [(8)] A written schedule of staff working hours.

(8) [(9)] Records of staff training.

(9) [(10)] A written plan for staff development [training].

(10) [(11)] Records of monthly fire drills.

(11) Written plan outlining the course of action in the event of natural or man-made disaster.

Section 11. [12.] Reports of the following shall be made to the cabinet [department]: (1) Any serious occurrences involving children including accident or injury requiring extensive medical care and/or hospitalization; or death; or any form of child abuse; or fire or other emergency situations; or any incident which results in legal action by or against the center which affects any child or children or personnel; within twenty-four (24) hours.

(2) Change of ownership, sponsorship or director; within one (1) week.

(3) Change of location; sufficiently in advance to allow for approval of the facility.

(4) Change of hours of operation [(if change exceeds one (1) hour per day);] in advance.

(5) Change of services [staff;] within one (1) week [two (2) weeks].

(6) Change in number of children to be served; increase in capacity must notify the cabinet and the state fire marshal for the purpose of relicensure.

Section 12. Child Abuse or Neglect. (1) Each licensed

facility shall maintain a child care program which assures affirmative steps are taken to protect children from abuse or neglect while said children are under the supervision of employees of the facility. Such program is to include procedures to inform employees of the licensee of the laws of the Commonwealth pertaining to child abuse or neglect.

(2) No day care facility may employ any person convicted of child abuse or neglect.

Section 13. Staff. (1) The director shall be a literate adult who shall assume responsibility for supervision and conduct of staff.

(2) The director shall provide a child care program which meets the regulations herein set forth.

(3) All members of the child care staff shall provide good care and maintain responsible supervision.

(4) Staff shall have practical knowledge of first aid.

(5) At all times one (1) adult shall be designated as being in charge. At no time shall children be left without adult supervision.

(6) A minimum of two (2) qualified substitutes with current (within the past year) negative tuberculin test reports shall be available in case of need.

(7) The licensee shall assure that additional staff is available during cooking or cleaning, if necessary, to maintain supervision of the children.

(8) The number of adult workers in a center shall be sufficient to ensure that minors under eighteen (18) years of age and student trainees are at all times under direct supervision. No staff person under age of sixteen (16) shall be counted as part of the staff-child ratio.

(9) The total child care staff shall be qualified by experience and training to provide the services for which the facility is licensed considering the hours of care given, the program offered, the size of the facility, and the number and ages of children under care. Experience and training may be obtained on the job.

Section 14. Physical Facilities. (1) Building.

(a) The building shall be suitable for the purpose intended and should maintain a minimum of thirty-five (35) square feet of space per child used for play, exclusive of the kitchen, bathroom, and storage areas. It shall be kept clean and in good repair.

(b) If all or any portion of the building is used for purposes other than day care, necessary provisions shall be made to avoid interference with the day care program.

(c) The building shall be so constructed that it is dry, adequately heated, ventilated, lighted, that windows, doors, stoves, heaters, furnaces, pipes, and stairs are protected; that screening is provided on windows and doors which are left open.

(d) There shall be a minimum of one (1) toilet and wash basin for each twenty (20) children. Toilet facilities shall be cleaned and sanitized daily.

(e) The kitchen shall be clean and equipped for the proper preservation, storage, preparation, and serving of food, and shall not be used for any other activities of the center.

(f) The center shall be equipped with a telephone accessible to the rooms used by the children.

(g) If care is provided school-age children, a separate area or room shall be provided.

(h) Separate toilet facilities for males and females, or a plan whereby the same facilities are used at separate times, shall be provided for school-age children.

(i) If the only food served by the center is an afternoon snack for the school-age children, a kitchen is not required if adequate refrigeration is available.



(j) Indoor areas for infants/toddlers shall be provided separated from areas used by older children. The infants/toddlers may participate in activities with older children for short periods of time.

(k) There shall be adequate crawling space for infants/toddlers protected from older children away from general traffic patterns of the center.

(l) Each area used for infants shall have direct access to handwashing facilities.

(m) A protected outdoor area, with sun and shade and out of the traffic pattern of older children, shall be provided if infants or toddlers are cared for.

(n) Plans and specifications for new buildings and/or additions which are to be constructed for day care facilities shall be approved prior to construction by health and fire safety officials having jurisdiction.

(2) Grounds. There shall be a fenced outdoor play area free from litter, glass, rubbish, and inflammable materials and adequate in size to accommodate the number of children using the area at a particular time unless the cabinet determines that fencing is not necessary for the protection of the children. The outdoor area shall be safe [suitably surfaced] and drained.

### (3) Equipment.

(a) There shall be safe play equipment in good repair, both indoors and outdoors, to meet the physical and other developmental needs and interests of children of different age groups.

(b) Each center shall have enough toys and play apparatus to provide each child with a variety of activities during the day as specified in Section 15.

(c) Tables and chairs shall be of a suitable size for children.

(d) There shall be storage space in the form of low open shelves accessible to the children.

(e) Individual space for children's clothing shall be provided.

(f) An individual cot, crib, baby bed or two (2) inch thick mat shall be provided for each child, as appropriate. For sanitary reasons, individual sheets and covers shall be provided for each child and shall be laundered as needed. Where mats are used, floors shall be warm and free from drafts and dampness. Cots and all other equipment and furnishings shall be properly spaced so as to allow free and safe movement by children and adults.

(g) Tiered cribs shall not be allowed.

(h) Supplies shall be stored so that the adult may reach them without leaving the child unattended.

(i) There shall be a variety of safe washable toys, appropriate to the age levels and number of children present. Toys shall be too large to swallow, durable, and without sharp points or edges.

(j) Chairs shall be provided for staff to use when feeding, holding or playing with children.

(k) There shall be equipment that encourages crawling, walking, and climbing.

Section 15. Care of the Children. (1) Program. The day care center shall provide a planned program of activities geared to the individual needs and developmental levels of the children served. These activities shall provide experiences which promote the individual child's physical, emotional, social and intellectual growth and well-being. Activities of anyone living in the facility shall not interfere with the day care program. The daily program shall be under adult supervision and shall provide:

(a) A variety of creative activities which may include the following: art, music, dramatic play, stories and books, science, and block building.

(b) Indoor and outdoor play in which the children make use of both small and large muscles.

(c) A balance of active and quiet play, including group and individual activities, both indoors and outdoors.

(d) Opportunities for a child to have some free choice of activities and to play alone, if he/she desires, or with others.

(e) Opportunities to practice self-help procedures in respect to clothing, toileting, handwashing, and feeding.

(f) Activity areas, equipment, and materials so arranged that the child's activities are visible to the supervising staff.

(g) Regularity of physical routines to afford the child the security of knowing what is coming next.

(h) Sufficient time for activities and routines so that children can progress at their own developmental rate.

(i) No long waiting periods between activities or prolonged periods during which children must stand or sit.

(j) Diapering and toilet training shall be a relaxed, pleasant activity. Toilet training shall be coordinated with parent or guardian.

(k) Adequate quantities of freshly laundered or disposable diapers and clean clothing shall be always on hand.

(l) The infants/toddlers shall be kept clean, dry and comfortable throughout the day. Diapers and/or wet clothing shall be changed promptly.

(m) Soiled diapers shall be stored in covered containers temporarily and shall be washed at least once a day.

(n) When a child is diapered, the child shall be placed on a fresh washable surface or disposable covering.

(o) Individual washcloths and towels shall be used to thoroughly dry the child's buttocks.

(p) When training chairs are used, they shall be emptied promptly and sanitized at least once a day.

(q) Caregivers shall wash hands after diapering or toileting each child.

(r) The infant's formula shall be prepared and provided by the parent.

(s) Bottles shall be individually labeled and promptly refrigerated.

(t) Caregivers shall wash hands immediately before feeding children.

(u) At no time shall a child be placed in bed with a propped bottle.

(v) Infants/toddlers' shoes and restrictive clothing shall be removed for sleep periods.

(2) Discipline. Disciplinary methods shall be in writing and implemented through positive guidance to help the individual child develop self-control and assume responsibility for his acts. The center shall:

(a) Establish simple and consistent rules both for children and staff that set the limits of behavior.

(b) Not subject children to harsh or physical discipline; loud, profane or abusive language shall not be used.

(c) Not associate discipline with rest, toileting, or food.

### (3) Health.

(a) Sufficient first aid supplies shall be available to provide prompt and proper first aid treatment. Written provisions shall be made for obtaining emergency medical care.

(b) Any child showing any signs of illness may not be admitted. If a child becomes ill during the day, he/she shall be placed in a supervised area isolated from the rest of the children, until arrangements can be made for him/her to be taken home.

(c) No medication shall be given to a child except as prescribed by a duly licensed physician or on written request of the parent or guardian. The center shall keep a written record of the administration of each medication, including time, date and amount.

(d) Good personal hygiene shall be practiced by all persons in the center and children shall be helped with their personal care and cleanliness.

(e) The children in attendance shall have sufficient supervised rest for their ages and for the number of hours spent at the facility.

(f) The water supply shall be approved by the local health department. Drinking water shall be freely available and individual drinking cups provided where no fountains are provided.

(g) Toilet articles such as combs, brushes, toothbrushes, towels and washcloths used by children shall be individual and plainly marked.

(h) All children present at meal time shall be served a meal which includes a food from each of the four (4) basic food groups except for breakfast, which shall be from the three (3) groups of bread and cereal, milk, fruit juices or vegetables. Adequate amounts of food shall be available. The center shall provide a mid-morning and mid-afternoon snack. All school-age children shall be provided a snack after school.

(i) Children shall be seated at eating time with sufficient room to manage food and tableware.

(j) Individual eating utensils shall be of size and design that children can handle easily.

(k) Weekly menus shall be prepared, dated and posted in advance in a conspicuous place. Menus shall be kept on file for thirty (30) days.

(4) Nighttime care.

(a) No child in care is permitted to spend more than sixteen (16) hours in the facility during one (1) twenty-four (24) hour period or day. Where school-age children are served, time spent in school shall be included in the sixteen (16) hour limit.

(b) Staff members shall remain awake while on duty.

(c) At least one (1) staff member shall be stationed in an area on the same floor with children, either in or adjacent to each sleeping room.

(d) A nighttime care facility, if children are present for extended periods of time during their waking hours, shall provide a program of well-balanced and constructive activities geared to the age levels and developmental needs of the children served.

(e) Children sleeping three (3) hours or more shall sleep in pajamas or nightgowns. School children shall be offered breakfast if they go to school from the center.

**Section 16. Health and Sanitation.** (1) All facilities are to have a three (3) compartment sink or such other equipment and procedures approved by the cabinet for the purpose of washing and sanitizing all dishes, silverware, eating and cooking utensils after use. [Type I facilities providing care for more than twenty-five (25) children are to have an operational dishwasher at the facility for the purpose of washing and sanitizing all dishes, silverware, eating and cooking utensils after use. Other facilities may use the three (3) compartment sink with proper sanitizing.]

(2) Type I and Type II facilities shall conform to the following minimum food service and sanitation guidelines for day care homes and centers:

(a) Food supplies. All food shall be from sources approved or considered satisfactory by the health authority

and shall be clean, free from spoilage, free from adulteration and misbranding and safe for human consumption. No hermetically sealed, non-acid and low-acid food which has been processed in a place other than a commercial food-processing establishment shall be used. Food served shall be from a source which is in compliance with applicable state and local laws and regulations. Established commercial food stores may be assumed to be an acceptable source.

(b) Food protection.

1. All food, while being stored, prepared and displayed or served shall be protected against contamination from dust, flies, rodents and other vermin; unclean utensils and work surfaces; unnecessary handling; coughs and sneezes, flooding, drainage and overhead leakage.

2. All potentially hazardous food shall, except when being prepared and served, be kept in a safe environment for preservation.

3. Frozen food shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous frozen food shall be thawed at refrigerator temperatures or under cool, potable running water, or quickthawed as part of the cooking process, or by any other method satisfactory to the health authority.

4. Each cold-storage facility used for storage of perishable food in non-frozen state shall be provided with an indicating thermometer or other appropriate temperature measuring device.

5. Convenient and suitable utensils, such as forks, knives, tongs, spoons or scoops, shall be provided and used to minimize handling of food at all points where food is prepared.

6. Poultry, pork and their products which have not been specially treated to destroy bacteria, including trichinae, shall be thoroughly cooked. Fruits and vegetables shall be washed before cooking or serving.

7. Meat salads, poultry salads, potato salads, and cream filled pastries shall be prepared with utensils which are clean and shall, unless served immediately, be refrigerated pending service.

8. All food shall be stored in clean racks, shelves or other clean surfaces. Food in non-absorbent type containers may be stored on the floor when it is maintained in an acceptable sanitary condition.

9. Individual portions of food once served to a child shall not be served again; provided, however, that wrapped food, other than potentially hazardous food, which is still wholesome and has not been unwrapped may be re-served.

10. All poisonous and toxic material shall be properly identified and stored in cabinets which are used for no other purpose, or stored in a place outside food-storage, food-preparation, and utensil-storage areas.

(c) Personnel.

1. Health and disease controls: No person while infected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any area of a facility in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other individuals. If the manager or person in charge of the facility has reason to believe any employee has contracted a disease, he shall advise that employee to seek appropriate treatment.

2. Cleanliness. All employees shall maintain personal cleanliness and conform to hygienic practices while on duty. They shall wash their hands thoroughly before starting



work, and as often as may be necessary to remove soil and contamination. No employee shall resume work after visiting the toilet room without first washing his hands.

(d) Food equipment and utensils.

1. All food-contact surfaces of equipment and utensils used in a facility shall be smooth, free of breaks, open seams, cracks, chips, and also be accessible for cleaning, and non-toxic.

2. Cleanliness of equipment and utensils. All eating and drinking utensils shall be cleaned after each usage. All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in preparation or serving of food or drink, and all food storage utensils, shall be cleaned after each use. Cooking surfaces of equipment shall be cleaned at least once a day. All utensils and food-contact surfaces of equipment used in preparation, service, display, or storage of potentially hazardous food shall be cleaned prior to such use. Non-food contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition. After cleaning and until use, all food-contact surfaces of equipment and utensils shall be stored and handled as to be protected from contamination. All single-service articles shall be stored, handled, and dispensed in a sanitary manner, and shall be used only once.

(e) Sanitary facilities and controls. All facilities shall have lavatories located in or immediately adjacent to all toilet rooms.

(f) Vermin control.

1. Effective control measures shall be utilized to minimize the presence of rodents, flies, roaches, and other vermin on the premises.

2. Unless flies and other flying insects are absent from the immediate vicinity of the establishment, all openings to the outer air shall be effectively protected against the entrance of such insects by self-closing doors, closed windows, screening, controlled air current, or other effective means.

(g) Other facilities and operations (floors, walls and ceilings). Walls and ceilings shall be smooth and constructed to be easily cleanable. All walls and ceilings shall be kept clean and in good repair.

(h) Ventilation. The kitchen in a facility shall be adequately ventilated to the outside air.

(i) Water supply. The water supply for the facility shall be properly located, protected and operated, and shall be adequate and of an approved source.

1. The water supply is favorably located away from all possible sources of contamination and is easily accessible to encourage its use. The approved distance from toilets, septic tanks, etc., may vary, depending upon type of soil, topography, etc. The source of water supply is a public water supply, approved by the Cabinet for Natural Resources and Environmental Protection, or a spring, or well, or cistern which complies with the specifications for construction and protection required by the Cabinet for Natural Resources and Environmental Protection.

2. The water supply is adequate in quantity and pressure to permit unlimited use.

3. All ground water supplies for facilities caring for more than twenty-five (25) children shall meet the specifications of the Cabinet for Natural Resources and Environmental Protection. Facilities caring for twenty-five (25) children or less may secure approval from the local health department. [All ground water supplies are chlorinated before use in a manner approved by the Department for Natural Resources and Environmental Protection. The bacteriological quality or samples of water

shall comply with the Department for Natural Resources and Environmental Protection. Have water sample checked by health department if not from public source.]

4. Individual drinking cups or paper cups are required.

(j) Sewage and solid waste disposal. All sewage and solid waste shall be properly disposed of and solid waste shall be kept in suitable receptacles in accordance with local, county and state laws.

1. All sewage and liquid wastes are disposed of in a public sewer or, in the absence of a public sewer, by a method approved by the Cabinet for Natural Resources and Environmental Protection. Consultation will be sought from the Cabinet for Natural Resources and Environmental Protection or the local sanitarian having jurisdiction on facilities in which the adequacy of the plumbing is questioned.

2. All waste paper and solid waste is disposed of in a manner approved by the state and local health regulations. Easily cleanable containers shall be provided for storage of waste materials. All garbage and rubbish containing food waste shall be stored in containers and kept covered.

(k) Toilet and handwashing facilities. Each facility shall be provided with adequate and conveniently located toilet and handwashing facilities. Toilets shall be kept in clean condition, in good repair, lighted and ventilated. In case privies are permitted and used, they shall be of sanitary type, constructed and operated in conformity with the standards of the Cabinet for Human Resources. Hot and cold water under pressure, soap and approved towels shall be provided at lavatories. Covered waste receptacles shall be provided in each toilet room.

1. Adequate toilet facilities, in desirable locations are provided. Handwashing facilities shall be adequate and conveniently located. Privies shall be constructed and operated in accordance with the standards of the Cabinet for Human Resources.

2. Each toilet room shall be lighted, ventilated to the outside air, and kept in good repair.

3. A supply of toilet paper is to be on hand at all times. Soap and individual cloth or paper towels are provided. Most new commercial soap dispensers are satisfactory.

4. No child shall return from the toilet to activities without first washing hands.

5. Easily cleanable receptacles shall be provided for waste materials.

6. Handwashing facilities are of such type that the washing of hands under warm running water may be accomplished.

7. All openings to the outer air in the toilet rooms are effectively screened.

Section 17. Transportation. (1) When transportation is provided directly, contracted for or arranged by a day care facility, these requirements shall apply:

(a) There shall be conformance to state laws pertaining to vehicles, drivers and insurance.

(b) The staff-child ratio set in this regulation in Section 9, subsection (3), shall apply when not inconsistent with special requirements or exceptions in this section.

(c) Any center providing transportation service shall have an individualized written plan and statement of transportation policies and procedures.

(d) Each child shall have a seat and remain seated while the vehicle is in motion.

(e) On any vehicle equipped with seat belts, these shall be used to secure individual children.

(f) All vehicles used to transport children shall be

designed and offered with seats for each passenger as manufactured standard equipment.

(g) A vehicle containing children shall never be left unattended.

(h) The maximum number of children under the age of six (6) a driver shall supervise alone is five (5). No children under two (2) years of age shall be transported unless restrained in an approved safety seat or accompanied by another adult.

(i) A child under age six (6) shall not be left unattended at the time of delivery.

(j) If the parent, or a person authorized by the parent to accept the child, is not present upon delivery of the child, a note shall be left explaining where the child can be picked up.

(k) If anyone other than authorized person is to receive the child, such arrangements shall be made by the parent or guardian.

(2) Vehicle shall not pick up and deliver children to a location which would require the child to cross the street or highway unless accompanied by an adult.

(3) The following standards shall be met when transportation is provided by any means other than licensed public transportation:

(a) The vehicle shall be maintained in good mechanical/operable condition at all times.

(b) A thorough inspection of the vehicle shall be made and documented by a qualified mechanic at least every six (6) months.

(c) Vehicles used to transport children, which require other traffic to stop while loading and unloading children at their various homes along public roads, shall be equipped with a system of signal lamps, identifying color and words.

(d) The motor shall be turned off, keys removed, and brake set any time the driver is not in the driver's seat.

Section 18. The following regulations are repealed: 905 KAR 2:020, Type I facility standards; 905 KAR 2:025, Type II facility standards; 905 KAR 2:030, School-age children care; 905 KAR 2:035, Infants and toddlers care; 905 KAR 2:040, Nighttime care; 905 KAR 2:060, Transportation standards.

SUZANNE TURNER, Commissioner

ADOPTED: October 15, 1982

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: November 5, 1982 at 3:30 p.m.

## Amended After Hearing

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

### CABINET FOR HUMAN RESOURCES Amended After Hearing

900 KAR 2:030. Quality of care rating system for long term care facilities.

RELATES TO: KRS 216.550

PURSUANT TO: KRS 13.082, 194.050, 216.550

NECESSITY AND FUNCTION: The Cabinet for Human Resources is directed to establish a system for rating the [purpose of evaluating long term care facilities in the Commonwealth as to] quality of care provided by long term care facilities. The purpose of this regulation is to set forth the uniform criteria for evaluation of long term care facilities based on their compliance with licensure and statutory requirements [upon which such evaluation is to be made].

Section 1. Definitions. (1) "Biologicals" means medicinal preparations made from living organisms and their products, including but not limited to serums, vaccines, antigens and antitoxins.

(2) "Cabinet" means Cabinet for Human Resources or any subdivision thereof.

(3) "Level I areas" means those areas which are essential to maintaining the health, safety or security of patients.

(4) "Level II areas" means those areas which are less directly related to the health, safety or security of residents, but which are important to the overall quality of care and services provided by long term care facilities.

(5) "Licensee" in the case of a licensee who is an in-

dividual means the individual, and in the case of a licensee who is a corporation, partnership or association means the corporation, partnership or association.

(6) "Long term care facility" means those health care facilities in the Commonwealth which are defined by the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board to be family care homes, personal care homes, intermediate care facilities, skilled nursing facilities, nursing homes, and intermediate care facilities for the mentally retarded and developmentally disabled.

(7) "Plan of correction" means a written proposal by the licensee to remedy the regulatory violations cited by the cabinet; the proposal includes dates by which the remedies will have been made. [The plan must be found acceptable by the cabinet to correct the deficiencies involved.]

[(8) "Statement of deficiencies" means a written list of findings where the licensee, at the time inspected, did not meet the requirements of applicable statutes and/or regulations. Such a list specifies what was found and gives the statute or regulation involved.]

(8) [(9)] "Representative sampling" means information obtained at random from [at least ten percent (10%) of] the residents and families or legal guardians of the residents at the facility in question, together with that obtained from ombudsman committees in the district wherein the facility is located, and the staff of the long term care facility in question. *In family care homes, all residents shall be questioned; in all other long term care facilities ten percent (10%) or fifteen (15) of the residents, whichever is greater, shall be questioned.*

Section 2. (1) For the purposes of the determination of quality of care of long term care facilities in the Commonwealth of Kentucky, the following are declared to be Level I areas of concern:

- (a) Medical services;
- (b) Nursing service;
- (c) Drugs and biologicals;
- (d) Dietary and nutritional service;
- (e) Life safety code or other applicable building code;
- (f) Physical and restorative therapy; [and]
- (g) Physical environment;
- (h) Administration; and
- (i) Patient rights.

(2) The following are declared to be Level II areas of concern:

- (a) Social services and activities; and
- [(b) Patient rights;]
- (b) [(c)] Recordkeeping. [; and]
- [(d) Administration.]

Section 3. Pursuant to the provisions of KRS 216.550(1) and in accordance with KRS 216.550(3), applicable minimum state *statutory and* licensure requirements shall serve as the uniform criteria for the evaluation of long term care facilities as to quality of care. Appendices I through VI are the applicable minimum licensure requirements arranged according to quality of care area of concern.

Section 4. (1) The cabinet shall, at the time of its annual licensure inspection, conduct an evaluation of long term care facilities as to quality of care. Each long term care facility shall, upon inspection and evaluation, be assigned either a superior rating, an unrated license, or a conditional rating.

(a) To receive an unrated license as to quality of care, each long term care facility must meet the applicable minimum state requirements for licensure.

(b) To achieve a "superior" rating as to quality of care, each long term care facility must demonstrate to the cabinet that the facility exceeds minimum standards for licensure in six (6) of the eleven (11) areas of concern identified in KRS 216.550(1)(a) through (k) and as set forth in Section 2 of this regulation, and meets at least the minimum requirements of all other applicable state licensure regulations pertaining to long term care facilities. In addition to meeting the minimum licensure requirements, achievement of at least one (1) of the goals set forth in six (6) of the eleven (11) areas of concern listed in Appendices A through F shall result in a superior rating.

(c) Failure to comply with the requirements set forth in subsection (1)(a) of this section and Section 3 of this regulation or *receipt of a Type "A" or "B" citation pursuant to KRS 216.555* [to implement an acceptable plan of correction leading to licensure] shall result in a "conditional" rating. Notice of a conditional rating shall be sent by certified mail to the licensee within five (5) working days of inspection. Upon receipt of a "conditional" rating, the licensee shall prepare, within ten (10) working days of assignment, a plan of correction for all cited deficiencies and shall submit said plan for the cabinet's approval. A "conditional" rating shall be effective from the time of the rating inspection until either:

1. Upon *correction of deficiencies as specified on the approved* [approval of an acceptable] plan of correction;
2. Such time as the cabinet finds the facility in compliance with minimum licensure standards; [or]
3. The determination of the cabinet is reversed upon appeal pursuant to KRS 216.553; or

4. *Correction of Type A or Type B citations within the approved time.*

(2) For the purpose of assignment of a rating, the evaluation shall take into consideration findings from other official reports, surveys, interviews, investigations, and inspections.

(3) In making its determination as to the degree of compliance with the requirements of this regulation and as to the overall quality of care and services in a long term care facility, the cabinet shall consider interviews and surveys of a representative sample of residents, families and legal guardians of residents, ombudsman committees in the district wherein the facility is located, and the staff of the long term care facility in question.

(4) Any licensee aggrieved by an assignment of rating pursuant to KRS 216.550 may appeal said assignment to the cabinet within twenty (20) days after notice of assignment in accordance with the requirements of KRS 216.567. For the purposes of appeal of a particular rating pursuant to KRS 216.553, a determination of the cabinet shall be deemed final upon receipt of written notice of rating indicated by the date of the return receipt or *if receipt is refused, upon date of refusal* [upon disapproval of a plan of correction]. In no event shall any rating assigned by the cabinet be posted until the final decision of the cabinet pursuant to KRS 216.567.

Section 5. If, at any time during the rating year, the cabinet finds a long term care facility out of compliance with minimum licensure requirements or exceeds the minimum licensure requirements within six (6) of the eleven (11) areas as set forth in KRS 216.550(1)(a) through (k) and Section 2 of this regulation, the cabinet may alter the facility's quality of care rating accordingly.

Section 6. In the event of a change of ownership, the rating obtained by the prior owner shall continue in effect until the next regularly scheduled licensure inspection unless modified after inspection by the cabinet upon its own initiative or undertaken upon request.

Section 7. The following Appendices A through F set forth guidelines for use by licensees of long term care facilities in their efforts to obtain a "superior" rating for the facility in question. A "superior" rating shall be issued to any long term care facility accomplishing at least one (1) of the goals set forth in six (6) of the eleven (11) areas listed in KRS 216.550(1)(a) through (k) and Section 2 of this regulation.

## APPENDIX I FAMILY CARE HOMES

All references are to sections of 902 KAR 20:041, unless otherwise indicated.

### A. Level I

- (1) Medical Services  
Section 4(1)(a) through (d)
- (2) Nursing Services  
Section 4(1)(i)  
Section 4(2)(a)1 through 4
- (3) Drugs and Biologicals  
Section 4(1)(e) through (h)
- (4) Dietary and Nutritional Service  
Section 4(3)(a) through (i)
- (5) Life Safety Code or Other Applicable Building Code  
Section 6(3) through (6)

- (6) Physical and Restorative Therapy  
No requirements for licensure
- (7) Physical Environment  
Section 4(2)(b), (c)  
Section 4(4)(a) through (g)  
Section 5  
Section 6(1),(2)
- (8) Administration  
Section 1  
Section 3(1) through (6), (9) through (11), (14)
- (9) Patient Rights  
Section 3(13)  
Section 4(2)(d)

## B. Level II

- (1) Social Services and Activities  
Section 3(7)
- [(2) Patient Rights  
Section 3(13)  
Section 4(2)(d)]
- (2) [(3)] Recordkeeping  
Section 3(8)  
Section 3(12)
- [(4) Administration  
Section 1  
Section 3(1) through (6), (9) through (11), (14)]

APPENDIX II  
PERSONAL CARE HOME

All references are to sections of 902 KAR 20:036, unless otherwise indicated.

## A. Level I

- (1) Medical Services  
Section 4(1)(a), (c), (g)  
Section 4(1)(j)
- (2) Nursing Services  
Section 4(1)(b); (h) [1, 2, 3]; (k) [1, 2]  
Section 4(3)(a) through (e)
- (3) Drugs and Biologicals  
Section 4(1)(e), (f)
- (4) Dietary and Nutritional Service  
Section 4(2)(c)
- (5) Life Safety Code or Other Applicable Building Code  
902 KAR 20:031, *as applicable*
- (6) Physical and Restorative Therapy  
No requirements
- (7) Physical Environment  
Section 4(1)(i)  
Section 4(2)(a), (b)
- (8) Administration  
Section 1  
Section 3(1)(a), (b)  
Section 3(2)  
Section 3(3)(a) through (d)  
Section 3(6)(a) through (c)  
Section 3(7)(a) through (e)3  
Section 3(7)(e)6 through 12  
Section 3(7)(f)
- (9) Patient Rights  
Section 3(4), (5)  
Section 3(7)(e)4, 5

## B. Level II

- (1) Social Services and Activities  
Section 4(4)(a), (b)
- [(2) Patient Rights  
Section 3(4), (5)  
Section 3(7)(e)4, 5]
- (2) [(3)] Recordkeeping  
Section 3(8), (9)  
Section 4(1)(d)
- [(4) Administration  
Section 2(3)(a), (b)  
Section 3(1)(a), (b)  
Section 3(2)  
Section 3(3)(a) through (d)  
Section 3(6)(a) through (c)  
Section 3(7)(f)  
Section 3(7)(a) through (e)3  
Section 3(7)(e)6 through 12]

APPENDIX III  
NURSING HOMES

All references are to sections of 902 KAR 20:048, unless otherwise indicated.

## A. Level I

- (1) Medical Services  
Section 4(1)(a) through (d)  
Section 4(6), (7)  
Section 4(5)(f)5a, b, c
- (2) Nursing Services  
Section 3(9)(c)5 through 7  
Section 4(2), (4)
- (3) Drugs and Biologicals  
Section 3(9)(c)8  
Section 4(5)
- (4) Dietary and Nutritional  
Section 3(9)(c)10  
Section 4(11)(a)
- (5) Life Safety Code or Other Applicable Building Code  
902 KAR 20:046, *as applicable*
- (6) Physical and Restorative Therapy  
Section 3(9)(c)9a, b, c  
Section 4(3)
- (7) Physical Environment  
Section 4(11)(b), (c)
- (8) Administration  
Section 3(1)  
Section 3(2)(a), (b)  
Section 3(3)(d)  
Section 3(4)(a) through (d)  
Section 3(6)(a) through (d)  
Section 3(7)  
Section 3(8)(a) through (f)  
Section 3(9)(a), (b)  
Section 3(9)(c)1, 2, 3, 4, 11, 12  
Section 3(9)(d)  
Section 3(9)(e)  
Section 3(9)(f)1, 2
- (9) Patient Rights  
Section 3(5)

## B. Level II

- (1) Social Services and Activities  
Section 4(8), (9), (10)
- [(2) Patient Rights  
Section 3(5)]
- (2) [(3)] Recordkeeping  
Section 3(3)(a), (b), (c); (10)
- [(4) Administration  
Section 3(1)  
Section 3(2)(a), (b)  
Section 3(4)(a) through (d)  
Section 3(6)(a) through (d)  
Section 3(7)  
Section 3(8)(a) through (f)  
Section 3(9)(a), (b)  
Section 3(9)(c)1, 2, 3, 4, 11, 12  
Section 3(9)(d)  
Section 3(9)(e)  
Section 3(9)(f)1, 2]

#### APPENDIX IV INTERMEDIATE CARE FACILITY

All references are to sections of 902 KAR 20:051, unless otherwise indicated.

## A. Level I

- (1) Medical Services  
Section 4(2)  
Section 4(6)
- (2) Nursing Services  
Section 3(9)(c)5 [a through k]  
Section 4(1), (3), (5)
- (3) Drugs and Biologicals  
Section 3(9)(c)6  
Section 4(4)
- (4) Dietary and Nutritional Services  
Section 4(10)(c)  
Section 3(9)(c)7
- (5) Life Safety Code or Other Applicable Building Code  
902 KAR 20:056, *as applicable*
- (6) Physical and Restorative Therapy  
No requirements
- (7) Physical Environment  
Section 4(10)(a), (b)
- (8) Administration  
Section 3(1) through (3); (4)(a), (c), (d); (6) through (8)  
Section 3(9)(c)1 through 4, 8, 9  
Section 3(9)(a), (b), (d) through (f)
- (9) Patient Rights  
Section 3(4)(b), (5)

## B. Level II

- (1) Social Services and Activities  
Section 4(7), (8), (9)
- [(2) Patient Rights  
Section 3(4)(b), (5)]
- (2) [(3)] Recordkeeping  
Section 3(10)
- [(4) Administration  
Section 3(1) through (3); (4)(a), (c), (d); (6) through (8)  
Section 3(9)(c)1 through 4, 8, 9  
Section 3(9)(a), (b), (d) through (f)]

#### APPENDIX V INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED

All references are to sections of 902 KAR 20:086, unless otherwise indicated.

## A. Level I

- (1) Medical Services  
Section 3(7)(a), (b)  
Section 4(1), (4), (8), (14)
- (2) Nursing Services  
Section 3(11)(i)  
Section 4(5), (7)
- (3) Drugs and Biologicals  
Section 3(11)(j)  
Section 4(6)
- (4) Dietary and Nutritional Services  
Section 3(11)(k)  
Section 4(16)(c)
- (5) Life Safety Code or other applicable Building Code  
902 KAR 20:056, *as applicable*
- (6) Physical and Restorative Therapy  
Section 4(11), (12), (13)
- (7) Physical Environment  
Section 4(16)(a), (b)
- (8) Administration  
Section 3(1) through (3)  
Section 3(5)(a), (c) and (d)  
Section 3(7)(c), (d) and (e)  
Section 3(8), (9)  
Section 3(11)(a) through (h), (l) through (n)  
Section 4(2), (3)
- (9) Patient Rights  
Section 3(5)(b) and (6)

## B. Level II

- (1) Social Services and Activities  
Section 4(9), (10), (15)
- [(2) Patient Rights  
Section 3(5)(b), (6)]
- (2) [(3)] Recordkeeping  
Section 3(4), (10)
- [(4) Administration  
Section 3(1) through (3)  
Section 3(5)(a), (c), (d)  
Section 3(7)(c), (d), (e)  
Section 3(8), (9)  
Section 3(11)(a) through (h), (l) through (n)  
Section 4(2), (3)]

#### APPENDIX VI SKILLED NURSING FACILITIES

All references are to sections of 902 KAR 20:026, unless otherwise indicated.

## A. Level I

- (1) Medical Services  
Section 4(1), (6), (7)
- (2) Nursing Services  
Section 3(8)(d)3, 4, 5  
Section 4(2), (4), (5)(f)4
- (3) Drugs and Biologicals  
Section 3(8)(d)6  
Section 4(5)(a) through (f) [1 through 3]

- (4) Dietary and Nutritional Services
  - Section 3(8)(d)8
  - Section 4(10)(a)
- (5) Life Safety Code or Other Applicable Building Code
  - 902 KAR 20:021, *as applicable*
- (6) Physical and Restorative Therapy
  - Section 3(8)(d)7
  - Section 4(3)
- (7) Physical Environment
  - Section 4(10)(b), (c)
- (8) Administration
  - Section 3(1), (2), (3)(a), (b), (c), (e)
  - Section 3(5) through (7)
  - Section 3(8)(a), (b), (c), (d)1, 2
  - Section 3(8)(d)9, (e)
  - Section 4(5)(f)5
- (9) Patient Rights
  - Section 3(3)(d), (4)

#### B. Level II

- (1) Social Services and Activities
  - Section 4(8), (9)
- [(2) Patient Rights
  - Section 3(2)(d), (4)]
- (2) [(3)] Recordkeeping
  - Section 3(9)
- [(4) Administration
  - Section 3(1), (2), (3)(a), (b), (c), (e)
  - Section 3(5) through (7)
  - Section 3(6)
  - Section 3(8)(a), (b), (c), (d)1, 2
  - Section 3(8)(d)9, (e)
  - Section 4(5)(f)5]

### APPENDIX A FAMILY CARE HOMES (Area of Concern, Goals)

#### Medical Services

- (1) All residents receive annual physicals by a physician.
- (2) *Residents have annual evaluation by dentist and ophthalmologist.*
- (3) [(2)] Other, if submitted to and approved by the Cabinet for Human Resources.

#### Nursing Service

- (1) Residents are up and dressed during the day except during short illnesses or naps.
- [(2) Residents have annual evaluation by dentist and ophthalmologist.]
- (2) [(3)] If operator is not a licensed nurse, residents are evaluated by licensed nurse semi-annually and evidence is shown of recommendations being acted upon.
- (3) [(4)] Other, if submitted to and approved by the Cabinet for Human Resources.

#### Drugs and Biologicals

- (1) Residents may select their own pharmacy/pharmacist.
- (2) Drugs and biologicals not covered under the facility's basic rate.
- (3) Other, if submitted to and approved by the Cabinet for Human Resources.

#### Dietary and Nutritional Services

- (1) Each resident selects at least one meal per week.
- (2) Menus are prepared with assistance of qualified nutritionist *as defined in 902 KAR 20:036, Section 2(10).*

- (3) Other, if submitted to and approved by the Cabinet for Human Resources.

#### Life Safety Code

- (1) Facility has smoke alarms of sufficient quantity to cover the entire dwelling.
- (2) Facility interior and exterior are modified so that each resident may exit unassisted.
- (3) Other, if submitted to and approved by the Cabinet for Human Resources.

#### Physical and Restorative Therapy

- (1) Transporting of resident to and assistance in arranging needed therapy; e.g., physical, speech.
- (2) Availability of special devices required by resident for maximum functioning; e.g., eating, reading, hearing devices.
- (3) Other, if submitted to and approved by the Cabinet for Human Resources.

#### Physical Environment

- (1) Resident's personal belongings are displayed in facility.
- (2) Dwelling is air conditioned in all spaces occupied by residents.
- (3) Residents have safe and pleasant outside area for their use.
- (4) Dwelling has common area for unrestricted use by residents and the families or friends that is separate from their bedroom.
- (5) Other, if submitted to and approved by the Cabinet for Human Resources.

#### Social Services and Activities

- (1) Weekly planned and supervised tours, visits, shopping or attendance out in community.
- (2) At least one hour daily planned and supervised in-house social or recreational activities, using appropriate supplies and equipment; exclusive of television and radio.
- (3) If desired by resident, the newspaper of the resident's choice is available to the resident.
- (4) Facility has daily reality orientation program for each confused resident.
- (5) Other, if submitted to and approved by the Cabinet for Human Resources.

#### Patient Rights

- (1) Resident's personal funds and benefits are controlled by an individual or entity having no financial interest in the funds or the resident is able to and does control his own finances.
- (2) If operator is payee for any resident entitlement, use of resident's funds is reviewed, at least annually.
- (3) Other, if submitted to and approved by the Cabinet for Human Resources.

#### Recordkeeping

- (1) Records of all fees and charges to resident.
- (2) Other, if submitted to and approved by the Cabinet for Human Resources.

#### Administration

- (1) Operator is professionally qualified in a health services field.
- (2) Operator shows evidence of having attended 10 hours of training in long term care services in a 12-month period in programs approved by the Cabinet for Human Resources, Division of Licensing and Regulation; this is in addition to 902 KAR 20:041, Section 1(5).
- (3) Other, if submitted to and approved by the Cabinet for Human Resources.

## APPENDIX B PERSONAL CARE HOMES (Area of Concern, Goals)

### Medical Services

(1) Physician spends at least one hour per week interacting with residents at facility for each 25 residents *over and above that which is normally required for patient care.*

(2) Dental services provided at the facility.

(3) Ophthalmologist examinations for residents annually.

(4) Other, if submitted to and approved by the Cabinet for Human Resources.

### Nursing Services

(1) If operator is not a licensed nurse, residents are evaluated by a licensed nurse at least semi-annually and evidence is shown of recommendations being acted upon.

(2) Nursing service has an organized call-in program to effectively deal with employee absences.

(3) Other, if submitted to and approved by the Cabinet for Human Resources.

### Drugs and Biologicals

(1) Residents may select their own pharmacy/pharmacist.

(2) Facility uses 24-hour unit dose system.

(3) Other, if submitted to and approved by the Cabinet for Human Resources.

### Dietary and Nutritional Services

(1) Residents select at least one meal per week.

(2) Available self-help devices or adaptive devices and program for use.

(3) *Facility provides menus for residents to choose at least one meal next day.*

(4) [(3)] Other, if submitted to and approved by the Cabinet for Human Resources.

### Life Safety Code

(1) Organized safety committee and evidence of its effectiveness.

(2) *Local fire department provides in-service to staff and residents yearly on fire prevention and emergency action in the event of a fire.*

(3) [(2)] Other, if submitted to and approved by the Cabinet for Human Resources.

### Physical and Restorative Therapy

(1) An exercise program designed by a licensed physical therapist is provided for those residents who have an adequate level of functioning and are physically able to participate.

(2) Physical therapy needs are part of initial evaluation of residents in facility.

(3) Other, if submitted to and approved by the Cabinet for Human Resources.

### Physical Environment

(1) Facility is air conditioned in all spaces occupied by residents.

(2) Residents have safe and pleasant outside area for their use.

(3) Other, if submitted to and approved by the Cabinet for Human Resources.

### Social Services and Activities

(1) An organized resident council selects at least 25 percent of the activities.

(2) Separate staff for social services and activities for facilities with at least 50 residents.

(3) Activities out of facility at least once a week.

(4) *Pet therapy program organized for residents with local or state humane society or other benevolent groups.*

(5) [(4)] Other, if submitted to and approved by the Cabinet for Human Resources.

### Patient Rights

(1) Resident's personal funds and benefits are controlled by an individual having no financial interest in the resident's funds or the resident is able to control his own finances.

(2) If operator is payee for any resident entitlement, use of resident's funds is reviewed, at least annually.

(3) Organized resident council functions and facility responds to their requests and inquiries and evidence is available to demonstrate such.

(4) Other, if submitted to and approved by the Cabinet for Human Resources.

### Recordkeeping

(1) Medical records are designed and maintained by an accredited records technician, registered records administrator, or medical records designee has consultation from accredited records technician or registered records administrator.

(2) Someone other than charge nurse or administrator is designated in charge of records.

(3) Other, if submitted to and approved by the Cabinet for Human Resources.

### Administration

(1) Tuition assistance program for employees.

(2) Administrators who are not licensed nursing home administrators show evidence of having attended 10 hours per year of continuing education class that has been approved by the Kentucky Board of Nursing Home Administrators.

(3) Other, if submitted to and approved by the Cabinet for Human Resources.

## APPENDIX C INTERMEDIATE CARE FACILITIES

(See Appendix E)

## APPENDIX D SKILLED NURSING FACILITIES

(See Appendix E)

## APPENDIX E NURSING HOMES (Area of Concern, Goals)

### Medical Services

(1) Physician participates on voluntary basis in in-service education program and inpatient care planning other than diagnosis and treatment.

(2) Other, if submitted to and approved by the Cabinet for Human Resources.

### Nursing Services

(1) Organized call-in program to deal with the problems of employee absences.

(2) A comprehensive nursing audit program for all residents

(3) Other, if submitted to and approved by the Cabinet for Human Resources.



**Drugs and Biologicals**

- (1) Residents may select their own pharmacy/pharmacist.
- (2) 24-hour per day unit dose system for drug administration.
- (3) Other, if submitted to and approved by the Cabinet for Human Resources.

**Dietary and Nutritional Services**

- (1) A volunteer program with training and return demonstrations in assisting with serving and feeding so that all residents may eat at the same time.
- (2) Participation of relatives and friends in social occasions, including but not limited to birthday parties and cook-outs.
- (3) Dietary supplements that are made at the facility from approved recipes; e.g., supplemental milkshakes.
- (4) *Facility provides menus for residents to choose at least one meal the next day.*
- (5) [(4)] Other, if submitted to and approved by the Cabinet for Human Resources.

**Life Safety Code**

- (1) An organized safety committee and evidence of their effectiveness and impact on the facility.
- (2) *Local fire department provides in-service to staff and residents yearly on fire prevention and emergency action in the event of a fire.*
- (3) [(2)] Other, if submitted to and approved by the Cabinet for Human Resources.

**Physical and Restorative Therapy**

- (1) Component flexible; must be submitted to the Cabinet for review and approval.

**Physical Environment**

- (1) Facility is air conditioned in all spaces occupied by residents.
- (2) Residents are provided a safe and pleasant outside area.
- (3) Other, if submitted to and approved by the Cabinet for Human Resources.

**Social Services and Activities**

- (1) An organized resident council selects at least 25 percent of activities.
- (2) A guardian/relative/friend counseling program to deal with the problems and maintain continual communication.
- (3) *Pet therapy program organized for residents with local or state humane society or other benevolent groups.*
- (4) [(3)] Other, if submitted to and approved by the Cabinet for Human Resources.

**Patient Rights**

- (1) Organized resident council functions and facility responds to their requests and inquiries; evidence is available to demonstrate facility's response.
- (2) Other, if submitted to and approved by the Cabinet for Human Resources.

**Recordkeeping**

- (1) Decubitus documentation is regularly (at least weekly) updated; includes at least a monthly photograph of the decubitus.
- (2) Other, if submitted to and approved by the Cabinet for Human Resources.

**Administration**

- (1) Organization and utilization of a welcoming committee composed of residents, staff of the facility and at least

one member of the administration to provide assistance to new residents in transition to life in the long term care facility.

- (2) Other, if submitted to and approved by the Cabinet for Human Resources.

**APPENDIX F  
INTERMEDIATE CARE FACILITIES FOR  
THE MENTALLY RETARDED  
(Area of Concern, Goals)**

With the exception of those areas of concern dealing with patient rights and social services and activities, intermediate care facilities for the mentally retarded share the goals as set forth in Appendix E. As for patient rights and social services and activities, the following goals apply:

**Patient Rights**

- (1) Facility has voluntary family/guardian council that meets at least monthly and makes inquiries and recommendations to the facility; evidence is available that the facility has acted upon the inquiries and recommendations and the council has received a response.

**Social Services and Activities**

- (1) Facility has organized occupational therapy program with private industry so that residents may learn and benefit from their work in a practical setting.

BUDDY H. ADAMS, Secretary

ADOPTED: February 15, 1983

RECEIVED BY LRC: February 15, 1983 at 4:30 p.m.

**CABINET FOR HUMAN RESOURCES  
Amended After Hearing**

**900 KAR 2:040. Citations and violations; criteria and specific acts.**

RELATES TO: KRS 216.550, 216.555, 216.557, 216.560, 216.563, 216.565, 216.577

PURSUANT TO: KRS 13.082, 194.050, 216.555, 216.557, 216.563, 216.577

NECESSITY AND FUNCTION: The Cabinet for Human Resources is required to publish, after consultation with industry, professional and consumer groups, regulations setting forth the criteria and, where feasible, the specific acts which constitute Type A and B violations. This regulation is designed to set forth the criteria and, where feasible, the specific acts.

Section 1. Definitions. (1) "Active treatment" means daily participation in accordance with an individual plan of care and services, in activities, experiences, or therapy which are part of a professionally developed and supervised program of health, social and/or rehabilitative services offered by or procured by contract or other written agreement by the institution for its residents.

(2) "Activities of daily living" means activities of self-help (example: being able to feed, bathe and/or dress oneself), communication (example: being able to place phone calls, write letters and understanding instructions) and socialization (example: being able to shop, being considerate of others, working with others and participating in activities).



(3) "Administrator" means the administrator of a long term care facility.

(4) "Cabinet" means Cabinet for Human Resources.

(5) "Citation" means a written notification of violation of regulations, standards and requirements as set forth by the cabinet pursuant to KRS 216.550 or the provisions of KRS 216.510 to 216.525, or applicable federal law and regulations governing the certification of a long term care facility under Title 18 or 19 of the Social Security Act which violation has been classified a "Type A" or "Type B" violation pursuant to this regulation.

(6) "Developmental nursing services" means treatment of a person's developmental needs by designing interventions to modify the rate and/or direction of the individual's development especially in the areas of self-help skills, personal hygiene and sex education while also meeting his physical and medical needs.

(7) "Licensee" in the case of a licensee who is an individual means the individual and in the case of a licensee who is a corporation, partnership, or association means the corporation, partnership or association.

(8) "Long term care facility" means those health care facilities in the Commonwealth which are defined by the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board to be family care homes, personal care homes, intermediate care facilities, skilled nursing facilities, nursing homes, and intermediate care facilities for the mentally retarded and developmentally disabled.

(9) "Nonambulatory" means unable to walk without assistance.

(10) "Nonmobile" means unable to move from place to place.

(11) "Protective device" means devices that are designed to protect a person from falling, to include side rails, safety vest [net] or safety belt.

(12) "Restraint" means any pharmaceutical agent or physical or mechanical device used to restrict the movement of a patient or the movement of a portion of a patient's body, and when used in the context of an intermediate care facility for the mentally retarded or developmentally disabled, means any pharmaceutical agent or any physical or mechanical device used to restrict the movement of an individual or the movement or normal function of a portion of the individual's body, excluding only those devices used to provide support for the achievement of functional body position or proper balance (such as positioning chairs) and devices used for specific medical and surgical (as distinguished from behaviorial) treatment.

(13) "Secretary" means Secretary for Human Resources.

(14) "Type A violation" means a violation by a long term care facility of the regulations, standards and requirements as set forth by the cabinet pursuant to KRS 216.550 and 216.563 or the provisions of KRS 216.510 to 216.525, or applicable federal laws and regulations governing the certification of a long term care facility under Title 18 or 19 of the Social Security Act which has been classified a "Type A" violation pursuant to this regulation. Said violation presents an imminent danger to any resident of a long term care facility and creates substantial risk that death or serious mental or physical harm will occur.

(15) "Type B violation" means a violation by a long term care facility of the regulations, standards and requirements as set forth by the cabinet pursuant to KRS 216.550 and 216.563 or the provisions of KRS 216.510 to

216.525, or applicable federal law and regulations governing the certification of a long term care facility under Title 18 or 19 of the Social Security Act which has been classified a "Type B" violation pursuant to this regulation. Such violation presents a direct or immediate relationship to the health, safety or security of any resident, but which does not create an imminent danger and which is categorized a "Type B" violation in this regulation.

Section 2. If, upon inspection of a long term care facility for quality of care rating or investigation of such facility, the cabinet finds that there exists a "Type A" or "Type B" violation at the facility, a citation shall be issued to the licensee. Said citation shall specify, in writing, the nature of the violation and specify statutory provisions or regulations alleged to have been violated.

Section 3. Type A Violations. (1) Upon the finding of a Type A violation, the cabinet shall advise the licensee, administrator or his designated representative, in writing, delivered as soon as practicable but no later than three (3) days, of the existence of said violation. Written notification may be delivered either by certified mail, return receipt requested, or by personal service of said notification upon the licensee, administrator or his designated representative. The time for correction of said violation shall begin upon the date written notification is received, or in the event the delivery is refused, upon the date of refusal.

(2) A "Type A" violation shall be abated or eliminated immediately upon written notification, unless a fixed period of time not to exceed ten (10) days, as determined by and within the discretion of the cabinet, is required for correction.

(3) A "Type A" violation is subject to a civil penalty in an amount not less than \$1,000 nor more than \$5,000 for each and every violation.

(4) Where a licensee has failed to correct a "Type A" violation within the time specified for correction, the cabinet shall assess the licensee a civil penalty in the amount of \$500 for each day such deficiency *continues* [occurs] beyond the date specified for correction.

(5) Application for an extension of time may be granted by the cabinet upon a showing by the licensee that adequate arrangements have been made to protect the health and safety of the residents. No extension of time so granted shall exceed ten (10) days.

Section 4. (1) *The criteria for the conditions which constitute "Type A" and "Type B" violations are:*

(a) *The uniform criteria established for rating quality of care in accordance with KRS 216.550;*

(b) *The provisions of KRS 216.515 to 216.525; and*

(c) *Applicable federal laws and regulations governing the certification of long term care facilities under Titles 18 and 19 of the Social Security Act.*

(2) *Any violation of the criteria set forth in subsection (1)(a) through (c) of this section which constitutes an imminent danger and substantial risk of serious mental or physical harm to a resident is classified a "Type A" violation.*

(3) *Any violation of the criteria set forth in subsection (1)(a) through (c) of this section which presents a direct or immediate relationship to the health, safety or security of any resident, but which does not create an imminent danger, is classified a "Type B" violation.*

(4) *The criteria are to be reviewed at least quarterly for the purpose of more clearly defining the specific acts or circumstances which constitute "Type A" and "Type B" violations.*

Section 5. [4.] (1) The following specific acts or circumstances in violation of the rating system developed pursuant to KRS 216.550, the provisions of KRS 216.510 to KRS 216.525, or the applicable federal laws and regulations governing certification of long term care facilities under Title 18 or 19 of the Social Security Act and which presents an imminent danger and substantial risk of serious physical or mental harm to a resident or patient of the long term care facility shall constitute "Type A" violations.

(a) In all long term care facilities.

1. Persons whose care needs exceed the capability of the facility to provide are knowingly admitted as residents or patients of the facility.

2. A physician is not available and not consulted in the case of serious accident or illness and such consultation and the response of the facility is not reflected within the resident's or patient's file.

3. Physical and pharmaceutical restraints are not used in accordance with the written instructions of the attending physician (and in cases of emergency, oral orders of the physician or nursing assessments made pursuant to KRS 314.011(5)(e) and 314.011(9)(e) are not subsequently reduced to writing), dated and placed within the resident's or patient's file.

4. Protective devices are not used in accordance with the written instructions of the attending physician, dated and within the patient's file.

5. Except in family care homes, the licensee has no evidence of a current inspection by the state fire marshal indicating the facility complies with the applicable provisions of the life safety code.

6. The licensee does not maintain a system of heating and cooling capable of attaining a minimum temperature of seventy-two (72) degrees which shall be provided in occupied areas in winter conditions and a maximum temperature of eighty-five (85) degrees which shall be provided in summer conditions, and in cases of emergency, the licensee does not take necessary precautions to protect the health of residents or patients.

7. In the event of an error in medication, the attending physician is not advised and the error is not recorded within the patient's or resident's file, and correction is not made within one (1) day of the date of discovery.

8. Prescription medication is not kept under lock.

9. The resident's or patient's daily diet provided by the facility does not comply with his medically prescribed special diet or dietary restriction (except for special days or celebrations medically approved), said special diet or dietary restriction is to appear in writing within the resident's or patient's file.

10. There is not at least three (3) [one (1)] days' supply of food in the facility at all times.

11. *The care required by admitted residents retained within the facility does not exceed the skill of the licensee to provide.*

(b) Family care homes.

1. The licensee does not provide twenty-four (24) hour supervision and assistance to the residents.

2. The licensee is not that person directly responsible for the daily operation of the home and, when temporarily absent, the name of the individual to whom responsibility is delegated is not in writing and available to the cabinet.

[3. The care required by admitted residents retained within the facility shall not exceed the skill of the licensee to provide unless there appears within the resident's file:]

[a. A written statement from the resident's physician that to move the resident would be detrimental to his health; and]

[b. Written acknowledgment from responsible family members, the resident's legal guardian or committee that they are aware of the level of care needed but that they wish the resident to remain in the facility.]

3. [4.] When prescription medication is required to be administered by licensed personnel, arrangements are not made in writing to assure the use of said personnel.

4. [5.] Basements in which residents are housed are not constructed for sleeping quarters and have no outside door.

5. [6.] Residents are housed in rooms or detached buildings or enclosures which have not been inspected and approved by the cabinet.

6. [7.] The facility has admitted more than three (3) persons as residents.

(c) Personal care homes.

1. Residents of the facility are under the age of sixteen (16) years or are nonambulatory or nonmobile.

[2. The care required by admitted residents retained within the facility shall not exceed the skill of the licensee to provide unless there appears within the resident's file:]

[a. A written statement from his physician that to move the resident would be detrimental to his health; and]

[b. Written acknowledgment by responsible family members, or legal guardian or committee that they are aware of the higher degree of care required by the resident but that it is their wish that the resident remain in the facility.]

2. [3.] The number and classifications of personnel required at the facility are not based upon the number of patients and the amount and kind of personal care, nursing care, supervision and program needed to meet the needs of the patients as determined by medical orders and by services required by 902 KAR 20:036 as determined in accordance with 902 KAR 20:036, Section 3(7)(f)2.

3. [4.] One (1) attendant is not awake and on duty on each floor of the facility at all times.

(d) Intermediate care facilities.

1. Physician services for medical emergencies are not available on a twenty-four (24) hour, seven (7) day a week basis.

2. A responsible staff member is not on duty and awake at all times to assure prompt, appropriate action in cases of injury, illness, fire and other emergencies.

3. The facility does not have personnel to meet the needs of the patients on a twenty-four (24) hour basis, the number and classification of personnel are not based upon the number of patients and the amount and kind of personal care, nursing care, supervision and program needed to meet the needs of the patients as determined by medical orders and by services required by 902 KAR 20:051, in accordance with 902 KAR 20:051, Section 3(9)(c)2.

4. In the event the patient's condition exceeds the scope of services offered by the facility, the patient, upon written orders of a physician (except in cases of emergency) is not transferred promptly to a hospital or skilled nursing facility or services are not contracted for from other community services.

(e) Skilled nursing facilities.

1. The licensee does not provide the facility with a director of nursing services who is a registered nurse and

who works full time *during the day and who does not devote full time to the nursing service of the facility.*

2. There is not at least one (1) registered nurse or licensed practical nurse on duty at all times who is responsible for the nursing care of residents during her tour of duty; when a licensed practical nurse is on duty, no registered nurse is on call.

3. The licensee does not provide the personnel required to meet the needs of the patients on a twenty-four (24) hour a day basis, the number and classification of personnel so required are not based upon the number of patients, the amount and kind of personal care, nursing care, supervision and program needed to meet the needs of the patients as determined by medical orders and by services required by 902 KAR 20:026, in accordance with 902 KAR 20:026, Section 3(8) [(7)](d)2.

4. In the event the patient's condition exceeds the scope of services offered by the facility, the patient, upon written orders of a physician (except in cases of emergency) is not transferred promptly to a hospital or services are not contracted for from other community resources.

(f) Nursing homes.

1. In the event the patient's condition exceeds the scope of services offered by the facility, the patient, upon written orders of a physician (except in cases of emergency) is not transferred promptly to a hospital or skilled nursing facility or services are not contracted for from other community resources.

2. A responsible staff member is not on duty and awake at all times to assure prompt, appropriate action in cases of injury, illness, fire or other emergency.

3. The health care of each patient is not under the supervision of a physician and the patient's records do not reflect the frequency of the physician's contacts with the patient.

4. The licensee does not provide the personnel required to meet the needs of the patients on a twenty-four (24) hour a day basis, the number and classification of personnel so required are not based upon the number of patients, the amount and kind of personal care, nursing care, supervision and program needed to meet the needs of the patients as determined by medical orders and by services required by 902 KAR 20:048, in accordance with 902 KAR 20:048, Section 3(9)(c)2.

(g) Intermediate care facilities for the mentally retarded and developmentally disabled.

1. The facility does not maintain and does not follow a written procedure to specify in a step-by-step manner the actions which shall be taken by staff when a resident is determined to be lost, unaccounted for, or other unauthorized absence.

2. The facility admits as patients those persons who do not have a physical or mental condition which requires developmental nursing services and an active treatment plan.

3. The licensee does not provide the personnel required to meet the needs of the patients on a twenty-four (24) hours a day basis. The number and classification required is not determined in a manner consistent with the requirements of 902 KAR 20:086, Section 3(11)(c) and in accordance with 902 KAR 20:086, Section 3(11)(f).

4. Physician services for medical emergencies are not available on a twenty-four (24) hour, seven (7) day a week basis.

5. A responsible staff member is not on duty and awake at all times to assure prompt, appropriate action in cases of injury, illness, fire and other emergencies.

6. In the event the patient's condition exceeds the scope of services offered by the facility, the patient, upon written orders of a physician (except in cases of emergency) is not transferred promptly to a hospital or skilled nursing facility or services are not contracted for from other community services.

(2) Pursuant to KRS 216.577, upon a finding that conditions within the facility which constitute the "Type A" violation have not been corrected within the time allowed by the cabinet for correction, the secretary shall take at least one (1) of the following actions with respect to the facility in addition to the issuance of a citation or the assessment of a civil penalty therefor.

(a) Institute proceedings to compel the facility's compliance with the requirement alleged to have been violated.

(b) Institute injunctive proceedings in circuit court to terminate the operation of the facility.

(c) Selectively transfer residents whose care needs are not being adequately met by the long term care facility.

Section 6. [5.] Type B Violations. (1) A "Type B" violation shall be corrected within a time determined and approved by the Cabinet.

(2) A "Type B" violation is subject to a civil penalty in an amount not less than \$100 nor more than \$500, provided, however, that if such violation is corrected within the time specified by the Cabinet, no civil penalty shall be imposed.

(3) Where a licensee has failed to correct a "Type B" violation within the time specified for correction by the cabinet, the cabinet shall assess the licensee a civil penalty in the amount of \$200 for each day the deficiency continues beyond the date specified for correction.

Section 7. [6.] (1) Upon the finding of a "Type B" violation, the cabinet shall advise the licensee, administrator, or his designated representative in writing, delivered as soon as practicable, but no later than five (5) days, of the existence of said violation. Delivery shall be by certified mail, return receipt requested or by personal service to the licensee, administrator or his designated representative. The time within which the citation shall be corrected shall run from the date of receipt of written notification, or in the event said written notification is refused, from the date of refusal.

(2) The following specific acts or circumstances in violation of the rating system developed pursuant to KRS 216.550, the provisions of KRS 216.510 to 216.525, or the applicable federal laws and regulations governing certification of long term care facilities under Title 18 or 19 of the Social Security Act and which present a direct or immediate relationship to the health, safety or security of any resident but which do not create an imminent danger shall constitute "Type B" violations:

(a) In all long term care facilities.

1. The facility does not have a written fire control and evacuation plan with which those present and responsible for supervision are familiar.

2. The facility does not maintain an active program of pest control for all areas of its physical plant.

3. The facility does not serve at least three (3) meals per day with not more than fifteen (15) hours between the evening meal and breakfast *and such meals do not meet the current recommended dietary allowances of the Food and Nutrition Board of the National Research Council adjusted for age, sex and activity, and in accordance with*

*physician's orders.* [unless otherwise medically contraindicated]. Between meal and bedtime snacks are not available, except where medically contraindicated.

4. The licensee knowingly violates the provision of KRS 216.515 and 216.520.

5. A complete medical record is not kept on each patient with all entries current, dated and signed.

6. Patients or residents requiring help in eating are not assisted.

7. Except for those facilities with an integrated heating, ventilation and air conditioning system (HVAC system) the licensee does not maintain the facility with screens on windows.

8. Except for family care homes, all food is not procured, stored, prepared, distributed, and served under sanitary conditions consistent with the Kentucky Food Service Code (902 KAR 45:005).

9. If a patient or resident refuses food served, nutritional substitutions are not offered; the consistency of the food is not prepared with reference to the ability of the individual patient to ingest.

10. The facility does not implement a regular program to prevent decubiti with emphasis on the following:

a. Procedures to maintain clean linen of the patient or resident. Clothes and linens are cleaned each time the bed or clothing is soiled. Rubber, plastic or other type of linen protectors are cleaned and completely covered to prevent direct contact with the patient.

b. Effort is made to assist the patient or resident in being up and out of bed as much as his condition permits, unless medically contraindicated. If the patient or resident cannot move himself, he has his position changed as often as necessary but not less than every two (2) hours.

11. The facility does not keep resident records and patient files confidential in a manner consistent with the requirements of the Kentucky Revised Statutes and administrative regulations.

12. Except in family care homes, cold water and hot water with a maximum temperature of 110 degrees Fahrenheit are not available for resident or patient use.

13. Meals do not correspond to the posted menus; *menus are not planned and posted one (1) week in advance; when changes in the menu are necessary, substitutions do not provide equal nutritive value.*

14. *The facility does not have an administrator who is responsible for the operation of the facility and does not delegate such responsibility in his absence.*

(b) Family care homes.

1. The facility does not have a written procedure for providing or obtaining emergency services.

2. Telephone service, if available in the area, is not accessible to the residents.

3. The facility does not have at least one (1) ABC rated fire extinguisher.

4. The facility does not have one (1) toilet for each six (6) persons in the home, which includes residents receiving care, the licensee and family.

5. Residents are not provided beds at least thirty-three (33) inches wide and six (6) feet long.

6. *The facility does not comply with the provisions of 902 KAR 20:041, Section 4(4).*

(c) Personal care homes.

1. The facility does not provide each resident with a bed equipped with springs, a clean mattress, a mattress cover, two (2) sheets and a pillow, together with bed covering as required for the patient's comfort.

2. The facility uses special purpose areas for the protection or confinement of a resident which are not approved by the cabinet with specification for the use of the area.

3. The facility does not maintain and implement a schedule of activities for groups and individuals, both within and without the facility.

4. The facility does not maintain a program of orientation and in-service training which shall include at least the following component parts:

a. Policies of the facility with regard to the performance of staff duties;

b. Services provided by the facility;

c. Recordkeeping procedures;

d. Procedures for reporting adult and child abuse, neglect and exploitation to the cabinet pursuant to KRS Chapter 209 and KRS 199.335;

e. Patient rights;

f. Procedures for proper application of physical restraints;

g. The aging process;

h. The emotional problems of illness;

i. The use of medication;

j. Therapeutic diets;

k. Activities of daily living; and

l. Procedures for maintaining a clean healthful and pleasant environment. A record shall be maintained of each training session indicating topics discussed and staff attendance, by name.

5. The facility does not provide encouragement and assistance, as necessary, to residents in achieving and maintaining good personal hygiene, including such assistance with:

a. Washing and bathing the body;

b. Shaving;

c. Washing, grooming and cutting hair;

d. Cleaning the mouth and teeth; and

e. Cleaning of finger and toe nails.

6. If any food service personnel are assigned duties outside the dietary department, the duties interfere with the sanitation, safety or time required for regular dietary assignments.

(c) Intermediate care facilities.

1. Each facility does not maintain a program of rehabilitative nursing care on a twenty-four (24) hour a day, seven (7) day a week basis, which program to include at least the following measures:

a. Positioning and turning;

b. Exercises;

c. Bowel and bladder training, when appropriate; and

d. Ambulation.

2. The facility does not provide each patient with a standard size bed equipped with springs, a clean mattress, mattress cover, two (2) sheets and a pillow and such bed covering as required to keep the patient comfortable.

3. The facility does not maintain a program to provide encouragement and assistance to patients to achieve and maintain good personal hygiene, including, as necessary, the following:

a. Washing and bathing the body;

b. Shaving;

c. Cleaning of finger and toe nails;

d. Cleaning of mouth and teeth; and

e. Washing, grooming and cutting of hair.

4. If any food service personnel are assigned duties outside the dietary department, the duties interfere with the sanitation, safety or time required for regular dietary assignments.

5. All employees do not receive orientation and in-service training to correspond to their respective jobs; nursing personnel do not participate in in-service training or continuing education at least quarterly.

[6. If any food service personnel are assigned duties outside the dietary department, the duties interfere with the sanitation, safety or time required for regular dietary assignments.]

6. [7.] The facility does not maintain and implement a schedule of activities for groups and individuals, both within and without the facility.

(d) Nursing homes.

1. The facility does not include a program of rehabilitative nursing care on a twenty-four (24) hour a day, seven (7) day a week basis, which program to include at least the following measures:

- a. Positioning and turning;
- b. Exercises;
- c. Bowel and bladder training, when appropriate; and
- d. Ambulation.

2. Each patient shall be provided a standard size bed equipped with springs, a clean mattress, mattress cover, two (2) sheets and a pillow and such bed covering as required to keep the patient comfortable.

3. Each facility does not maintain a program to provide assistance to patients to achieve and maintain good personal hygiene, including, as necessary, the following:

- a. Washing and bathing the body;
- b. Shaving;
- c. Cleaning of finger and toe nails;
- d. Cleaning of mouth and teeth; and
- e. Washing, grooming and cutting of hair.

4. If any food service personnel are assigned duties outside the dietary department, the duties interfere with the sanitation, safety or time required for regular dietary assignments.

5. The facility does not maintain and implement a schedule of activities for groups and individuals, both within and without the facility.

6. All employees do not receive orientation and in-service training to correspond to their respective jobs; nursing personnel do not participate in in-service training or continuing education at least quarterly.

(e) Skilled nursing facilities.

1. The facility does not maintain a program of rehabilitative nursing care on a twenty-four (24) hour a day, seven (7) day a week basis, which program to include at least the following measures:

- a. Positioning and turning;
- b. Exercises;
- c. Bowel and bladder training, when appropriate; and
- d. Ambulation.

2. The facility does not provide each patient with a standard size bed equipped with springs, a clean mattress, mattress cover, two (2) sheets and a pillow and such bed covering as required to keep the patient comfortable.

3. The facility does not maintain a program to provide assistance to patients to achieve and maintain good personal hygiene, including, as necessary, the following:

- a. Washing and bathing the body;
- b. Shaving;
- c. Cleaning of finger and toe nails;
- d. Cleaning of mouth and teeth; and
- e. Washing, grooming and cutting of hair.

4. If any food service personnel are assigned duties outside the dietary department, the duties interfere with the sanitation, safety or time required for regular dietary assignments.

5. The facility does not maintain and implement a schedule of activities for groups and individuals, consistent with the requirements of 902 KAR 20:026, Section 4(9).

6. The licensee does not provide in-service training to its personnel in accordance with the requirements of 902 KAR 20:026, Section 3(8)(e).

(f) Intermediate care facilities for the mentally retarded and developmentally disabled.

1. Within one (1) month after the admission of each resident, the facility does not enter the following in the resident's record:

- a. A report of the review and updating of the preadmission updating.
- b. A prognosis that can be used in programming and placement;

c. A comprehensive evaluation and individual program plan designed by an interdisciplinary team.

2. The facility does not assure that:

a. Each resident who does not eliminate appropriately and independently must be in a regular systematic toilet training program and a record must be kept of his progress in the program; and

b. Any resident who is incontinent is bathed or cleaned immediately upon voiding or soiling unless specifically contraindicated by the training program, and all soiled items are changed.

3. The facility does not maintain and implement a schedule of activities for groups and individuals, consistent with requirements of 902 KAR 20:086, Section 4(9), (10).

4. The facility does not maintain an orientation and in-service training program which is consistent with the requirements of 902 KAR 20:086, Section 3(11)(n).

5. The facility does not provide each patient with a standard size bed equipped with springs, a clean mattress, mattress cover, two (2) sheets and a pillow and such bed covering as required to keep the patient comfortable. Rubber or other impervious sheets shall be placed over the mattress cover when necessary.

*Section 8. Civil penalties assessed for "Type A" and "Type B" violations pursuant to KRS 216.557 shall be trebled when a licensee has received a citation for violating a requirement for which it has received a citation and paid a fine during the previous twelve (12) months.*

Section 9. [7.] (1) In determining the amount of any penalty imposed for "Type A" and "Type B" violations, the cabinet shall consider at least the following factors:

(a) The gravity of the violation, including the probability that death or serious physical or mental harm to a resident will result or has resulted; the severity of the actual or potential harm, and the extent to which the provisions of the applicable statutes or regulations were violated;

(b) The reasonable diligence exercised by the licensee and efforts to correct violations;

(c) The number and type of previous violations committed by the licensee; and

(d) The amount of assessment necessary to insure immediate and continued compliance

(2) All fines collected by the cabinet shall be paid and administered in accordance with the requirements of KRS 216.560.

BUDDY H. ADAMS, Secretary

ADOPTED: February 15, 1983

RECEIVED BY LRC: February 15, 1983 at 4:30 p.m.



**CABINET FOR HUMAN RESOURCES**  
**Department for Social Services**  
**Amended After Hearing**

**905 KAR 5:020. Allocation for trust and agency funds for spouse abuse shelters.**

RELATES TO: KRS 209.160

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: KRS 209.160 creates a trust and agency account to be known as the Spouse Abuse Fund to receive funds from the issuance of marriage licenses and charges the cabinet with responsibility of using these funds for the purpose of providing protective shelter services for spouse abuse victims. This regulation sets forth the criteria for distribution of these funds.

Section 1. General. Of the trust and agency spouse abuse shelter funds coming to the cabinet, ninety percent (90%) shall be allocated annually for the operation of protective spouse abuse shelters *and/or crisis centers* throughout the state and ten percent (10%) shall be retained by the cabinet to be used by existing shelters *and/or crisis centers* during the year on an as-needed basis [and to start new centers].

Section 2. Allocation of Funds. Ninety percent (90%) of the funds shall be allocated by contract *within an area development district* [to districts] with [existing] shelters *and/or crisis centers* in existence [in operation] at the beginning of the fiscal year *and operating with the assistance of state funding*. The funds shall be allocated [distributed] equally among said shelters *and/crisis centers*.

Section 3. *Funding of a Second Shelter and/or Crisis Center in an Area Development District* [Establishment of New Centers]. The cabinet shall not provide funds from the trust and agency account for more than one (1) shelter per *area development* district unless:

(1) The *existing* [first] shelter *and/or crisis center* in the district is operating at capacity and does not choose to expand its program.

(2) The *existing* [first] shelter *and/or crisis center* in the district is operating at capacity, would be willing to expand, but *its* services would not be geographically accessible to clients.

(3) The *existing* [first] shelter *and/or crisis center* is not operating at capacity because of inaccessibility to clients.

*In the initial year of funding a second shelter and/or crisis center within an area development district as well as in succeeding years, the initial shelter and/or crisis center in an area development district shall have first priority in funding appropriate needs.* [In the first year of funding a second center as well as in succeeding years, the first shelter in a district shall continue to have first priority in funding appropriate needs.]

Section 4. Continuation of Funding. Continuation of funding from the trust and agency account for spouse abuse shelters *and/or crisis centers* is contingent upon the shelters' *and/or crisis centers*' continued compliance with the cabinet's rules and regulations and the utilization of the services of the shelter *and/or crisis centers* by clients [by residents of the district].

Section 5. *Expenditure of Emergency Funds*. At the beginning of each succeeding fiscal year all unallocated and unobligated emergency funds will be available to all existing shelters *and/or crisis centers* throughout the state including shelters *and/or crisis centers* which have been established with state funds during the fiscal year on an equal basis. [Unused Funds. At the beginning of the fourth quarter, all unobligated emergency funds and funds which will not be obligated by the program under the existing contract(s) will be available to all existing shelters uncluding ones that have started during the year as needed. Any funds remaining in the trust and agency account at the close of a fiscal year shall be carried forward to the next fiscal year and used to expand existing shelters or establish new shelters.]

Section 6. *Allocation of Unexpended Funds*. All funds allocated to spouse abuse shelters *and/or crisis centers* during a fiscal year in accordance with the formula established in Section 2 of this regulation shall be permanently allocated to the shelter *and/or crisis center* in existence at the time of the initial allocation in each fiscal year. If said funds are not expended by a shelter to which they have been allocated during a fiscal year, they shall be held by the cabinet for said shelter *and/or crisis center* to be expended in accordance with an expenditure plan developed by each shelter's *and/or crisis center's* board of directors, subject to approval by the cabinet.

Section 7. *Disbursement of Allocated Funds*. Funds allocated by the cabinet to shelters *and/or crisis centers* shall be disbursed by the cabinet, on a monthly basis, upon submission by a shelter *and/or crisis center* under contract with the cabinet of a voucher setting forth the expenses incurred by the shelter *and/or crisis center* within the contract limits and terms during the preceding calendar month.

Section 8. *Definitions*. The definitions as contained in 905 KAR 5:010, Spouse abuse shelters and crisis centers—Standards, are hereby incorporated by reference and shall apply to this regulation.

SUZANNE TURNER, Commissioner

ADOPTED: February 11, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: February 15, 1983 at 4:15 p.m.

# Proposed Amendments

## EDUCATION AND HUMANITIES CABINET Kentucky Teachers' Retirement System (Proposed Amendment)

102 KAR 1:060. Refunds.

RELATES TO: KRS 161.470

PURSUANT TO: KRS 13.082, 161.310

NECESSITY AND FUNCTION: KRS 161.470(6) provides that members of the Teachers' Retirement System may receive a refund of their contributions upon withdrawal from service. This regulation provides the administrative procedures necessary to carry out the provisions of this statute.

Section 1. (1) Refunds shall be made on the basis of permanent withdrawal from teaching in a covered position. *No teacher may withdraw their retirement contributions if under contract to teach, if they have made application to teach, or if the employer indicates that they may be employed. At the option of the Executive Secretary, a waiting period of four (4) months may be enforced in all cases deemed to be irregular. [No refund may be made if the member is under contract to teach.]*

(2) *If the withdrawal proves to be not permanent and the teacher returns to employment in a position covered by the Teachers' Retirement System before the absence is greater than one (1) year, the teacher must replace the improperly withdrawn contributions within six (6) months from the date of their new employment or forfeit the privilege of doing so at a later time. The replacement cost to the teacher shall be in the amount of the refund payment plus annual interest at the rate on current U. S. Treasury Notes plus two (2) percent from the date of the refund payment to date of repayment. This provision shall apply to all members who have obtained improper refunds of contributions. In situations where the improper refund payment was made prior to the effective date of this regulation, members shall be required to make restitution as noted above within six (6) months of the effective date of this regulation.*

Section 2. Partial refunds of member contributions shall only be permitted when a member cancels service credit and obtains credit for the service in a state or municipal retirement system outside Kentucky as provided in 102 KAR 1:045.

PAT N. MILLER, Executive Secretary

ADOPTED: December 20, 1982

RECEIVED BY LRC: January 19, 1983 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Executive Secretary, Kentucky Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

## FINANCE AND ADMINISTRATION CABINET Department for Administration (Proposed Amendment)

200 KAR 5:307. Competitively negotiated contracts.

RELATES TO: KRS Chapter 45A

PURSUANT TO: KRS 45A.035, 45A.090

NECESSITY AND FUNCTION: The Secretary of the [Department of] Finance and Administration Cabinet is authorized by KRS 45A.055 to publish state purchasing regulations for the implementation of the Kentucky Model Procurement Code (KRS Chapter 45A). This regulation implements the provisions of KRS 45A.085 and 45A.090 relating to competitively negotiated contracts.

Section 1. When, due to the complex nature or technical detail of a particular procurement, or when, in the opinion of the purchasing official, specifications cannot be fairly and objectively prepared so as to permit competition in the invitation for sealed bids, or for high technology electronic equipment available from a limited number of sources of supply and for which specifications cannot practicably be prepared except by reference to the specifications of the equipment of a single source of supply, or when it is otherwise determined by the purchasing official that the invitation for competitive sealed bids is not practicable, or when it is determined by the purchasing official that the conditions described in KRS 45A.085(3) or 45A.090(1) exist, and except for procurements under KRS 45A.095 and 45A.100, and regulations adopted pursuant thereto, a contract may be awarded for a procurement by competitive negotiations as authorized by KRS 45A.085 and 45A.090 and this regulation. The purchasing official shall make a written determination of the reasons it is considered impractical to invite bids prior to initiating any other action leading toward the award of a contract on the basis of competitive negotiations.

Section 2. When it has been determined that it is not practical to invite competitive bids as provided in Section 1 of this regulation, except when such determination is based on the existence of the conditions mentioned in KRS 45A.085(3) or 45A.090(1), action to obtain a procurement by competitive negotiations shall commence by advertisement and solicitation for written proposals in the manner specified by KRS 45A.080(3) and regulations adopted pursuant thereto. The advertisement or solicitation for proposals for competitive negotiations shall state:

(1) That the purchasing agency proposes to enter into competitive negotiations with responsible offerors for a procurement;

(2) The date, hour and place that written proposals for the procurement shall be received;

(3) The type of procurement involved and a description of the supplies or services sought; provided, however, that detailed specifications need not be listed in newspaper advertisements, or solicitations for proposals sent to vendors listed on a bidder's list maintained by the purchasing agency if it is considered impractical by the purchasing official to do so, but potential offerors shall be informed by such advertisement or solicitation where such detailed specifications, if available for the particular procurement, may be obtained;

(4) The evaluation factors to be considered by the purchasing agency in the competitive negotiations in determining the proposal most advantageous to the Commonwealth, and the proposed method or methods of award of contract;

(5) Such other information as, in the opinion of the purchasing official, may be desirable or necessary to



reasonably inform potential offerors about the requirements of the procurement or the limits or bounds of the competitive negotiations proposed to obtain the procurement.

Section 3. All written proposals received by the purchasing agency in response to advertisement or solicitation for proposals for competitive negotiations shall be kept secure and unopened until the date and hour set for opening the proposals. Proposals for competitive negotiations not clearly marked as such on the envelope in which received may be opened for identification purposes, and shall be appropriately identified with reference to the particular procurement and resealed until the time for opening proposals.

Section 4. At the close of business on, or at the beginning of the next business day after the date fixed for receiving proposals for competitive negotiations, all proposals received as of the close of business on that date shall be transmitted to the purchasing official for the procurement for opening. Proposals for competitive negotiations shall not be subject to public inspection until negotiations between the purchasing agency and all offerors have been concluded and a contract awarded to the responsible offeror submitting the proposal determined in writing to be the most advantageous to the Commonwealth, price, and the evaluation factors set forth in the advertisement and solicitations for proposals considered.

Section 5. (1) The purchasing official shall examine each written proposal received for general conformity with the advertised terms of the procurement. If it has been provided in the advertisement or solicitation for proposals that an award may be made without written or oral discussions, the purchasing official may, upon the basis of the written proposals received, award the contract to the responsible offeror submitting the proposal determined in writing to be the most advantageous to the Commonwealth, price, and the published evaluation factors considered. If, after the proposals have been examined, it is determined that written and/or oral discussions should be had with the offerors, the purchasing official shall determine in writing, based on an individual review, those proposals received from responsible offerors that are preliminarily susceptible of being selected for award of a contract for the procurement. Each such offeror shall be contacted informally by the purchasing official and a meeting scheduled for discussion of the offeror's proposals. Discussions need not be conducted under the circumstances of or relative to the topics enumerated in KRS 45A.085(6)(a), (b) or (c).

(2) Discussions with offerors shall be held informally and may be conducted orally, in writing, or both orally and in writing, as determined by the purchasing official in writing to be the most advantageous to the Commonwealth. If, however, after discussions with all responsible offerors have concluded, or after examination of the written proposals initially submitted, it is determined that no acceptable proposal has been submitted, any or all proposals may be rejected and, in the discretion of the purchasing official, new proposals may be solicited as provided in this regulation on the basis of the same, or revised terms, or the procurement may be abandoned.

Section 6. The purchasing official shall prepare a written summary of all oral discussions in competitive negotiations setting forth the date or dates of discussions with all

responsible offerors and the general substance of the discussions. Verbatim records of the discussion shall not be required.

Section 7. When it is determined in writing by the purchasing official that the conditions mentioned in either KRS 45A.085(3), or 45A.090(1), exist with respect to any particular procurement, competitive negotiations may be undertaken to obtain the requirements of such procurement as provided by KRS 45A.085(3) or 45A.090(1), and according to the procedures set forth in Sections 3 to 7 of this regulation.

Section 8. *When, after solicitation for proposals to enter into competitive negotiations only one (1) proposal responsive to the solicitation is received, the purchasing official may commence negotiations with the single offeror and any subsequent contract entered into with that offeror shall be deemed to have been competitively negotiated and awarded in accordance with KRS 45A.085 and this regulation; provided, however, that the terms and conditions of any such contract shall not in any material respect deviate in a manner detrimental to the purchasing agency from the terms and conditions specified in the solicitation for proposals.*

ROBERT L. WARREN, Secretary

ADOPTED: January 27, 1983

RECEIVED BY LRC: January 27, 1983 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Monte D. Gross, Attorney, Finance and Administration Cabinet, Room 314, New Capitol Annex, Frankfort, Kentucky 40601.

#### FINANCE AND ADMINISTRATION CABINET BOARD OF ACCOUNTANCY (Proposed Amendment)

201 KAR 1:065. Annual fees.

RELATES TO: KRS 325.330

PURSUANT TO: KRS 325.240

NECESSITY AND FUNCTION: To promulgate administrative regulations of the State Board of Accountancy of Kentucky. This regulation pertains to the annual license fee.

Section 1. Each certified public accountant who engages in practice in Kentucky must secure a permit from the Board of Accountancy by paying an initial fee of *fifty dollars (\$50)* [forty dollars (\$40)]. Each such certified public accountant, each public accountant, each partnership, and each corporation registered with the board shall pay to the Board of Accountancy an annual renewal fee of *fifty dollars (\$50)* [forty dollars (\$40)] on or before July 1 of each year, for his or its permit to practice public accountancy in Kentucky during the twelve (12) month period beginning on that date.

JAMES T. AHLER, Executive Director

ADOPTED: January 21, 1983

RECEIVED BY LRC: February 4, 1983 at 12:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. James T. Ahler, Executive Director, Kentucky State Board of Accountancy, 310 W. Liberty Street, Suite 315, Louisville, Kentucky 40202.

**FINANCE AND ADMINISTRATION CABINET**  
**Kentucky Board of Pharmacy**  
**(Proposed Amendment)**

**201 KAR 2:050. Licenses and permits; fees.**

RELATES TO: KRS Chapter 315

PURSUANT TO: KRS 13.082, 315.035, 315.050, 315.060, 315.110(1), (2), 315.191(2), 315.195, 315.210

**NECESSITY AND FUNCTION:** This regulation is to provide reasonable fees for this agency to perform all the functions for which it is responsible and to operate within its budget. All monies are held in a trust and agency fund to the credit of the board.

Section 1. The following fees shall be paid in connection with pharmacist examinations and licenses, pharmacy permits, intern certificates and the issuance and renewal of licenses and permits:

Application for a registered pharmacist license by examination including a license issued as a result thereof but does not include any direct costs for test materials and supplies .....	\$100
Application for a registered pharmacist license by reciprocity including license issued as a result thereof ..	\$150
Certifying the grades of a licensee of Kentucky to the licensing agency of another state .....	\$ 3
Annual renewal of a pharmacist license .....	\$ 50
Delinquent renewal penalty .....	\$ 50
Annual renewal inactive pharmacist license .....	\$ 10
Pharmacy intern certificate valid four (4) years .....	\$ 25
Duplicate pharmacist license certificate .....	\$ 20
Application for a permit to operate a pharmacy .....	\$100
Renewal of permit to operate a pharmacy .....	\$ 75 [50]
Delinquent renewal penalty .....	\$ 50
Change of location or change of ownership of a pharmacy permit .....	\$ 50

J. H. VOIGE, Executive Director

ADOPTED: January 25, 1983

RECEIVED BY LRC: February 3, 1983 at 12 noon.

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Executive Director, Kentucky Board of Pharmacy,  
 P.O. Box 553, Frankfort, Kentucky 40602.

**CABINET OF THE GENERAL GOVERNMENT**  
**Board of Nursing**  
**(Proposed Amendment)**

**201 KAR 20:056. Advanced registered nurse practitioner registration.**

RELATES TO: KRS 314.011(6), 314.042, 314.131(1), 314.161

PURSUANT TO: KRS 13.082, Chapter 314

**NECESSITY AND FUNCTION:** The [1978 revision of the] Nurse Practice Act provides for the registration of advanced registered nurse practitioner. It is necessary to assure that applicants meet [define the] qualifications as set forth by the board as necessary for safe practice [of those to be registered].

**Section 1. Eligibility for Registration as Advanced**

*Registered Nurse Practitioner. To be eligible for registration as advanced registered nurse practitioner, applicants shall [The Kentucky Board of Nursing shall register as advanced registered nurse practitioners pursuant to KRS 314.131 those who]:*

(1) *Be [Are] currently licensed to practice as a registered nurse in Kentucky;*

(2) *Have completed an organized post-basic program of study and clinical experience acceptable to [recognized by] the board; [and one (1) of the following national organizations: American Nurses' Association, American College of Nurse Midwives, American Association of Nurse Anesthetists, National Board of Pediatric Nurse Practitioners/Associates, Nurses' Association of the American College of Obstetricians and Gynecologists, or other national organizations as designated by the board through amendment to this regulation and in collaboration with the Nurse Practice Council; and]*

(3) *Be [Are] currently certified by one (1) of the following national organizations: American Nurses' Association as practitioners or [and] clinical specialists, American College of Nurse Midwives as nurse midwives, Council on Certification/Recertification of Nurse Anesthetists (or their predecessor, American Association of Nurse Anesthetists) as nurse anesthetists, National Board of Pediatric Nurse Practitioners/Associates as practitioners, Nurses' Association of the American College of Obstetricians and Gynecologists as practitioners, or other national organizations as designated by the board through amendment to this regulation and in collaboration with the Nurse Practice Council; [.]*

(4) *Accurately complete and submit application form and necessary information for registration as advanced registered nurse practitioner;*

(5) *Submit a recent photograph (two (2) x three (3) inches) taken within the past six (6) months with the photograph signed by the applicant on the front under the facial features. Snapshots are not acceptable; and*

(6) *Submit the current application fee for advanced registered nurse practitioner registration.*

[Section 2. A nurse who meets the qualifications of Section 1 shall be issued an advanced registered nurse practitioner number and shall have the advanced registered nurse practitioner designation on the registered nurse license].

Section 2. [3.] *The advanced registered nurse practitioner registration will be reviewed [granted each year] at the time of the renewal of the registered nurse license [upon verification of the requirement of Section 1(1) and (3)]. To be eligible for renewal of registration as advanced registered nurse practitioner, the applicants shall:*

(1) *Submit a completed application for renewal of registration as advanced registered nurse practitioner form;*

(2) *Submit current renewal application fee; and*

(3) *Meet requirements in Section 1(1) and (3) of this regulation.*

Section 3. (1) *If a nurse fails to renew the advanced registered nurse practitioner registration as prescribed by law and regulation, the registration shall lapse on the last day of the licensure period.*

(2) *To be eligible for reinstatement of advanced registered nurse practitioner registration, the applicant shall:*

(a) *Submit a completed application form;*

- (b) *Submit current reinstatement application fee; and*
- (c) *Meet requirements in Section 1(1) and (3) of this regulation.*

Section 4. *An application is valid for a period of one (1) year from date of submission to board. After one (1) year from date of application, the applicant shall:*

- (1) *Submit new application;*
- (2) *Submit current fee; and*
- (3) *Meet requirements as stated in Section 1(1) through (3) of this regulation.*

Section 5. [4.] A nurse who meets the requirements of Section 1(1), [and] (2), (4), (5), and (6) of this regulation and who is eligible for and has applied for initial certification by one (1) of the national organizations specified in Section 1(3) of this regulation may be authorized by the board to practice under the supervision of a certified advanced registered nurse practitioner of the same specialty or a licensed physician until results of the certification examination have been received or for a period not to exceed one (1) year beyond the practice requirement for certification.

Section 6. [5.] An advanced registered nurse practitioner who has *met requirements and has* applied for recertification by one (1) of the national organizations specified in Section 1(3) of this regulation may practice as an advanced registered nurse practitioner until the results of the recertification have been received.

Section 7. [6.] (1) A nurse who fails to attain certification from one (1) of the national organizations specified in Section 1(3) of this regulation will not be registered as an advanced registered nurse practitioner and may not practice or use the title of advanced registered nurse practitioner until the requirements of Section 1 of this regulation have been met.

(2) An advanced registered nurse practitioner who fails to attain recertification as required by the appropriate national organization will be notified that his/her advanced registered nurse practitioner number is void and he/she may not practice as or use the title of advanced registered nurse practitioner until recertification has been achieved.

(3) An advanced registered nurse practitioner who is decertified by the appropriate national organization shall notify the board of that fact and he/she shall not practice as or use the title of advanced registered nurse practitioner during the period of decertification.

(4) *An advanced registered nurse practitioner who fails to renew the registered nurse license or is issued a license on inactive status may not practice as or use the title of advanced registered nurse practitioner until a current active license has been issued by the board.*

Section 8. [7.] The requirements of this regulation do not prohibit the supervised practice of nurses enrolled in post-basic educational programs for preparation in advanced registered nursing practice.

Section 9. [8.] Any registered nurse, and those registered nurses who hold themselves out as clinical specialists or are known as such, whose practice does not include the performance of procedures *beyond the scope of registered nursing practice* [which are normally construed as the practice of medicine,] shall not be included under the requirements of this regulation.

Section 10. [9.] No nurse shall practice as an advanced registered nurse practitioner or use any words or letters to indicate the nurse is an advanced registered nurse practitioner unless registered by the Kentucky Board of Nursing.

Section 11. [10.] Any nurse practicing as an advanced registered nurse practitioner who is not registered as such by the board or any advanced registered nurse practitioner whose practice is inconsistent with the specialty to which he/she has been designated, *shall* [may] be subject to the disciplinary procedures set in KRS 314.091.

SHARON M. WEISENBECK, Executive Director  
ADOPTED: December 3, 1982

RECEIVED BY LRC: February 14, 1983 at 9:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Sharon M. Weisenbeck, M.S., R.N., Executive Director, Kentucky Board of Nursing, 4010 Dupont Circle, Suite 430, Louisville, Kentucky 40207.

#### FINANCE AND ADMINISTRATION CABINET State Board of Examiners of Social Work (Proposed Amendment)

#### 201 KAR 23:070. Specialty certification.

RELATES TO: 335.080, 335.090, 335.100

PURSUANT TO: KRS 13.082, 335.070

NECESSITY AND FUNCTION: This regulation further clarifies descriptions of specialty certification and the functions evolving therefrom, in addition to clarifying terms used in KRS Chapter 335.

Section 1. Definitions. (1)(a) "Educational institution approved by the board" means graduate schools of social work accredited by the Council on Social Work Education except, that the board will evaluate credentials of foreign graduates on a case by case basis; and

(b) "A social work or social welfare program" not accredited by the Council on Social Work Education must demonstrate to the satisfaction of the board that they meet the Council on Social Work Education standards for accreditation of undergraduate programs.

(2) Supervision for independent practice of clinical social work shall be defined as the educational process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing services which focus upon the evaluation and treatment of emotional disorders and mental illness as related to the total health of the individual, and on helping with problems of living and activities designed to stimulate growth and development.

(3) Supervision for independent practice of community social work shall be defined as the educational process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing services which focus upon skills including those necessary for social planning, program development, evaluation advocacy, ombudsmanship, facilitation, program budgeting, legislative activity, social organization and social mediation, among others.

(4) Supervision for independent practice of social work research shall be defined as the educational process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing services which focus upon skills including those necessary for hypothesis formulation, sampling, data collection, data analysis, and interpretation of results, among others.

(5) Supervision for independent practice of social work

administration and management shall be defined as the educational process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing services which focus upon skills including those necessary for organizing, directing, supervising, staffing, evaluating, and consulting, among others.

*Section 2. (1) For the purpose of the board, the private independent practice of social work for the specialty areas of community social work, social work research, and social work administration and management is defined as that practice in which an individual who, wholly or in part, practices social work outside of those settings specifically exempted by KRS 335.010, who has responsibility for his own practice and sets up his own conditions of exchange with his clients and identifies himself in any manner as a social work practitioner in offering services.*

*(2) For the purpose of the board, the private independent practice of clinical social work is defined as that practice in which an individual who, wholly or in part, practices social work outside of those settings specifically exempted by KRS 335.010, who has responsibility for his own practice and sets up his own conditions of exchange with his clients and identifies himself in any manner as a social work practitioner in offering services.*

*(a) In addition, a social work employee of any individual, institution or organization providing clinical social work services and paid by such persons, institutions or organizations rather than by direct arrangement with the client is considered within the definition of a private practitioner.*

*(b) Furthermore, a certified social work employee of such persons, institutions or organizations shall contract, in writing, with a person who holds a valid Kentucky certification for clinical practice, who shall assume responsibility for the employee's practice and shall supervise in accordance with Section 5 of this regulation and KRS 335.100(b).*

*(c) He shall not enter into such practice of social work until this contract has been approved by the board and shall cease such practice of social work immediately upon the termination of said contract. At the termination of the contract the employee shall apply for the specialty certification or request an extension of the contract from the board.*

*(d) The supervisory contract shall contain:*

- 1. The name and license number of the supervisee.*
- 2. The name and license number of the supervisor.*
- 3. The nature of such practice.*
- 4. The nature, duration and frequency of the supervision.*

*5. The conditions or procedures for termination of the contract.*

*6. The explicit statement that the supervisor understands that he shall be held accountable by the board for the care given to the supervisee's clients.*

[Section 2. For the purpose of the board, the private independent practice of social work is defined as the professional delivery of social work services by certified social workers offered independently of:]

[(1) The auspices and supervision of federal, state, and local government agencies;]

[(2) The auspices and supervision of any nonprofit social service agency; or]

[(3) The auspices and supervision of any for profit social service agency.]

*Section 3. Certification for Independent Practice. Certification is the process whereby the board recognizes a licensed certified social worker to have special training and/or competence to engage in autonomous and independent practice in specified areas of specialty.*

*Section 4. The areas of certification for private, independent practice are those of clinical social work, community social work, social work research, and social work administration and management.*

*Section 5. Clinical social work is defined as practice which focuses on the evaluation and treatment of emotional disorders and mental illness as related to the total health of the individual, and on helping with problems of living and activities designed to stimulate growth and development. Such practice is based on knowledge of psychodynamics, human relations, crisis intervention, psychopathology, and group dynamics. Practitioners have numerous skills including those necessary for individual, marital, family, and group psychotherapy, as well as other treatment modalities. To be certified for independent practice in clinical social work the licensee must have:*

*(1) Had the required number of hours of experience in clinical social work under supervision. Such supervision shall have been provided by an individual meeting the requirement set forth in subsection (4) of this section;*

*(2) Shall have spent at least sixty (60) percent of the required experience in a direct client-professional relationship;*

*(3) Shall have had direct responsibility for specific individual and/or groups of clients;*

*(4) Supervision shall be provided by one (1) of the following:*

*(a) An individual certified in the clinical specialty by this board;*

*(b) An individual listed at the time of supervision in either the National Association of Social Workers Registry of Clinical Social Workers or the National Registry of Health Care Providers in Clinical Social Work;*

*(5) Supervision shall be related specifically to the experience which is proffered as the qualifying experience for the clinical certificate;*

*(6) When supervision is being provided outside the agency in which the clinical experience is occurring, a contractual arrangement, including evidence of built-in accountability shall be provided;*

*(7) Such supervision shall total a minimum of 200 hours equitably distributed throughout the qualifying period; not more than 100 hours of which may be obtained through group supervision in groups of six (6) or fewer members;*

*(8) Such supervision shall be congruent with the board's code of ethical practice;*

*(9) Pass an examination developed by the board.*

*Section 6. Community social work is defined as practice which deals with intervention at the community level oriented at involving community institutions and solving community welfare problems. Such practice is based on knowledge of community organization and development, social planning, policy analysis and social action. Practitioners have numerous skills including those necessary for social planning, program development, evaluation, advocacy, ombudsmanship, facilitation, program budgeting, legislative activity, social organization and social mediation, among others. In order to be certified for the independent practice of community social work the licensee must have:*

(1) Completed the required number of hours of supervised experience in community social work. Such supervision shall have been provided by an individual meeting the qualifications set forth in subsection (3) of this section;

(2) Shall have had direct responsibility for specific projects which would require the utilization and refinement of the knowledge and skills outlined above;

(3) Supervision shall be provided by one (1) of the following:

(a) An individual certified in the community specialty by this board; or

(b) A social worker who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection;

(4) Supervision shall be related specifically to the experience which is proffered as the qualifying experience for the community certificate;

(5) When supervision is being provided outside the agency in which the community experience is occurring, a contractual arrangement including evidence of built-in accountability shall be provided;

(6) Such supervision shall total a minimum of 200 hours equitably distributed throughout the qualifying period; not more than 100 hours of which may be obtained through group supervision in groups of six (6) or fewer members;

(7) Such supervision shall be congruent with the board's code of ethical practice;

(8) Pass an examination developed by the board.

Section 7. Social work research is defined as practice which focuses primarily on the scientific investigation of social and behavioral phenomena. Such practice is based on knowledge of statistics, research design, research methodology and basic computer methodology among other things. Practitioners have numerous skills, including those necessary for hypothesis formulation, sampling, data collection, data analysis, and interpretation of results, among others. Licensees applying for certification in this specialty will be expected to have:

(1) Completed the required number of hours of supervised experience in the practice of this specialty. Such supervision shall have been provided by an individual meeting the qualifications set forth in subsection (2) of this section;

(2) Supervision shall be provided by one (1) of the following:

(a) An individual certified in the social research specialty by this board; or

(b) A social worker who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection;

(3) Supervision shall be related specifically to the experience which is proffered as the qualifying experience for social work research;

(4) When supervision is being provided outside the agency in which the social work research experience is occurring, a contractual arrangement including evidence of built-in accountability shall be provided;

(5) Such supervision shall total a minimum of 200 hours equitably distributed throughout the qualifying period; not more than 100 hours of which may be obtained through group supervision in groups of six (6) or fewer members.

(6) Such supervision shall be congruent with the board's code of ethical practice;

(7) Pass an examination developed by the board.

Section 8. Social work administration and management is defined as practice which focuses primarily on directing

the development and/or management of social service delivery systems. Such practice is based on knowledge of policy development, program management, personnel management, fiscal management, public relations and organization development among other things. Practitioners have numerous skills including those necessary for organizing, directing, supervising, staffing, evaluating and consulting among others. Licensees applying for certification for the independent practice in this specialty shall be expected to have:

(1) Completed the required number of hours of supervised experience in the area of administration and management. Such supervision shall have been provided by an individual meeting the qualifications set forth in subsection (6) of this section;

(2) Affirmed that sixty (60) percent of such experience has been spent in management of a recognized unit or units which has a continuing function;

(3) Organizational responsibility for at least four (4) or more professional staff with the ability to hire or dismiss, or at least make recommendations on any change of status in such staff;

(4) Demonstrated the exercise of discretion and independent judgment which involves the comparison and evaluation of possible courses of conduct and subsequent action or making a decision after the various possibilities have been considered.

(5) Have demonstrated significant responsibility for program planning and budgeting for the organizational unit which he has managed.

(6) Supervision shall be provided by one (1) of the following:

(a) An individual certified in administration and management by the board; or

(b) A social worker who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection;

(7) Supervision shall be related specifically to the experience which is proffered as the qualifying experience for the administration and management certificate;

(8) When supervision is being provided outside the agency in which the administration and management experience is occurring, a contractual arrangement including evidence of built-in accountability shall be provided;

(9) Such supervision shall total a minimum of 200 hours equitably distributed throughout the qualifying period; not more than 100 hours of which may be obtained through group supervision in groups of six (6) or fewer members;

(10) Such supervision shall be congruent with the board's code of ethical practice;

(11) Pass an examination offered by the board.

GWYNNE GOLDBERG, Chairman

ADOPTED: February 1, 1983

RECEIVED BY LRC: February 14, 1983 at 3:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Betty Sapp, P.O. Box 456, Frankfort, Kentucky  
40602.

**ENERGY AND AGRICULTURE CABINET**  
**Kentucky Department of Agriculture**  
**Division of Shows and Fairs**  
**(Proposed Amendment)**

**302 KAR 15:010. Administration; state aid to local fairs.**

RELATES TO: KRS 247.220

PURSUANT TO: KRS 13.082, 247.220

**NECESSITY AND FUNCTION:** Provides rules and regulations by which the state aid to local fairs program must be administered. It explains to the Department of Agriculture, Division of Shows and Fairs, and to the local fairs their responsibilities in the program. *This amendment is necessary to implement recommendations of the Kentucky Agricultural Fair Council.*

**Section 1. General Administration.** (1) The Director of the Division of Shows and Fairs in the Department of Agriculture shall only make premium allocations to the authorized agent of an incorporated local fair board that conducts a qualified local agricultural fair in compliance with KRS 247.220.

(2) Local fair boards applying for state funds shall see that a reasonable effort is made by local fair officials to develop a program that will supplement agricultural educational and promotional activities that coincide with the objectives of agencies officially charged with these responsibilities.

(3) Local fair boards seeking state assistance shall plan and conduct a qualified local agricultural fair with educational exhibits running for at least three (3) consecutive days (thirty-six (36) hours) of exhibition). *All fair events must be held on consecutive days with the following exceptions:*

*(a) Fairs may be closed on Sundays, if the local board desires; and*

*(b) Fairs may conduct certain events, such as harness horse racing, on separate dates providing the local board files a request to do so with the Division of Shows and Fairs by April 1 and that request is approved by the Kentucky Fair Council at the next regular meeting.*

(4) Local boards shall establish premiums related to the economic importance of the commodity in the area, the relative value of the exhibit and the difficulty in preparing for and showing the entry. Local boards should establish classes based upon the Department of Agriculture's "Uniform Classes" booklet since no divisions other than these set up by this booklet will qualify for aid, but within each division, deviation will be accepted provided the additional classes are based on the participation in that area.

(5) State funds shall be limited to crops, foods, domestic livestock, poultry, 4-H, FFA and FHA projects, harness horse racing and other horse events, provided they have a good potential for profitable expansion or the improvement of the agriculture economy of the area.

(6) Ribbon colors used at each local fair shall coincide with those adopted by the International Association of Fairs.

(7) Fair boards seeking state funds shall provide adequate health facilities for exhibitors tending exhibits and for fair attendants.

(8) Fair events held at a location other than the fairgrounds may qualify for aid if such an event is held during corresponding consecutive dates with the fair and publicized in the fair's catalog as being a fair event.

**Section 2. Records.** (1) Requests for state assistance shall be made annually on appropriate forms and mailed to the Division of Shows and Fairs by March 1. *The Commissioner of Agriculture shall have the authority to allow a fair to enter the program after the application deadline has past.*

(2) An appropriate information form concerning the fair's beef and dairy shows shall be mailed to the Division of Shows and Fairs by May 1.

(3) Fairs shall submit a rough copy of their catalog to the Division of Shows and Fairs from forty-five (45) to sixty (60) days before their fair. This shall include the same information required in the printed catalog, excluding advertisements. A printed copy of the fair's catalog must be submitted no later than thirty (30) days before the start of the fair. No first payment on agriculture premiums and harness racing can be made before the printed catalog is received by the Division of Shows and Fairs.

(4) A complete financial statement for events previously requesting state funds shall be submitted to the Department of Agriculture prior to the final fair payment, this payment including the second agricultural premium payment, *the second harness racing payment and the payment for horse events [and for harness horse racing].* This annual financial statement shall cover all crops, foods, domestic livestock, poultry, harness horse racing, other horse events and other agricultural classes that may qualify for aid. It shall be complete and prepared in detail showing receipts and disbursements as well as a list of exhibitors and cash premiums awarded by fair departments. This certified, notarized statement shall be presented to the [Department Fair and Show] Director of the Division of Shows and Fairs within forty-five (45) days following the event and no statement will be accepted for payment after December 1.

**Section 3. Entries.** (1) Fairs qualifying for state funds shall provide for adult and youth divisions. Youth exhibits shall include 4-H and FFA and may include other official groups recognized by the extension service or vocational agriculture. All [crop, food, domestic livestock, poultry, horse or other] projects [related to agriculture] approved by these official groups may be approved for state funds. Fair boards may restrict youth participation to a particular district, county or trade area.

(2) All exhibitors, adult and youth, shall have equal opportunity to enter open classes.

(3) Local fair boards receiving state money shall see that exhibits eligible in more than one (1) class and/or section are exhibited only in the class and/or section for which it best qualifies. Under no circumstances may an exhibitor show the same kind of animal or the same entry in both FFA and 4-H classes or in classes for other organized junior organizations.

(4) No more than two (2) exhibits shall be made from a household in any one (1) class with the exception of official 4-H or FFA projects and where purebred animals are registered to other members of the household.

(5) All crop, domestic livestock and horse entries receiving state premium money shall conform to official show classifications adopted by the state's Fair Council, and comply with the State Board of Agriculture and the Department of Agriculture regulations. The age classification of all domestic livestock shall be listed in the official fair catalog and all classes shall conform to the standards recommended by the various breed associations. Dairy cattle classes shall conform to the standards recommended by



the Kentucky Purebred Dairy Cattle Association. English horse classes must comply with regulations recommended by the American Horse Show Association. A western bred show must comply with the regulations set by that specific breed and open western horse classes should comply with the regulations set by the American Quarter Horse Show Association. Classes with less than three (3) entries each may be combined for show purposes.

(6) All domestic livestock, poultry, and horse entries shall meet the specifications of the health regulations of the State Board of Agriculture relating to the exhibition of *livestock in Kentucky* [beef and dairy cattle, poultry, sheep, swine, harness and work stock].

Section 4. Catalog. (1) All qualified fairs shall have an official fair catalog. A rough copy of the catalog including premium lists and classes, excluding advertisements, shall be submitted to be approved by the *Division of Shows and Fairs* [Department of Agriculture] at least forty-five (45) to sixty (60) days prior to the opening of the fair. The finished catalog shall be submitted to the Director of the Department of Agriculture's Division of Shows and Fairs no later than thirty (30) days before the fair is held.

(2) Classes advertised in the catalog shall be reviewed annually by the local fair board to make certain that competitive events are being held and that premiums offered are not out of balance with entries.

(3) The official fair catalog shall contain the following information:

(a) The fair is "planned and conducted according to the Department of Agriculture regulations for the use of state funds."

(b) A list of fair officials and their assigned responsibilities with the following organizations being represented on the agriculture advisory board:

1. Vocational Agriculture.
2. Extension Service.
3. Farm Bureau.
4. Local Livestock Association (if one exists).
5. Local Horsemen's Association (if one exists).

(c) A schedule of events planned as a part of the fair.

(d) Local fair rules and regulations including a statement to the effect that "open classes are open to all exhibitors unless otherwise specified."

(e) General information and regulations by fair departments showing classes and premium lists.

(f) Health regulations by types of livestock to be exhibited.

(g) A rule to the effect that "entries made in 4-H, FFA and FHA classes must have been produced in conjunction with an approved project sponsored by these organizations."

(4) Catalogs shall be mailed and distributed by the local fair board no later than thirty (30) days prior to the opening of the fair.

Section 5. Judges. (1) To assist with the educational objectives of each event, judges shall be encouraged to present reasons for their evaluations and decisions.

(2) No person shall be an exhibitor or act as an agent in any division or department for which he serves as a judge.

Section 6. State Allocation. (1) The Department of Agriculture's agricultural premium money shall be allocated to all approved local fairs on the basis of total money offered for approved classes in the catalog and total money spent in approved classes taken from the fair's

financial statement available as indicated by fair records including catalogs. In no instance shall the total agricultural premium payment for one (1) or more fairs held annually in a single county exceed \$3,000. In addition, state money for each class shall not exceed fifty (50) percent of the total premiums awarded. Premiums established for a carcass class, a class for performance tested beef animals or a dairy production class based on dairy herd improvement records shall be excluded from the match-fund limitations and may be paid entirely with state funds; provided this payment does not cause the fair to receive more than the \$3,000 limit. Local fair officials shall start only one (1) of these classes at a time and the second and third choice shall not be made until each of these classes is effectively developed. When total premium money available for state approved fair departments and classes at all approved fairs exceeds the state appropriation for premiums, the state's Fair Council will meet to decide what payments will be reduced [on a percentage basis]. The first agricultural premium payment to each fair will be made after the printed catalog is received and will be *one-fourth (1/4)* of [match] the amount of money offered in approved classes by the local fair up to a maximum of \$1,500. The second fair payment will be made after the fair's financial statement is received provided all remaining requirements have been met and the necessary records submitted, and will be based on the amount of money paid out in approved classes up to a maximum of \$3,000 less the amount of the first agricultural premium payment. The combination of county fairs or community fairs of a number of counties shall not be approved to justify a larger state premium payment.

(2) An additional \$1,000 grant may be made to a qualified local agricultural fair to be used for horse events' premiums. This grant is on an equal matching fund basis and is based completely on the amount of money paid in premiums for horse events' classes. The payment of this grant will come after the financial statement of the fair is received by the Department of Agriculture and will be included with the fair's second agricultural payment. The qualified fair must submit with its financial statement, records of premiums paid, number of exhibitors, and number of entries for these horse events.

(3) The Department of Agriculture shall make available to a qualified agriculture fair, an additional \$5,000 on an equal matching basis for harness horse racing, with a maximum of \$750 per race being matched by the department. To qualify, a fair must meet the regulations and specifications set up by the United States Trotters Association, Kentucky Harness Racing Association and the Department of Agriculture. Harness racing payments will also be disbursed in two (2) payments, the first being *one-fourth (1/4)* the amount of purses offered in the printed catalog, up to a maximum of \$2,500. This payment shall be combined with the fair's first agricultural payment. The remainder will be based [be based entirely] on the amount of money spent in racing purses and will be made at the time of the second agricultural premium payment, providing the fair has included sufficient information on their financial statement in regard to the harness racing results.

(4) When the Department of Agriculture provides the total cost of premiums for a carcass class, a class for performance tested beef animals, or a dairy production class, all classes, rules, and facilities for the respective contest must be approved by the department. Carcass evaluations for meat animals shall be conducted in accordance with standards recommended by the Reciprocal Meats Con-



ference and approved by the Meats Section of the University of Kentucky. Carcass contests financed by state funds shall be conducted in adequate facilities and they should permit spectators to view the carcasses and receive the full educational opportunity. Contest rules for local fairs shall specify that purebred animals and grades will show together. Carcass contests or production or performance classes that will make the greatest contribution to the agriculture of an area and that have the necessary facilities available for their effective operation shall be chosen by fair officials.

(5) The director of the department's show and fair program shall provide from the appropriation for county fairs an attractive trophy that will be rotated and engraved and presented annually to the local fair that had made the most progress in twelve (12) months. In addition, appropriate engraved plaques shall be presented to the first, second, and third placed fairs making the most progress in the twelve (12) months period and *also for the most outstanding new fair in the program for that year*. The presentation shall be made by the Department of Agriculture's Fair Council based on records submitted to the department and substantiated by other evidence.

Section 7. Building Program. (1) In accordance with KRS 247.220, a qualified local agricultural fair can qualify for an additional \$2,000 [\$1,000] grant of state funds to be used for the establishment of new buildings and facilities or for improvement to existing facilities. Applications for the building program are due in the Division of Shows and Fairs' office no later than *June 1* [May 1] of the year that the work is to be completed, and it must be preceded by a request for state aid application. Such grants shall be on an equal matching basis with the local fair board matching the amount of the state grant. In no event shall the payment for facilities result in a decrease in the approved agricultural classes or premiums being offered in the fair catalog.

(2) The buildings and facilities must be used primarily in conjunction with the qualified local agricultural fair and must either be constructed on land owned by the local fair board or on land that the fair group holds a renewable lease.

(a) Some suggested items that may qualify are:

1. The purchase of land for a fairground or the purchase of land adjoining the original grounds.
2. The construction of new buildings.
3. Repair of any existing facilities on the fairgrounds.
4. Grandstands or bleachers used to seat people during the fair.
5. Grading and improvement work done to an existing track or show ring.
6. Loading chutes, wash racks or tie-outs for livestock.

(b) Other items not listed above may qualify for state assistance provided the local fair provides evidence to the Department of Agriculture that the item meets the minimum requirements and is justifiable.

(3) Applying for state assistance. Application for state assistance must be made in writing by the qualified local agricultural fair to the Division of Shows and Fairs, Department of Agriculture, by *June 1* [May 1] of the year that the work is to be completed. The application should include a description of the proposed buildings or improvements to be made, use to be made of these improvements, itemized list of approximate cost, and the date to be completed. Application forms will be available from the Department of Agriculture, Division of Shows and Fairs, and will be distributed after fair program applica-

tions are received or upon request.

(4) Financial report of building program. Upon acceptance of qualified local fair's request for assistance by the Department of Agriculture, the local fair will be supplied a financial report form. The financial report should contain a description of the buildings or improvements and an itemized cost of the same. This notarized report shall be presented to the Division of Shows and Fairs within forty-five (45) days following the completion of the building or repair work. No report will be accepted for payment after December 1.

(5) Effect of overspending of fair program budget. In the event that the local agricultural fair program payments exceed the amount of money budgeted for the total fair program, reductions will [not] be made in [the building program] payments *as determined by the Fair Council* [, but in other premium payments].

(6) When building program payments will be made. *Building program payments will be disbursed in two (2) payments, with the first payment representing fifty (50) percent of the total amount for which the fair is eligible, based on the fair's report. Final* [All] building program payments will be made after all financial statements have been received in the office of the Division of Shows and Fairs.

ALBEN W. BARKLEY II, Commissioner

ADOPTED: February 10, 1983

RECEIVED BY LRC: February 10, 1983 at 2:30 p.m.

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

#### TRANSPORTATION CABINET Department of Vehicle Regulation (Proposed Amendment)

603 KAR 5:075. Overload and over-dimension permits.

RELATES TO: KRS 189.222

PURSUANT TO: KRS 13.082, 174.050, 189.270

NECESSITY AND FUNCTION: KRS 189.270 authorizes the Secretary of the [Department of] Transportation Cabinet to issue permits for the movement of loads exceeding legal weights and dimensions. This regulation [establishes permit fees and] determines requirements necessary in the interest of highway safety.

Section 1. Special permits to permit the movement of gross weights and gross dimensions in excess of the weights and dimensions specified by statutes and regulations will be issued by the Department of *Vehicle Regulation* [Transportation], Permit Section, Division of Motor Carriers, Frankfort, Kentucky, when, in the discretion of the department, such movement is necessary to provide transportation for specified cargo in the interest of the health, welfare and economy of the people. Each such permit shall be limited to designated portions of the state primary road system and stated periods of time. A separate permit will be required for each vehicle involved in such movement. [The fee for these permits shall be fifteen dollars (\$15) each.]

Section 2. Applications for overload and over-dimension permits shall be made to the Department of

*Vehicle Regulation* [Transportation], Permit Section, Division of Motor Carriers, Frankfort, Kentucky 40622 [40601]. The application shall state the purpose of the movements for which a permit is requested, the portion of the state primary road system to be used, the cargo to be hauled, the period of time needed to complete the movement, and the identity of the vehicles to be used.

Section 3. Permits are valid during daylight hours only from Monday through Saturday noon, except for those periods before, during, and after the following holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day. In connection with these holidays, travel is not permitted from noon the preceding day until daylight of the next permissible day. If the holiday occurs on Sunday the restricted period will extend from noon of the preceding Friday to daylight the following Tuesday. If satisfactory proof of an emergency is furnished the Department of *Vehicle Regulation* [Transportation], Permit Section, Division of Motor Carriers, Frankfort, Kentucky, the Permit Section may authorize moves during the restricted hours. The term "daylight hours" means the period from one-half ( $\frac{1}{2}$ ) hour before sunrise until one-half ( $\frac{1}{2}$ ) hour after sunset, but it does not include such period or part thereof when atmospheric conditions render visibility lower than is ordinarily the case during such daylight hours.

Section 4. The Department of *Vehicle Regulation* [Transportation] reserves the right to deny a permit for any movement which may cause damage to departmental property or may be detrimental to public safety.

TIMOTHY D. HELSON, Commissioner

ADOPTED: January 19, 1983

APPROVED: JAMES F. RUNKE, Secretary

RECEIVED BY LRC: January 25, 1983 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Steve Reeder, Deputy Secretary for Legal Affairs,  
Transportation Cabinet, 10th Floor, State Office Building,  
Frankfort, Kentucky 40622.

**TRANSPORTATION CABINET**  
Department of Vehicle Regulation  
(Proposed Amendment)

**603 KAR 5:100. Permits for moving houses and buildings.**

RELATES TO: KRS 189.222, 189.270

PURSUANT TO: KRS 13.082, 174.050, 189.222, 189.270

NECESSITY AND FUNCTION: KRS 189.270 authorizes the Department of *Vehicle Regulations* [Transportation] to issue permits to exceed the prescribed weights and limits of certain highways for specified periods and under usual conditions. This regulation is adopted to provide a method by which permits may be issued.

Section 1. Permits for movement of houses or other buildings shall be issued by the *central* [district] office [in which movement is to be made except that the central office may issue permits for movement in Franklin County. These permits shall be approved by the district engineer prior to issuance].

Section 2. House moving permits will be issued for movement during off peak hours when other traffic will be least affected and the mover will be required to furnish all escorts and flagmen required in the interest of public safety.

Section 3. No permits shall be issued for movement of any buildings on either toll roads or interstate highways if the width of the building exceeds twelve (12) feet.

TIMOTHY D. HELSON, Commissioner

ADOPTED: January 19, 1983

APPROVED: JAMES F. RUNKE, Secretary

RECEIVED BY LRC: January 25, 1983 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Steve Reeder, Deputy Secretary for Legal Affairs,  
Transportation Cabinet, 10th Floor, State Office Building,  
Frankfort, Kentucky 40622.

**TRANSPORTATION CABINET**  
Department of Vehicle Regulation  
(Proposed Amendment)

**603 KAR 5:110. Permits for moving mobile homes.**

RELATES TO: KRS 189.270

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 189.270 authorizes the Department of *Vehicle Regulation* [Transportation] to issue permits for the movement of house trailers exceeding legal dimensions. This regulation [establishes permit fees and] determines requirements necessary in the interest of highway safety.

Section 1. No house trailer of a width greater than eight (8) feet or with a combined length of house trailer and towing vehicle greater than sixty (60) [fifty-five (55)] feet, one (1) or both, shall be towed upon any Kentucky highway unless, and until a special written permit has been issued by the Department of *Vehicle Regulation* [Transportation].

Section 2. Permits will be issued for single trips, or at the option of owners as set forth in Section 3, an annual permit will be issued to authorize movement of house trailers not exceeding twelve (12) feet in width. Registration and capacity of towing vehicles for house trailers in excess of eight (8) feet wide shall be the same as noted in Section 3. Single trip permits will be issued for a period of not more than ten (10) calendar days.

Section 3. Annual permits for movement of house trailers not exceeding twelve (12) feet in width on specified highways as shown by map on the permit will be issued to dealers and manufacturers located within the Commonwealth of Kentucky and certificated motor carriers who are properly licensed as such by the Department of *Vehicle Regulation* [Transportation] and to private owner-residents of Kentucky for movements of their personally owned house trailers. No annual permits will be issued for the movement of house trailers in excess of twelve (12) feet in width. Each towing vehicle for house trailers twelve (12) feet wide must be registered in Kentucky for a gross weight of not less than 22,000 pounds, have dual wheels on the rear and be rated at least one and one-half ( $1\frac{1}{2}$ ) ton capacity. Towing vehicles for house trailers fourteen (14) feet wide must have a minimum of 185 horsepower, a minimum of two (2) ton capacity, and must be licensed for a gross

weight equal to the combined weight of the towing vehicle and the house trailer.

Section 4. The issue cost of *annual and single trip permits, as set forth in KRS 189.270, shall apply* [shall be ten dollars (\$10) and the issue cost of annual permits shall be forty dollars (\$40)] for each towing vehicle and the cost will not be prorated. Permits will not be issued for units, including towing vehicle and house trailer combined, exceeding eighty-five (85) feet in length and fourteen (14) feet in width. The house trailer itself shall not exceed seventy (70) feet in length. Single trip permits will specify the highway to be used for a trip.

Section 5. *All [Annual] permits shall be issued by the Permit Section, Division of Motor Carriers, Department of Vehicle Regulation [Transportation], Frankfort, Kentucky.*

[Section 6. Single trip permits shall be issued by the Permit Section, Division of Motor Carriers, Frankfort, Kentucky, and by the Department of Transportation District Offices at Paducah, Madisonville, Bowling Green, Elizabethtown, Louisville, Covington, Lexington, Somerset, Flemingsburg, Ashland Sub-District, Jackson, Manchester and Pikeville, Kentucky.]

Section 6. [7.] One (1) lead escort vehicle is required for movement of house trailers twelve (12) feet wide on all two (2) lane highways except on sections of toll roads which may be two (2) lane. Escort vehicles, both front and rear, may be required on some highways where highway conditions may dictate the need. Red flags twelve (12) inches by twelve (12) inches square must be displayed both sides front bumper of lead escort and both sides of rear of a following escort. Amber flashing lights may be used on both escort and towing vehicles. Red lights are prohibited.

Section 7. [8.] All permit forms and requests for trip permits shall specify make of towing vehicle, license number and state of issue, name and address of owner, dates for travel and routes of travel. Requests and permit forms for annual permits shall specify make of towing vehicle, rated capacity, serial number, license number, and whether for hire or private carrier.

Section 8. [9.] A duplicate permit to replace an annual permit or to transfer the permit to another vehicle may be obtained from the Permit Section, Division of Motor Carriers, Frankfort, by the payment of a fee of ten dollars (\$10).

Section 9. [10.] Prior departmental approval must be secured from the Permit Section, Division of Motor Carriers, Frankfort, for any house trailer hauled under an annual permit which deviates from the routes prescribed in the permit issued for the towing vehicle.

Section 10. [11.] Permits shall be carried in the towing vehicles and must be presented, upon request, to any law enforcement officer or authorized personnel of the Department of *Vehicle Regulation [Transportation]* for inspection.

Section 11. [12.] Permits are valid during daylight hours only, from Monday through Saturday noon, except for those periods before, during and after the following

holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day. In connection with these holidays, travel is not permitted from noon the preceding day until daylight of the next permissible day. If the holiday occurs on Sunday or Monday the restricted period will extend from noon of the preceding Friday to daylight of the following Tuesday. If satisfactory proof of an emergency is furnished the Permit Section, Division of Motor Carriers, Frankfort, Kentucky, the Permit Section may authorize moves during the restricted hours. The term "daylight hours" means the period from one-half (½) hour before sunrise until one-half (½) hour after sunset, but it does not include such period or part thereof when atmospheric conditions render visibility lower than is ordinarily the case during such daylight hours.

Section 12. [13.] Single trip permits for moves involving house trailers fourteen (14) feet wide will be issued by the *Permit Section, Division of Motor Carriers, Frankfort [Central Office only]*. The permit fee shall be *as described in KRS 189.270* [ten dollars (\$10)].

Section 13. [14.] Moves of house trailers fourteen (14) feet wide will be limited to four (4) lane highways and to reasonable distance of two (2) lane highways. The definition of a reasonable distance from a four (4) lane highway to the unit's ultimate destination is defined in the sense that the Department of *Vehicle Regulation [Transportation]* will in its best judgment designate the shortest and best route to be used. The department shall deny movements on any routes deemed unsuitable for move.

Section 14. [15.] Moves cannot be made when the pavement is wet or when wind velocity exceeds twenty-five (25) MPH. Moves will be made between the hours of 9:00 a.m. and 3:00 p.m. and from 6:00 p.m. to sundown week days only. No travel on weekends, holidays or at night.

Section 15.[16.] When house trailers fourteen (14) feet wide are moved, one (1) escort will be required in the rear on four (4) lane highways and one (1) escort vehicle, both front and rear, on other highways. Escort vehicles shall have an amber flashing light on the roof. The house trailer shall be equipped with four (4) way amber flashers spaced not less than six (6) feet above the roadway. All running lights must be on while in motion. All axles on the house trailer shall be equipped with brakes.

Section 16. [17.] Speed limit on movement of fourteen (14) feet wide house trailers on interstate highways is forty-five (45) MPH. On other highways the speed limit is thirty-five (35) MPH, unless posted minimum speed exceeds this, then this may be increased to the minimum posted speed.

TIMOTHY D. HELSON, Commissioner

ADOPTED: January 19, 1983

APPROVED: JAMES F. RUNKE, Secretary

RECEIVED BY LRC: January 25, 1983 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Steve Reeder, Deputy Secretary for Legal Affairs,  
Transportation Cabinet, 10th Floor, State Office Building,  
Frankfort, Kentucky 40622.

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

**702 KAR 3:030. Insurance requirements.**

RELATES TO: KRS 160.105

PURSUANT TO: KRS 13.082, 156.070

**NECESSITY AND FUNCTION:** KRS 160.105 directs the State Board of Education to require by regulation that each school district provide for fire and extended insurance coverage on non-surplus buildings, at not greater than replacement cost but allowing for co-insurance and deductible features. This regulation implements that function by providing for a level of insurance coverage on school district buildings and/or structures sufficient to protect both the local school districts and any school revenue bond holders, as their interests may appear.

Section 1. Each local board of education shall submit to the Superintendent of Public Instruction for his approval, not less than sixty (60) days nor more than 120 days prior to the date of awarding insurance coverage, a schedule of values which reflects the estimated replacement cost, actual cash values, and the amount of fire and extended insurance coverage provided for each building and its contents owned by the local board of education which is not surplus to its needs as shown by the approved facilities plan. Each such building and its contents shall be insured for an amount equal to 100 percent of the replacement cost thereof as shown on the aforesaid schedule of values, and each policy covering such buildings and contents shall provide an agreed amount endorsement. Despite the required insuring of individual buildings and contents at 100% of replacement cost, a blanket limitation on an insurance carrier's liability per occurrence may be approved by the Superintendent of Public Instruction if an individual district's schedule of values exceeds \$100,000,000 and if the blanket limitation equals at least \$100,000,000 and, in addition, at least fifty (50) percent of total replacement costs as reflected by the accrued schedule of values.

Section 2. Insurance on property specified in Section 1 shall be provided by carriers licensed to do business in the State of Kentucky and shall have features that provide for a minimum of eighty percent (80%) co-insurance, a per occurrence deductible on all perils not to exceed *five percent (5%) of the prior year's capital outlay allotment or \$10,000, whichever amount is smaller, [\$2,500]* and a replacement cost endorsement.

Section 3. Buildings requiring insurance and containing steam boilers shall have boiler and machinery coverage having a limit of liability equal to the total value of the real and personal property in the building in which the steam boiler is located.

Section 4. School districts may cover property in a self-insurance pool providing coverage at least equal to the standard of coverage specified in Sections 2 and 3 of this regulation. Such a self-insurance pool must be adequately reinsured by a carrier(s) approved to do business in the state of Kentucky and must provide facilities for insuring all of the property of an individual district to which this regulation applies.

Section 5. In the event a school building cannot be insured on a replacement cost basis, the policy insuring the building shall carry an agreed amount endorsement, and a certification signed by the local superintendent and board chairman shall be attached to the policy stating that it would not be fiscally responsible to provide replacement cost coverage for the building being insured.

Section 6. Insurance coverage provided for in Sections 2 and 3 of this regulation shall be obtained by local school districts by bids submitted on standard bid forms provided by the Superintendent of Public Instruction after having advertised for bids, where bids are required by KRS Chapter 45A or 424 as applicable.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: January 11, 1983

RECEIVED BY LRC: January 27, 1983 at 2:30 p.m.

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

**EDUCATION AND HUMANITIES CABINET**

**Department of Education**

**Bureau of Instruction**

**(Proposed Amendment)**

**703 KAR 2:010. Terms and months.**

RELATES TO: KRS 158.060, 158.070

PURSUANT TO: KRS 13.082, 156.070, 158.070

**NECESSITY AND FUNCTION:** KRS 158.060 and 158.070 define and establish the school day, school month, and school term, and direct the State Board of Education to adopt regulations governing the use of school days. This regulation is necessary for efficient management, control and operation of schools and to insure uniformity in the school term, month and day in all approved schools of the state.

Section 1. The minimum school term of 185 days with a minimum six (6) *actual instructional* hour day shall consist of nine (9) twenty (20) day school months and one (1) partial school month of five (5) days. Schools shall be in session a minimum of six (6) *actual instructional* hours on each of these days except as otherwise provided by KRS 158.060, 158.070 and regulations of the State Board of [for Elementary and Secondary] Education.

[Section 2. Days dismissed to observe holidays or for teachers to attend professional meetings within limits of the State Board for Elementary and Secondary Education regulations shall be counted as school days and included in the school month.]

Section 2. [3.] If a school district has adopted an extended school day before emergency, the time in excess of the minimum school day may, with the approval of the State Board of [for Elementary and Secondary] Education, be used to make up days missed as a result of emergency. If the school day is extended after the emergency occurs, the words "make-up" shall be written in the attendance records as the days are accumulated. "Make-up" days shall be used for the purpose of meeting requirements for a

minimum school term as required by KRS 158.070 and no attendance shall be recorded for these days.

Section 3. [4.] Each day on which school is not in session for any reason other than those specified by State Board of [for Elementary and Secondary] Education regulations or in excess of the limitations therein provided, shall not be counted in the minimum school term.

Section 4. [5.] *No report shall be made until the completion of a twenty (20) day school month except that a report for the tenth school month shall be made at the conclusion of the school term.*

Section 5. *Each school day shall consist of at least six (6) hours of actual organized or supervised instruction, exclusive of lunch periods and recesses, except that kindergarten, readiness classes, first grade classes, and classes for the handicapped may be a program of less than six (6) hours per day under policies adopted by the local school board and approved annually by the Superintendent of Public Instruction. Lack of compliance with minimum school day requirements shall, pursuant to KRS 157.350, result in appropriate proportional reductions in Foundation Program allotments.*

[Section 6. The use of part of the six (6) hour day may be used for supervising the lunch period and for supervising physical education if approved by the Bureau of Instruction on application of the superintendent of the district.]

Section 6. [7.] Schools shall not be closed or the day shortened on regularly scheduled school days except in cases of emergency declared by the local superintendent in accordance with policies of the local board of education.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: February 8, 1983

RECEIVED BY LRC: February 15, 1983 at 2 p.m.

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

#### EDUCATION AND HUMANITIES CABINET

Department of Education

Bureau of Instruction

(Proposed Amendment)

#### 704 KAR 3:304. Required program of studies.

RELATES TO: KRS 156.160

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: KRS 156.160 requires the State Board of Education to establish minimum courses of study and the scope of instruction that may be offered in the different classes of common schools, and to establish the minimum requirements of graduation from the courses offered. This regulation implements that duty.

Section 1. Pursuant to the authority vested in the State Board of Education by KRS 156.070 and 156.160, the "Program of Studies for Kentucky Schools, Grades K-12," as amended [adopted] on February 8, 1983 [June 22,

1982], is hereby promulgated and filed with the Legislative Research Commission and incorporated herein by reference. Copies may be obtained from the Department of Education.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: February 8, 1983

RECEIVED BY LRC: February 15, 1983 at 2 p.m.

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

#### EDUCATION AND HUMANITIES CABINET

Department of Education

Bureau of Instruction

(Proposed Amendment)

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

RELATES TO: KRS 156.160

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

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

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

(1) (a) Language arts—3;

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

(c) Mathematics—2;

(d) Science—2;

(e) Health—½;

(f) Physical education—½.

(2) (a) Required—10;

(b) Elective—8;

(c) Total—18.

Section 2. (1) *Effective for students beginning the ninth grade during the 1983-84 school year, and all students beginning the ninth grade thereafter, the following minimum credits shall be required for graduation in addi-*

tion to the requirements set forth in Section 1 of this regulation:

(a) One (1) additional credit in language arts, making a total of four (4); and

(b) One (1) additional credit in mathematics, making a total of three (3).

(2) Students subject to the requirements of this section shall thus complete the following minimum credits:

(a) Required—12;

(b) Elective—8;

(c) Total—20.

(3) Relative to required credits for those subject to this section, students, except those repeating such courses and except as hereinafter set forth, shall have completed at least two (2) credits in English, two (2) credits in science and two (2) credits in mathematics at the ninth and tenth grade levels. Students transferring from nonaccredited schools, as defined in 704 KAR 3:307, and schools properly accredited under the laws of other states may be awarded ninth and tenth grade required credits under the procedures set forth in 704 KAR 3:307, and, if such is not possible, may be allowed to complete such required credits beyond the tenth grade level.

Section 3. [2.] Each student who satisfactorily completes the requirements of Sections 1 or 2 of this regulation, as applicable, and such credits and additional requirements as may be imposed by a local board of education shall be awarded a graduation diploma.

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

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

Section 4. [3.] Nothing in this regulation shall be interpreted as prohibiting any local governing board, superintendent, principal or teacher from awarding special recognition to students.

Section 5. [4.] When the severity of an exceptional student's handicap(s) precludes a course of study leading to receipt of a diploma, an alternative program shall be offered. This program is based upon student needs, is specified in the individual educational plan, and is to be reviewed at least annually. The student who completes such a course of study is entitled to recognition for achievement. This may be accomplished by the local school district board of education awarding a certificate.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: February 8, 1983

RECEIVED BY LRC: February 15, 1983 at 2 p.m.

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

## EDUCATION AND HUMANITIES CABINET

Department of Education

Bureau of Instruction

(Proposed Amendment)

704 KAR 10:022. Elementary, middle and secondary schools standards.

RELATES TO: KRS 156.160

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: KRS 156.160 requires the State Board of Education to adopt rules and regulations relating to grading, classifying, and accrediting all common schools. This regulation implements this duty by prescribing general standards to be used in evaluation of elementary, middle and secondary schools.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.070 and 156.160, the Kentucky Standards for Grading, Classifying and Accrediting Elementary, Middle and Secondary Schools, as amended on February 8, 1983 [June 22, 1982], are presented herewith for filing with the Legislative Research Commission, and incorporated by reference. The Standards for Accrediting Kentucky Schools, 1980-81, shall remain in effect *through the 1984-85 school year* [for not longer than the next succeeding three (3) school years] for those districts which cannot, because of time and personnel constraints on the Superintendent of Public Instruction, be assessed by the Department of Education under the new standards until the 1985-86 school year, and said accreditation standards are also incorporated herein by reference.

Section 2. "The Merit Rating Procedural Information and General Criteria for Guidance Programs" and "Merit Rating Guidelines for Kentucky Schools," as amended on January 12, 1982, are presented herewith for filing with the Legislative Research Commission and incorporated by reference.

Section 3. A copy of all documents incorporated in this regulation may be obtained from the Department of Education.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: February 8, 1983

RECEIVED BY LRC: February 15, 1983 at 2 p.m.

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

## PUBLIC PROTECTION AND REGULATION CABINET

Kentucky Racing Commission

(Proposed Amendment)

810 KAR 1:013. Entries, subscriptions and declarations.

RELATES TO: KRS 230.210 to 230.360

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To regulate conditions under which thoroughbred racing shall be conducted in Kentucky. The function of this regulation is to outline requirements for entry, subscription and declaration of horses in order to race.



Section 1. Entering Required. No horse shall be qualified to start in any race unless such horse has been and continues to be duly entered therein. Entries or subscriptions for any horse, or the transfer of same, may be refused or cancelled by the association without notice or reason given therefor.

Section 2. Procedure for Making Entries. (1) All entries, subscriptions, declarations, and scratches shall be lodged with the racing secretary and shall not be considered as having been made until received by the racing secretary who shall maintain a record of time of receipt of same.

(2) Every entry must be in the name of such horse's licensed owner, as completely disclosed and registered with the racing secretary under these rules, and made by the owner, or trainer, or a person deputized by such owner or trainer.

(3) Every entry must be in writing, or by telegraph promptly confirmed in writing; except that an entry may be made by telephone to the racing secretary, but must be confirmed promptly in writing should the stewards, the racing secretary, or an assistant to the racing secretary so request.

(4) Every entry shall clearly designate the horse so entered. When entered for the first time during a meeting, every horse shall be designated by name, age, color, sex, sire, dam, and broodmare sire, as reflected by such horse's registration certificate.

(a) No horse may race unless correctly identified to the satisfaction of the stewards as being a horse duly entered.

(b) In establishing identity of a horse, responsibility shall be borne by any person attempting to identify such horse as well as the owner of such horse, all such persons being subject to appropriate disciplinary action for incorrect identification.

(5) No alteration may be made in any entry after the closing of entries, but an error may be corrected.

(6) No horse may be entered in two (2) races to be run on the same day.

(7) *Any horse which has not started within the past ninety (90) days shall not be permitted to start unless it has at least one (1) published work-out within twenty (20) days of entry at a distance of not less than three-eighths (3/8) of a mile for two (2) year olds and one-half (1/2) mile for older horses. [A horse which has never raced shall not be permitted to start unless it has a published work-out from the starting gates, at a distance acceptable to the stewards, within twenty (20) days of starting. In the event that a horse has done the requisite work-out but through no fault of the trainer, such work-out does not appear in the past performances, the horse shall be permitted to race and the correct work-out announced and posted.]*

*(a) In the event that the horse has done the requisite work-out, but through no fault of the trainer, such work-out does not appear in the past performances, the horse shall be permitted to start and the correct work-out announced and/or posted.*

*(b) A horse which has never started shall not be entered until the trainer has produced satisfactory evidence to indicate to the starter that it has been adequately schooled from the starting gate.*

Section 3. Stabling Requirement. No entry shall be accepted for any horse not stabled on association grounds where such race is to be run, unless its stabling elsewhere has been approved by the racing secretary as provided by Section 4 of 810 KAR 1:006.

Section 4. Limitation as to Spouses. No entry in any race shall be accepted for a horse owned wholly or in part by, or trained by, a person whose husband or wife is under license suspension at time of such entry; except that, if the license of a jockey has been suspended for a routine riding offense, then the stewards may waive this rule as to the duly licensed husband or wife or such suspended jockey.

Section 5. Mutuel Entries. (1) All horses entered in the same race and trained by the same trainer shall be joined as a mutuel entry and single betting interest. All horses entered in the same race and owned wholly, or in part by the same owner or spouse thereof, shall be joined as a mutuel entry and single betting interest.

(2) No more than two (2) horses having common ties through ownership or training as to be joined as a mutuel entry may be entered in a purse race. When making such double entry, a preference for one (1) of the horses must be made.

(3) In no case may two (2) horses having common ties through ownership start in a purse race to the exclusion of a single interest. In races in which the number of starters is limited to ten (10) or less, no two (2) horses having common ties through training may start to the exclusion of a single entry.

Section 6. Subscriptions. (1) Nominations to or entry of a horse in a stakes race is a subscription. Any subscriber to a stakes race may transfer or declare such subscription prior to closing.

(2) Joint subscriptions and entries may be made by any one (1) of the joint owners of a horse, and each such owner shall be jointly and severally liable for all payments due thereon.

(3) Death of a horse, or a mistake in its entry when such horse is eligible, does not release the subscriber or transferee from liability for all stakes fees due thereon. No fees paid in connection with a subscription to a stakes race that is run shall be refunded, "except as otherwise stated in the conditions of a stakes race."

(4) Death of a nominator or original subscriber to a stakes race shall not render void any subscription, entry, or right of entry thereunder. All rights, privileges, and obligations shall attach to the successor owner, including the legal representatives of the decedent.

(5) When a horse is sold privately, or sold at public auction, or claimed, stakes engagements for such horse shall be transferred automatically with such horse to its new owner; except that, if such horse is transferred to a person whose license is suspended or otherwise unqualified to race or enter such horse, then such subscription shall be void as of the date of such transfer.

(6) All stakes fees paid toward a stakes race shall be allocated to the winner thereof unless otherwise provided by the condition for such stakes race. In the event a stakes race is not run for any reason, all such subscription fees paid shall be refunded.

Section 7. Closing. (1) Entries for purse races and subscriptions to stakes races shall close at the time designated by the association in previously published conditions for such races. If a race is not split, no entry, subscription, or declaration shall be accepted after such closing time; except that in event of an emergency, or if a purse race fails to fill them the racing secretary may, with the approval of a steward, extend such closing time.

(2) If the hour of closing is not specified for stakes races, then subscriptions and declarations therefor may be ac-



cepted until midnight of the day of closing; provided, they are received in time for compliance with every other condition of such race.

(3) Entries which have closed shall be complied without delay by the racing secretary and, along with declarations, be posted.

**Section 8. Number of Starters in a Race.** (1) The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and extensions thereof approved by the commission as can be positioned across the width of the track at the starting point for such race; and such maximum number of starters further shall be limited by the number of horses which, in the opinion of the stewards, considering the safety of the horses and riders, and the distance from the start to the first turn, can be afforded a fair and equal start.

(2) At tracks measuring less than a mile in circumference, no more than ten (10) horses may start in any race without consent of the stewards, and no more than twelve (12) horses may start under any circumstance.

(3) Any claiming race in the printed condition book for which eight (8) or more horses representing different betting interests are entered must be run. All other purse races in the printed condition book for which six (6) or more horses representing different betting interests are entered must be run.

(4) If any purse race in the printed condition book fails to fill with the minimum number of entries required by subsection (3) of this section to be run, then the association may cancel or declare off such race. The names of all horses entered therein shall be publicly posted in the office of the racing secretary not later than 1:00 p.m. the same day.

**Section 9. Split or Divided Races.** (1) In the event a race is cancelled or declared off, the association may split any race programmed for the same day and which may previously have been closed. Races printed in the condition book shall have preference over substitute and extra races.

(2) When a purse race is split, forming two (2) or more separate races, the racing secretary shall give notice thereof not less than fifteen (15) minutes before such races are closed so as to grant time for the making of additional entries to such split races.

(3) Division of entries upon the splitting of any race shall be made in accordance with the conditions under which entries and subscriptions therefor were made, and in the absence of specific prohibition of such conditions:

(a) Horses originally joined as a mutuel entry may be placed in different divisions of a split race unless the person making such multiple entry, at the time of such entry indicates such coupling of horses is not to be uncoupled when such race is split.

(b) Division of entries in any split stakes race may be made according to age, or sex, or both.

(c) Entries for any split race not divided by any method provided above by this rule, shall be divided by lot so as to provide a number of betting interests as near equal as possible for each division of such split race.

**Section 10. Post Positions.** Post positions for all races shall be determined by lot, drawn in the presence of those making the entries for such race. Post positions in split races also shall be redetermined by lot in the presence of those making the entries for such split race. The racing secretary

shall assign pari-mutuel numbers for each starter to conform with the post position drawn, except when a race included two (2) or more horses joined as a single betting interest.

**Section 11. Also-Eligible List.** (1) If the number of entries for a [purse] race exceeded the number of horses permitted to start in such race as provided by Section 8 of this regulation, then the names of as many as eight (8) horses entered but not drawn into such race as starters shall be posted on the entry sheet as "also-eligible" to start.

(2) After any horses have been excused from a [purse] race at scratch time, a new drawing shall be taken as to horses on the also-eligible list, and the starting and post position of such horses drawn from the also-eligible list shall be determined by the sequence drawn, unless otherwise stipulated in published conditions of the race.

(3) Any owner or trainer of any horse on the also-eligible list who does not wish to start such horse in such race shall so notify the racing secretary prior to scratch time for such race and such horse shall forfeit any preference to which it may have been entitled.

(4) Where entries are closed two (2) racing days prior to the running of a race, any horse on an also-eligible list, and which also has been drawn into a race as a starter for the succeeding day, shall not be given an opportunity to be drawn into the earlier race for which he had been listed as also-eligible.

**Section 12. Preferred List; Stars.** (1) The racing secretary shall maintain a list of horses which were entered but denied an opportunity to race because eliminated from a race programmed in the printed condition book either by overfilling or failure to fill. Horses so eliminated shall be awarded a preference "star" for each such elimination, and as to drawing in from the also-eligible list to subsequent races of similar distance and similar conditions, such horses shall be given preference over horses with fewer number or no preference stars.

(2) No preference shall be given a horse otherwise entitled thereto for a race if such horse also is entered for a race on the succeeding day.

(3) No preference shall be given a horse otherwise entitled thereto for a race unless preference is claimed at the time of entry by indicating same on the entry with the word "preferred."

**Section 13. Arrears.** No horse may be entered or raced if the owner thereof is in arrears as to any stakes fees due by such owner; except with the approval of the racing secretary.

**Section 14. Declarations.** Withdrawal of a horse from a race before closing thereof by the owner or trainer or person deputized by either, such being known as a "declaration," shall be made in the same manner as to form, time, and procedure as provided for the making of entries. Declarations and scratches are irrevocable. No declaration fee shall be required by any licensed association.

**Section 15. Scratches.** Withdrawal of a horse from a race after closing thereof by owner or trainer or person deputized by either, such being known as a "scratch," shall be permitted only under the following conditions:

(1) A horse may be scratched from a stakes race for any reason at any time up until fifteen (15) minutes prior to

post time for the race preceeding such stakes race by the filing in writing of such intention with the racing secretary, unless a list of also-eligibles has been drawn, in which case scratches must be filed at the regular scratch time as posted by the racing secretary, and no horse will be excused thereafter without a valid physical reason. Upon receiving a scratch from a stakes race, the racing secretary shall promptly notify the stewards and pari-mutuel manager, and shall cause public announcement of same to be made.

(2) No horse may be scratched from a purse race without approval of the stewards and unless such intention to scratch has been filed in writing with the racing secretary or his assistant at or before the time conspicuously posted as "scratch time." Scratch of one (1) horse coupled in a mutuel entry in a purse race must be made at or before the posted scratch time, unless permission is granted by the stewards to allow both horses to remain in the race until a later appointed scratch time therefor.

(3) In purse races, horses that are physically disabled or sick shall be permitted to be scratched first. Should horses representing more than ten (10) betting interests in either of the two (2) daily double races, or horses representing more than eight (8) betting interests in any other purse race, remain in after horses with physical excuses have been scratched, then owners or trainers may be permitted at scratch time to scratch horses without physical excuses down to such respective minimum numbers for such races, this privilege to be determined by lot if an excessive number of owners or trainers wish to scratch their horses.

(4) Entry of any horse which has been scratched, or excused from starting by the stewards, because of a physical disability or sickness shall not be accepted until the expiration of three (3) calendar days after such horse was scratched or excused.

JAMES K. NAVOLIO, Director

ADOPTED: February 10, 1983

APPROVED: NEIL J. WELCH, Secretary

RECEIVED BY LRC: February 15, 1983 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Keene Daingerfield, Senior State Steward, Kentucky  
State Racing Commission, P.O. Box 1080, Lexington,  
Kentucky 40588.

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

**815 KAR 10:020. Fire safety standards.**

RELATES TO: KRS Chapter 227

PURSUANT TO: KRS 13.082, 227.300

NECESSITY AND FUNCTION: KRS 227.300 requires the Commissioner of Housing, Buildings and Construction to promulgate regulations to provide a reasonable degree of safety for human life and insure as far as practicable against fire loss. This regulation establishes the minimum requirements and controls which will be enforced by the State Fire Marshal's Office and local fire officials for the prevention of fire, explosion or panic arising from storage, handling or use of substances, materials or devices or the use of a building.

Section 1. Title and Scope. (1) This regulation shall constitute and may be cited as part of the "Standards of Safety;" and except as otherwise specifically provided, all

buildings, structures, marine vessels, occupancies, installations, processes and conditions, the transportation by air, land or water, and the storage, handling or use of hazardous materials, shall conform to the standards adopted by this regulation. The State Fire Marshal may delegate in writing the authority and responsibilities of this section to the local fire marshal.

(2) These standards apply to existing buildings, structures, uses, practices, conditions, materials and equipment where safety to life or protection of the public interest requires their enforcement. Any such existing buildings, uses or conditions not in strict compliance with this regulation may be permitted, when in the sole discretion of the State Fire Marshal, they do not constitute a distinct hazard to life or the property of others.

(3) Upon written request from the owner of an existing building or structure the State Fire Marshal may issue a certificate of use and occupancy, provided there are no violations of law or orders of the building official or State Fire Marshal pending, and it is established that the alleged use of the building or structure has heretofore existed.

(4) While safety to life warrants as close compliance as possible with the "Standards of Safety," nothing contained herein shall apply to farm property, unless there are activities of an industrial nature sufficient to require consideration of the State Fire Marshal from a public life hazard standpoint.

(5) Where the purpose of any provision of the "Standards of Safety," as it pertains to safety to life and property from fire, can be fulfilled by other means the State Fire Marshal may modify the provision to permit certain specific alternatives, so long as substantially equivalent safety shall be maintained.

(6) Each application for an alternative shall be filed with the State Fire Marshal and shall be accompanied by such evidence, letters, statements, results of tests or other supporting information as may be required to justify the request. The State Fire Marshal shall keep a record of his actions on such applications and a signed copy of his decision shall be provided for the applicant.

Section 2. Definitions. Words defined in this section are intended only for use with the other sections of this regulation. Definitions set forth in any document referenced in this regulation shall be the acceptable definition for use of that document only. Where terms are not defined in this regulation, they shall have their ordinarily accepted meaning or such as the context may imply.

(1) "Alternate" means a system, condition, arrangement, materials or equipment submitted to the Fire Marshal as a substitute for a code requirement.

(2) "Authority having jurisdiction" means the Office of the State Fire Marshal.

(3) "Dwelling or private dwelling" means a single unit providing complete and independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(4) "Fire chief" means the authorized head of a fire department that is recognized by the State Fire Marshal's Office.

(5) "Fire department" means a fire department recognized by the State Fire Marshal's Office.

(6) "Fire hazard" means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion which poses a threat to life or the property of others, and including any condition like-

ly to result in collapse of some portion of the structure in case of such fire or explosion.

(7) "Fire hydrant" means a valved connection on a water supply system having one (1) or more outlets and which is used to supply hose and fire department pumps with water.

(8) "Fire lane" means the road, path, or other passageway developed to allow the passage of fire apparatus through congested areas (both built-up and wildland).

(9) "Local fire marshal" means the enforcement officer of these standards as designated by the appointing authority of a local governmental jurisdiction. The fire chief may be designated as the enforcement officer by the State Fire Marshal where the appointing authority has not acted.

(10) "Marine vessel" means every description of water craft or other artificial contrivance used as a means of transportation in or on the water.

(11) "Private building" means a building, or that portion of a building, which is normally not frequented by, or open to, the public.

(12) "Process" means the manufacturing, handling, blending, conversion, purification, recovery, separation, synthesis or use, or any combination, of any commodity or material regulated by this code.

(13) "Single family dwelling" means one (1) unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation, and which is not connected to any other unit or building.

(14) "Smoking" means a lighting, igniting, holding or possessing any lighted cigar, cigarette or pipe; or, carrying, throwing, or depositing any lighted or smoldering cigar, cigarette or pipe.

(15) "Smoking area" means a designated area where smoking is permitted within premises where smoking is generally prohibited.

(16) "State Fire Marshal" means the administrative head of the Division of Fire Prevention, Department of Housing, Buildings and Construction, Commonwealth of Kentucky.

Section 3. Relationship with Existing Laws. (1) The standards herein contained are to be used in conjunction with existing laws and nothing contained herein shall be construed as rendering other applicable laws invalid. However, if a conflict exists between a provision of this regulation or the codes adopted by reference herein and the Kentucky Building Code, the building code shall prevail.

(2) Any changes, alterations or repairs in existing buildings which are within the scope of the building code shall be made in accordance with the applicable provisions of the building code for the appropriate occupancy use group classification.

(3) The State Fire Marshal shall have the authority to interpret and implement resolution of any conflict between provisions of this regulation and current regulations of the federal government.

(4) If any provision of this regulation is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, it shall not have the effect of voiding other provisions which may be determined to be legal; and it shall be presumed that this regulation would have been adopted without such invalid provisions.

(5) Except as may be deemed necessary by the State Fire Marshal for the general safety and welfare of the occupants and the public, buildings built under, and in full compliance with, the codes in force at the time of construc-

tion or alteration thereof, and that have been properly maintained and used for such use as originally permitted, shall be exempt from the requirements of this regulation pertaining to:

(a) Fire protection of structural elements;

(b) Exits required.

[(c) Isolation of hazardous operations.]

Section 4. Codes and Standards to be Enforced. (1) Whenever the State Fire Marshal or local fire marshal finds that any property is not safe as to fire loss or that the practices or methods of construction or operation, or processes or materials used in connection therewith do not afford adequate protection from fire loss under the terms of this regulation he shall order that additions, improvements, repairs or changes be made and such equipment provided or action taken as will reasonably render the property safe.

(2) Unless specifically covered by another provision of this regulation, the following nationally recognized codes, standards and regulations shall be deemed safe practice requirements, providing a reasonable degree of safety from fire loss and shall be fully enforceable in the discretion of the local and State Fire Marshal pursuant to this regulation:

(a) Code of Federal Regulations, 49, Transportation Parts 100 to 199, revised as of October 1, 1978, Parts 200 to 999 revised as of October 1, 1978, available from Superintendent of Documents, U.S. Government Printing Office, Washington, D. C., 20402, is filed herein by reference as if set forth at length.

(b) The BOCA Basic Building Code, as amended in 815 KAR 7:020.

(c) The following National Fire Protection Association Pamphlets are filed herein by reference in their entirety. Such codes and pamphlets together with any unfiled pamphlets of the 1979 Edition of the National Fire Codes may be used for reference and guidance and as appropriate criteria for meeting the intent of this regulation.

NFPA Pamphlet	National Fire Code Volume Number	Title and Edition
70	6	National Electric Code—1978
70A	6	ANSI Standard Electrical Code for One and Two Family Dwellings—1978
78	7	Lightning Protection Code—1977
701	11	Standard Methods of Fire Tests for Flame Resistant Textiles and Films—1977
702	11	Standard for Classification of the Flammability of Wearing Apparel—1975
<b>Occupancy Protection</b>		
32	3	Standard for Drycleaning Plants—1974
76A	7	Standard for Essential Electrical Systems for Health Care Facilities—1977
87	8	Standard for the Construction and Protection of Piers and Wharves—1975
101	9	Code for Safety to Life from Fire in Buildings and Structures—1976
102	9	Standard for Assembly Seating, Tents and Air Supported Structures—1978

<b>Flammable and Combustible Liquids</b>			481	3	Standard for the Production, Processing, Handling and Storage of Titanium—1974
30	2	Flammable and Combustible Liquids Code—1977			
31	3	Standard for the Installation of Oil Burning Equipment—1978	490	3	Code for the Storage of Ammonium Nitrate—1975
321	3	Standard on Basic Classification of Flammable and Combustible Liquids—1976	495	4	Code for the Manufacturing, Transportation, Storage and Use of Explosive Materials—1973
327	3	Standard Procedures for Cleaning or Safeguarding Small Tanks and Containers—1975	651	5	Standard for the Prevention of Dust Explosions in the Manufacture of Aluminum of Magnesium Powder—1974
385	3	Recommended Regulatory Standard for Tank Vehicles for Flammable and Combustible Liquids—1974	653	5	Standard for the Prevention of Dust Explosions in Coal Preparation Plants—1971
386	3	Standard for Portable Shipping Tanks—1974	654	5	Standard for the Prevention of Dust Explosions in the Plastic Industry—1975
395	3	Standard for Storage of Flammable and Combustible Liquids on Farms and Isolated Construction Projects—1977	655	5	Standard for the Prevention of Sulfur Fires and Explosions—1971
512	11	Recommended Good Practices for Truck and Fire Protection—1978	656	5	Standard for the Prevention of Dust Ignitions in Spice Grinding Plants—1971
<b>Compressed and Liquefied Gases</b>			664	5	Standard for the Prevention of Dust Explosions in Woodworking and Wood Flour Manufacturing Plants—1971
50	4	Standard for Bulk Oxygen Systems at Consumer Sites—1974			
50A	4	Standard for Gaseous Hydrogen System at Consumer Sites—1978	704	11	Identification of the Fire Hazards of Materials—1975
50B	4	Standard for Liquefied Hydrogen System at Consumer Sites—1978			
51A	4	Standard for Acetylene Cylinder Charging Plants—1974	33		<b>Hazardous Materials &amp; Processes</b>
56B	4	Standard for Respiratory Therapy—1976	34	3	Standard for Spray Application Using Flammable and Combustible Materials—1977
56F	4	Standard for Nonflammable Medical Gas Systems—1977	35	3	Standard for Dip Tanks Containing Flammable or Combustible Liquids—1974
56G	4	Inhalation Anesthetics in Ambulatory Care Facilities—1975	36	3	Standard for the Manufacture of Organic Coatings—1976
58	5	Standard for the Storage and Handling of Liquefied Petroleum Gases—1979	40	3	Standard for Solvent Extraction Plants—1978
59	5	Standard for the Storage and Handling of Liquefied Natural Gases at Utility Gas Plants—1976	40E	3	Standard for the Storage & Handling of Cellulose Nitrate Motion Picture Film—1974
59A	5	Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG)—1975	43A	3	Storage of Pyroxylin Plastic—1975
<b>Hazardous Materials &amp; Processes</b>			43C	3	Code for Storage of Liquids and Solid Oxidizing Materials—1975
61B	5	Standard for the Prevention of Fire and Dust Explosions in Grain Elevators and Bulk Grain Handling Facilities—1973	43D	3	Storage of Gaseous Oxidizing Materials—1975
61C	5	Standard for the Prevention of Dust Explosions in Flour and Feed Mills—1973	44A	3	Storage of Pesticides in Portable Containers—1975
61D	5	Standard for the Milling of Agriculture Commodities for Human Consumption—1973	48	3	Code for the Manufacture, Storage and Transportation of Fireworks—1974
63	5	Fundamental Principles for the Prevention of Dust Explosions in Industrial Plants—1975	51	4	Standard for the Storage, Handling and Processing of Magnesium—1974
65	5	Standard for the Processing and Finishing of Aluminum—1975	51B	4	Standard for the Installation and Operation of Oxygen Fuel Gas Systems for Welding and Cutting—1977
					Standard for Fire Prevention in Use of Cutting and Welding Processes—1977

56C	4	Safety Standard for Laboratories in Health-Related Institutions—1973	96	9	Standard for the Installation of Equipment for the Removal of Smoke & Grease Laden Vapors from Commercial Cooking Equipment—1978
57	5	Standard for Fumigation—1973			
61A	5	Standard for Manufacturing and Handling Starch—1973	211	9	Standard for Chimneys, Fireplaces and Vents—1977
<b>Building Construction and Facilities</b>			214	9	Standard on Water Cooling Towers—1977
37	3	Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines—1975	220	9	Standard Types of Building Construction—1975
54	4	National Fuel Gas Code—1974	224	9	Standard for Homes and Camps in Forest Areas—1974
56D	4	Standard for Hyperbaric Facilities—1977	241	9	Standard for Safeguarding Building Construction and Demolition Operations—1975
56E	4	Standard for Hypobaric Facilities—1977			
66	5	Standard for Pneumatic Conveying Systems for Handling Feed, Flour, Grain and Other Agricultural Dusts—1973	251	9	Standard Methods of Fire Tests of Building Construction and Materials—1972
69	5	Standard on Explosion Prevention Systems—1978	255	10	Methods of Test of Surface Burning Characteristics of Burning Materials—1972
75	7	Standard for the Protection of Electronic Computer/Data Processing Equipment—1976	252	9	Standard Methods of Fire Tests of Door Assemblies—1976
80	7	Standard for Fire Doors & Windows—1977	256	10	Methods of Fire Tests of Roof Coverings—1976
82	7	Standard for Incinerators & Rubbish—1977	257	10	Standard for Fire Tests of Window Assemblies—1975
45	3	Fire Protection for Laboratories Using Chemicals—1975	703	11	Standard for Treatments of Buildings Materials—1961
85	7	Standard for Prevention of Furnace Explosions in Fuel Oil and Natural Gas-Fired Watertube Boiler-Furnaces with One Burner—1976	88A	8	<b>Transportation</b> Standard for Parking Structure—1973
85B	7	Standard for Prevention of Furnace Explosions in Fuel Oil-Fired Multiple Burner Boiler-Furnaces—1978	88B	8	Standard for Repair Garages—1973
85E	8	Standard for Prevention of Furnace Explosions in Pulverized Coal Fired Multiple Burner Boiler-Furnaces—1978	302	10	Fire Protection Standard for Motor Craft (Pleasure & Commercial)—1972
85F	8	Installation and Operation of Pulverized Fuel Systems—1978	303	10	Fire Protection Standard for Marinas and Boatyards—1975
85G	8	Prevention of Furnace Implosions in Multiple Burner Boiler-Furnaces—1978	306	10	Standard for the Control of Gas Hazards on Vessels to be Repaired—1975
86A	8	Standard for Ovens and Furnaces, Design Location and Equipment—1974	312	10	Standard for Fire Protection of Vessels During Construction, Repair & Lay-up—1976
86B	8	Standard for Industrial Furnaces, Design Location and Equipment—1974	407	10	Standard for Aircraft Fuel Servicing Including Aircraft and Fueling Hose, Aircraft Fuel Servicing Tank Vehicles, and Airport Fixed Fueling Systems—1975
86C	8	Standard for Industrial Furnaces Using a Special Processing Atmosphere—1977	408	10	Standard on Aircraft Hand Fire Extinguishers—1973
86D	8	Industrial Vacuum Furnaces—1978	409	10	Standard on Aircraft Hangars—1975
90A	8	Standard for the Installation of Air Conditioning and Ventilating Systems—1978	415	10	Standard on Aircraft Fueling Ramp Drainage—1977
91	9	Standard for the Installation of Blower and Exhaust Systems for Dust, Stock, Vapor Removal or Conveying—1973	416	10	Standard on Construction and Protection of Airport Terminal Buildings—1975
			417	10	Standard on Construction and Protection of Aircraft Loading Walkways—1977
			418	10	Standard on Rooftop Heliport Construction and Protection—1973

498	4	Standard for Explosive Motor Vehicle Terminals—1976	10	1	Portable Fire Extinguishers
501A	10	Standard for Mobile Home Parks—1977			Standard for the Installation, Maintenance and Use of Portable Fire Extinguishers—1978
501C	10	Standard for Recreational Vehicles (Travel Trailers, Camping Trailers, Truck Campers, Motor Homes) Installation of Plumbing, Heating and Electrical Systems—1977	232	9	Standard for the Protection of Records—1975
501D	10	Standard for Recreational Vehicle Parks—1977	46	12	Storage for Forest Products—1978
505	11	Fire Safety Standard for Powered Industrial Trucks—1978			
<b>Fire Extinguishing Systems</b>					
11	1	Standard for Foam Extinguishing Systems—1978			
11A	1	Standard for High Expansion Foam Systems (Expansion Ratios from 100:1 to 1000:1)—1976			
11B	1	Standard on Synthetic Foam and Combined Agent Systems—1977			
12	1	Standard on Carbon Dioxide Extinguishing Systems—1977			
12A	1	Standard on Halogenated Fire Extinguishing Agent Systems—Halon 1301—1977			
12B	1	Standard on Halogenated Fire Extinguishing Agent Systems—Halon 1211—1977			
13	1	Standard for the Installation of Sprinkler System—1978			
13A	12	Recommended Practice for the Care and Maintenance of Sprinkler Systems—1978			
14	2	Standard for the Installation of Standpipe and Hose Systems—1978			
15	2	Standard for Water Spray Fixed Systems for Fire Protection—1977			
16	2	Standard for the Installation of Foam Water Sprinkler Systems and Foam Water Spray Systems—1974			
17	2	Standard for Dry Chemical Extinguishing Systems—1975			
18	2	Standard on Wetting Agents—1972			
20	2	Standard for the Installation of Centrifugal Fire Pumps—1978			
21	12	Standard for the Operation and Maintenance of National Standard Steam Fire Pumps—1975			
22	2	Standard for Water Tanks for Private Fire Protection—1978			
24	2	Standard for Outside Protection—1977			
26	12	Standard for the Supervision of Valves Controlling Water Supplies for Fire Protection—1976			
194	2	Standard for Screw Threads and Gaskets for Fire Hose Connections—1974			
196	2	Standard for Fire Hose—1974			
198	12	Standard for Care of Fire Hose (Including Couplings and Nozzles)—1972			

Section 5. Jurisdiction and Inspection. (1) The State Fire Marshal shall have jurisdiction over all property in the state and shall enforce or aid in the enforcement of all laws relating to protection of the public from fire loss and the local fire marshal shall be responsible for the safety of places under his jurisdiction. The local fire marshal and the State Fire Marshal may establish by written agreement jurisdictional boundaries for enforcement of this regulation.

(2) The State Fire Marshal shall supervise and make periodic inspection of all property within the state and assist cities having fire departments in making like periodic inspections in such cities, except occupied private dwellings.

(3) The rights, powers and privileges of the State Fire Marshal shall not apply to single family dwellings; except that the State Fire Marshal may investigate the cause, origin and circumstances of fires for the proper detecting and suppressing arson and minimizing or preventing fire loss.

(4) The authorities of each county, city or other political subdivision shall adopt and enforce the fire safety standards as established herein.

(5) It shall be the duty of the local peace officers in each political subdivision to render all possible assistance in the enforcement of the provisions of the standards of safety for the protection of the public.

(6) The chief of a local fire department, whether paid or unpaid, is hereby authorized to inspect property, make written reports and order fire hazards to be remedied in accordance with Section 13 [14].

Section 6. Permits and Stop Work Orders. (1) Permits required by this regulation will be predicated upon compliance with the requirements of this regulation and shall constitute written authority of the local fire marshal or State Fire Marshal to maintain, store, use, transport or handle hazardous materials or to conduct processes or install equipment used in connection with such activities. Such permits may be suspended or revoked if the requirements of this regulation are violated.

(2) Any permit issued pursuant to this regulation shall not supplant any other license or permit which may be required by other codes or laws.

(3) Whenever any installation that is subject to inspection prior to use is covered or concealed without having first been inspected, the State Fire Marshal may require by written notice that such work be exposed for inspection. The State Fire Marshal shall be notified when the installation is ready for inspection and the State Fire Marshal shall conduct the inspection within a reasonable time.

(4) When any construction or installation work is being performed in violation of the plans and specifications as approved by the State Fire Marshal, a written notice shall be issued to the responsible parties to stop work on that portion of the project which is in violation and no work shall be continued on that portion, nor may it be used until the violation has been corrected.

(5) No distributor or other person shall supply any hazardous materials to a tank or other equipment when the State Fire Marshal finds a hazardous condition after notification by the State Fire Marshal that the equipment or installation is not in compliance with this regulation.

[Section 7. Plans and Specifications. (1) Until such time as local governments shall have responsibility for plan review and inspection pursuant to the Kentucky Building Code, plans and specifications in specific detail and in conformity with good architectural and engineering practices shall be submitted to the Department of Housing, Buildings and Construction, Attention: New Construction, the 127 Building, U.S. 127 South, Frankfort, Kentucky for approval prior to the construction or substantial remodeling of the following:]

[(a) Multiple family dwellings and apartment buildings or any combination of buildings or units used for residential purposes where there is a total of three (3) or more living units with independent cooking and bathroom facilities.]

[(b) All hotels, motels, lodging houses, dormitory buildings and boarding houses arranged for shelter and sleeping accommodations of more than twenty (20) persons.]

[(c) Mercantile uses having a total square footage in excess of 3,000.]

[(d) Industrial, business and office uses having a total square footage in excess of 10,000 square feet.]

[(2) The buildings listed in this section shall be constructed in conformity with the BOCA Basic Building Code as amended by the Board of Housing, Buildings and Construction in 815 KAR 7:020.]

Section 7. [8.] Local Permit Requirements. [(1)] A permit shall be obtained from an authorized local fire marshal for the following:

(1) [(a)] The storage or handling of Class I liquids in excess of one (1) gallon in any building of "residential occupancy," in excess of ten (10) gallons inside any other building, and in excess of 50 gallons outside of any building.

(2) [(b)] Storage and handling of Class II liquids in excess of ten (10) gallons in any buildings of "residential occupancy," in excess of sixty gallons (60) inside any other building, and in excess of 120 gallons outside of any building.

(3) [(c)] The storage and handling of Class III liquids in excess of 275 gallons inside any building, and in excess of 1,100 gallons outside of any building.

[(d) The operation of a refinery, bulk storage plant, distributing station, service station, or airport refinery operation. This permit is in addition to the state permit requirements in Sections 9 and 10 and the local permit shall not be issued until the required state permit has been issued.]

(4) [(2)] Quantities of paints, oil, varnishes, and similar flammable liquids in excess of those given above, for use on the premises, stored for not more than thirty (30) days. For storage exceeding thirty (30) days, a state permit shall be required.

Section 8. [9.] State Permit Requirements for Flammable Liquids. A permit shall be obtained from the State Fire Marshal for the following:

(1) All changes in construction, remodeling or operation of any refinery, bulk storage plant, distributing station,

service station, or airports not under jurisdiction of Kentucky Building Code.

(2) Transportation of all flammable and combustible liquids in tank vehicles other than in drums, cans, or other containers of less than sixty (60) gallons individual capacity.

(3) Every owner of a tank vehicle used for the transportation of flammable and combustible liquids in Kentucky shall make application annually to the State Fire Marshal for a permit to operate such vehicle. Such application shall be accompanied by a statement of the condition of the vehicle at the time application is made. The State Fire Marshal will issue annually numbered permits upon receipt of proper application and certification of compliance with the applicable provisions of this regulation. The permit shall remain with the cargo tank vessel for which it was assigned at all times. The annual permit number shall be displayed at the top of the rear of each tank. Such numbers shall be of a sharply contrasting color and a minimum of four inches in height. No person shall place any flammable liquid in a tank vehicle for transportation in Kentucky until such vehicle is found to be in compliance with these standards and has received and displayed a permit number.

Section 9. [10.] State Permits for Liquefied Petroleum Gas. A permit shall be obtained from the State Fire Marshal prior to:

(1) The transportation, selling, storing for resale, or delivering of liquefied petroleum gases, or for engaging in the business of installing or servicing liquefied petroleum gas equipment; or for persons who actually perform such installations or servicing operations. Licenses issued under this section shall be in accordance with the provisions of KRS 234.120. Under this section licenses or permits are not required for storage or transportation in quantities of less than one (1) gallon where the gas is an integral part of a device for its utilization, or for use as a motor fuel while in the fuel tank of the motor vehicle.

(2) The construction or substantial remodeling of any plant or building containing an occupancy for which a license is required under KRS 234.120 relating to the storage and handling of liquefied petroleum gases. This requirement shall be a supplement to any Kentucky Building Code requirement.

Section 10. Requirements for Drilling, Production or Operation of Oil Wells. (1) Scope of regulation. The provisions of this section shall apply to crude oil exploration and production facilities and activities and do not apply to any facilities or activities subsequent to least custody transfer.

(2) Permits.

(a) No person, firm or corporation shall drill, bring in, or operate any oil well, or install any tanks, pipelines or other equipment for the storage or handling of oil in connection with such wells, inside the corporate limits or any city or town, without having first secured a permit from the State Fire Marshal.

(b) Application for such permit shall be accompanied by plans and specifications in duplicate, showing the proposed location of well, sludge pond, tank or tanks, and pipelines, with reference to surrounding structures, roads, streets, and alleys; and the capacity of any tank, tanks or containers.

(3) Location of well. No oil well shall be drilled or brought in within 150 feet of any building or structure (except derrick or auxiliary buildings), or within twenty-five (25) feet of any road, street or alley.

(4) Sludge pond.



(a) No sludge pond shall be located within any point of its border closer than fifty (50) feet to any building, structure (except derrick or auxiliary buildings), road, street, or alley.

(b) All sludge ponds shall be drained and covered with earth as soon as practicable after drilling operations have been completed.

(5) Tanks and containers.

(a) No receiving tanks, or other containers, for the storage of oil shall be located closer than fifty (50) feet to any building or structure (except derrick or auxiliary buildings), or closer than twenty-five (25) feet to any highway, road, street, or alley.

(b) No such tank or container having a capacity in excess of 100 barrels and no group of more than two (2) such tanks or containers having an aggregate capacity in excess of 500 barrels shall be located within 100 feet of any building or structure (except derrick or auxiliary buildings).

(c) The individual capacity of any tank or container shall not exceed 500 barrels.

(d) The fabrication, location, installation, diking and protection of tanks or containers shall be in conformity with the requirements of NFPA Pamphlet No. 30, with particular attention given to those regulations pertaining to tanks or containers holding crude oil.

(6) Piping.

(a) All underground piping installed for use in handling of crude oil and petroleum products shall be suitable materials, and shall be installed and tested in accordance with the applicable provisions of NFPA Pamphlet No. 30.

(b) Aboveground piping shall be visually inspected and may be placed into immediate service, providing it is free of leaks or deformations, and the materials are suitable for the intended use.

(7) Valves.

(a) Cut-off control valves shall be provided at tanks and pipelines at points where such valves are needed to prevent drainage of tanks or pipes, or continuous flows from pumps, in the event of rupture, or during repairs involving any part of the equipment.

(b) In installations where the rock pressure is such that wells are of the "gusher" type, a cut-off control valve shall be installed in the shaft pipe at the point where this pipe rises above the ground or installed on the casing head.

(8) Applicability.

(a) Existing plants, equipment, buildings, structures and installations for the storage, handling or use of flammable or combustible liquids which are not in strict compliance with the terms of this code may be continued in use at the discretion of the authority having jurisdiction provided they do not constitute a recognized hazard to life or adjoining property. The existence of a situation which might result in an explosion or sudden escalation of a fire, such as inadequate ventilation of confined spaces, lack of adequate emergency venting of a tank, failure to fireproof the supports of elevated tanks, or lack of drainage or dikes to control spills may constitute such a hazard.

(b) Whenever the State Fire Marshal, or any Deputy Fire Marshal, finds that any property is not safe as to fire loss, he shall order, in writing, that additions, repairs, improvements, or changes be made and such equipment be provided or action taken as will reasonably render the property safe.

(9) Alternative equipment or safety processes. Where the use of alternative equipment or safety practices would provide substantially equivalent safety to life and property,

the State Fire Marshal may permit the use of such alternative equipment or safety practices in lieu of compliance with the provisions of this regulation.

[Section 11. Requirements for Drilling or Operation of Oil and/or Gas wells. (1) Permits:]

[(a) The drilling of any oil or gas well shall be prohibited within the fire limits, and should be prohibited within the corporate limits of any city or town. No person, firm or corporation shall drill, bring in, or operate any oil or gas well, or install any tanks, pipe lines, or other equipment for the storage or handling of oil or gas in connection with such wells, inside the corporate limits of any city or town, without having first secured a permit from an authorized city official and the State Fire Marshal.]

[(b) Application for such permit shall be accompanied by plans and specifications in duplicate, showing the location of well, sludge pond, tank or tanks, and pipe lines, with reference to surrounding structures, roads, streets, and alleys; and the capacity of any tank, tanks, or containers.]

[(2) Location and shooting of well:]

[(a) No gas or oil wells shall be drilled or brought in within 150 feet of any building or structure (except derrick or auxiliary building), or within twenty-five (25) feet of any road, street, or alley.]

[(b) Nitroglycerine may be used for shooting or bringing in wells provided the shooting is done by a representative of a licensed torpedo company. All transportation, handling and use of explosives shall be in conformity with the regulations of the Division of Explosives and Blasting, Department of Mines and Minerals.]

[(c) No wells shall be loaded, or any torpedo set, except during daylight hours.]

[(d) Empty nitroglycerine cans, or other explosive containers shall be returned to a magazine the same day they are used. Leaky or discarded containers shall be properly destroyed, as provided in the regulations of the Division of Explosives and Blasting, Department of Mines and Minerals.]

[(3) Sludge ponds:]

[(a) No sludge pond shall be located within any point of its border closer than fifty (50) feet to any building, structure (except derrick or auxiliary buildings), highway, street, or alley.]

[(b) All sludge ponds shall be drained and covered with earth as soon as practicable after drilling operations have been completed.]

[(4) Tanks and containers:]

[(a) No receiving tanks, or other containers, for the storage of oil or gas shall be located closer than fifty (50) feet to any building or structure (except derrick or auxiliary building), or closer than twenty-five (25) feet to any highway, street or alley.]

[(b) No such tank or container having a capacity in excess of 100 barrels and no group of more than two (2) such tanks or containers having an aggregate capacity in excess of 500 barrels, shall be located within 100 feet of any building or structure (except derrick or auxiliary building).]

[(c) The individual capacity of any tank or container shall not exceed 500 barrels, and the aggregate capacity of any group of tanks or containers shall not exceed 1000 barrels.]

[(d) The location, installation, diking, and protection of tanks or containers shall be in conformity with the requirements of NFPA Pamphlet No. 30, with particular

attention given to those regulations pertaining to tanks or containers holding crude oil.]

[(5) Piping. All piping installed for use in handling of petroleum shall be suitable materials, and shall be installed and tested in accordance with the applicable provisions of NFPA Pamphlet No. 30.]

[(6) Valves:]

[(a) Cut-off control valves shall be provided in the pipe lines at points where such valves are needed to prevent drainage of tanks or pipes, or continuous flows from pumps, in event of rupture or during repairs involving any part of the equipment.]

[(b) In installations where the rock pressure is such that wells are of the "gusher" type, a cut-off control valve shall be installed in the shaft pipe at the point where this pipe rises above the grounds; or, installed on the casing head.]

#### Section 11. [12.] Self-Service Stations. (1) Definitions:

(a) A "self-service station" means a location where all flammable and combustible liquids used as motor fuel are stored and dispensed from fixed approved dispensing devices into the fuel tanks of motor vehicles by persons other than the service station attendant, and may include multiple occupancy facilities available for the sale of other retail products.

(b) "Partial (split island) self-service" means a service station offering attendant service on one (1) or more pump islands and self-service on one (1) or more different pump islands. The partial self-service shall be offered at an island in close proximity to the office area of the building and in clear view of those attendants working in or about the service station office or service area.

#### (2) Remote control required:

(a) In all self-service stations for flammable liquids there shall be a control room in which a remote control device is located. Said device must be located within arms reach of the attendant while he is maintaining the appropriate and adequate observation and control of dispensing activities.

(b) Emergency controls for partial self-service shall be installed and connected in series at two (2) or more locations remote from dispensing devices, including remote pumping systems, and easily accessible to the attendant. Such controls shall be capable to shut off the power to all dispensing devices in the event of an emergency.

(c) Emergency controls for partial self-service station shall be installed only at locations approved by the State Fire Marshal, and controls shall not be more than 100 feet from self-service dispensers. Operating instructions shall be conspicuously posted in the dispensing area.

(3) Attendant required at self-service station. There shall be not less than one (1) attendant on duty at all times while the station is open to the public and the self-service gasoline equipment is in use.

(a) An attendant shall supervise the dispensing of Class I liquids from within the confines of the control room or stand wherein the remote control device is located.

(b) The attendant shall refuse service to any customer who is smoking or who appears for any reason to be unable or incompetent to participate in the dispensing of a Class I liquid.

#### (4) Attendant required at partial self-service station:

(a) There shall be not less than one (1) attendant on duty at all times while the station is open to the public and the self-service gasoline dispensing equipment is in use. The dispensing area shall at all times be in clear view of the attendant and the placing or allowing of any obstacle to come between the dispensing area and the attendant shall be prohibited.

(b) The attendant shall refuse service to any customer who is smoking or who appears for any reason to be unable or incompetent to participate in the dispensing of a Class I liquid.

(c) Dispensing devices shall not be operated until authorized and/or activated by the attendant. The attendant shall not authorize the dispensing of a Class I liquid from the self-service dispensers until he has ascertained that a Class I liquid can be safely dispensed.

#### (5) Communication system:

(a) For self-service stations, a two (2) way communication system of the public address type shall be provided to facilitate direct and individual communication between the control room or stand, and each pump island.

(b) For partial self-service stations, an approved two (2) way electronic voice communications system shall be provided unless unaided voice communications may be readily heard under the conditions of operation considering distance, noise levels, obstructions and enclosures.

(6) Water for spillage for self-service stations and partial self-service stations:

(a) An operable water hose shall be connected and available for washing down spillage at all times the station is open for business.

(b) In the event of Class I liquid spillage, an attendant shall forthwith wash down said spillage, unless in so doing, a greater hazard would result.

(7) Locking dispensing units for self-service stations and partial self-service stations. Each dispensing device for Class I liquids at a remote control dispensing station shall be kept locked or otherwise maintained inoperable at all times that the station is unattended.

#### Section 12. [13.] (1) General fire safety regulations.

(a) Ordinary conduct requirements. No person shall knowingly permit any fire to spread so as to endanger the life or property of another or use or operate any device which may be a source of ignition unless proper removal of flammable material surrounding the operation is accomplished or such other reasonable precautions are taken to ensure against the starting and spreading of unfriendly fires.

(b) Reporting hazardous conditions. Any person, upon discovering evidence of spontaneous heating or other abnormal heating of any merchandise, commodity, cargo, shipment or other material of any kind in any building, marine vessel, appliance, apparatus, tank, or open stack or pile, or any person upon discovering or being apprised of any uncontrolled hazardous gas leak or hazardous material or combustible or flammable liquid spill, shall immediately notify the fire department and the State Fire Marshal.

(c) Maintaining a fire hazard. No person shall knowingly maintain a fire hazard.

(d) Carelessness with fire. No person shall deliberately, or through carelessness or negligence set fire to or cause the burning of any bedding, furniture, rug, curtain, drape or other combustible material, in such manner as to endanger the safety of any person or property.

(e) Notification of fire department of inoperative fire safety equipment. Persons owning, controlling, or otherwise having charge of any fixed fire extinguishing or fire warning system or standpipe system shall notify the fire department at any time such system or systems are inoperable or taken out of service. The fire department shall also be notified when service is restored.

(f) Disposal of hot and glowing materials. Hot ashes, cinders, or smoldering coals shall be placed in non-combustible receptacles, unless resting on a noncombusti-

ble floor or on the ground outside the building, shall be placed on noncombustible stands, and in every case shall be kept at least two (2) feet laterally away from any combustible material, structure, or any exterior window opening.

(g) Barricading vacant buildings. Every person owning or having charge or control of any vacant building shall remove all combustible waste and refuse therefrom and lock, barricade or otherwise secure all windows, doors, and other openings in the building to prohibit entry by unauthorized persons. Exception: This section is not intended to apply to the temporary vacation of a building.

(h) Required access for fire apparatus. All premises which the fire department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that all buildings and water supplies on the premises are at all times accessible to fire apparatus. A written document, agreeable to the local fire marshal and for the benefit of the jurisdiction, shall be required for emergency access over all fire lanes. The designation, maintenance and marking of fire lanes on private property shall be accomplished as specified by the local fire marshal. The designation, maintenance and marking of fire lanes on public ways shall be accomplished by the local jurisdiction on recommendation of the local fire marshal. It shall be unlawful for any person to park a motor vehicle on, or otherwise obstruct, any fire lane. It shall be unlawful for any person to park a motor vehicle within ten (10) feet on either side of a fire hydrant. Enforcement of designated fire lanes and fire hydrant clearance shall be the responsibility of the police force of the jurisdiction within which the lanes and hydrants are located.

(i) Smoking. Where conditions exist which make smoking a fire hazard on any premises, "No Smoking" signs shall be posted if directed by the local fire marshal. "No Smoking" signs shall be of a color, size, lettering, and location as approved by the local fire marshal. No person shall remove such "No Smoking" signs or light, or ignite or otherwise set fire to or smoke any cigar, cigarette, pipe, tobacco, or other form of smoldering substance, nor hold, possess, throw, or deposit any lighted or smoldering substance in any place where occasion or action would constitute a fire or life hazard. Nothing in this provision shall be construed as prohibiting smoking in areas, offices, or other rooms which have been designated by the local fire marshal safe smoking areas and have been approved for such purposes. This paragraph shall not apply to organizations having an established on-premises fire prevention program setting forth regulations requiring periodic fire prevention inspections and enforcing in-plant fire prevention rules. Such programs shall be coordinated with and approved by the fire marshal.

(j) Hazardous gas in balloons. No person shall use any flammable, oxidizing, toxic, corrosive, or reactive gas to inflate balloons. Air and inert gases, such as Nitrogen and Helium, are not prohibited for this purpose.

(k) Interference with fire protection equipment. No person shall render any portable or fixed fire extinguishing system or device or any fire warning system inoperable or inaccessible except as may be necessary during emergencies, maintenance, drills or prescribed testing.

(l) Portable heaters. Portable heaters shall be designed and located so that they cannot be easily overturned. The State Fire Marshal or local fire marshal shall prohibit use of portable heaters in occupancies or situations in which such use or operation would present an undue danger to

life or the property of others. This provision shall not apply to portable heaters used in accordance with applicable provisions of NFPA codes and standards listed in Section 4.

(m) Precautions outside buildings. Internal combustion engines either stationary, portable or mobile, operating within grain, hay, grass or brush covered areas, shall be equipped with an effective means for arresting the issuance of burning carbon and sparks. This provision shall not apply to engines meeting applicable provisions of NFPA codes and standards as listed in Section 4 and engines used to power lawn care equipment.

(2) Fumigation. The fire department shall be notified of fumigation operations in accordance with the provisions of Standard for Fumigation, NFPA Pamphlet No. 57.

(3) Combustible waste and refuse:

(a) Scope. No person owning or having control of any property shall allow any combustible waste material to accumulate in any area or in any manner so as to create a hazard to life or the property of others.

(b) Disposal of combustible waste. Combustible waste or refuse shall be properly stored or disposed of at the end of each working day, before vacating a building or premises, and whenever necessary to prevent unsafe conditions.

(c) Waste disposal sites. Fire extinguishing capabilities approved by the local fire marshal or State Fire Marshal shall be provided at waste disposal sites including but not limited to, fire extinguishers, water supply and hose, and earth moving equipment. Burning debris shall not be dumped at a waste disposal site except at a remote location on the site where fire extinguishing can be accomplished before compacting, covering or other disposal activity is carried out.

(d) Transportation of combustible waste and refuse. Vehicles or conveyances used to transport combustible waste or refuse over public thoroughfares shall have all cargo space covered and maintained sufficiently tight to ensure against ignition from external fire sources and scattering burning and combustible debris which may come in contact with ignition sources. Transporting burning waste or refuse is prohibited.

(e) Waste handling plants. All structures housing operations which are involved primarily in the handling, storage, or baling of combustible waste materials shall be equipped with an automatic fire extinguishing system installed in accordance with applicable provisions of NFPA codes and standards as listed in Section 4[(3)].

(4) Factors affecting egress:

(a) Means of egress shall be provided and maintained in accordance with the applicable provisions of this code and NFPA codes and standards as listed in Section 4.

(b) Storage on roofs and fire escape balconies. No person shall place or maintain upon any roof or fire escape balcony any materials or objects which may interfere with egress or [of] fire department operations.

(c) Attachments to fire escapes and fire protection equipment. No person shall attach or fasten any rope, wire, cable or similar device, except approved standard equipment therefore, to any part of any fire escape, stand-pipe, auxiliary fire fighting equipment, appliance or other apparatus.

(d) Responsibility to prevent overcrowding. The manager and/or person in charge of the premises shall be responsible for preventing overcrowding as specified by the jurisdiction.

(e) Obstruction of aisles and passageways. No person shall block, impede, or obstruct any aisle, passageway,

hallway, lobby, foyer, or stairway leading to or from any entrance or exit required by law which will prevent, delay, hinder, or interfere with the free use of such passageway by any person. Special security or security devices which affect the exiting shall be subject to the approval of the state or local fire marshal.

(f) Failure to vacate. No person shall fail to leave any premises which are overcrowded when told to do so by the management of the premises or State Fire Marshal or authorized local fire marshal.

(5) Combustible decorations. No person shall install, maintain or use vegetation, bunting, cotton batting, plastic cloth, textile, excelsior, paper or other combustible material for the purpose of decoration in any building, premises, vehicle or marine vessel to which the public is admitted or invited unless such decorative materials have been made flame resistant with an approved flame retardant materials or process. Textiles or paper adhered to walls or ceilings (not free hanging) are considered interior finishes and shall be subject to the flame spread limitations for interior finishes. This provision shall not apply to materials used in a display or other material which is limited in quantity and approved by the State Fire Marshal for such use.

(6) Disposal of rubbish. No accumulation of waste paper, grass, litter, combustible or flammable waste, or rubbish of any kind shall be permitted to remain in any court, yard, vacant lot, or open space, unless in bales or containers awaiting collection, and located at least ten (10) feet from an overhang, a combustible wall, or window or door opening, of any building. All weeds, grass, vines, or other growth which may be fired and thereby endanger property, shall be cut down and removed (other than by burning by the owner or occupant of the property).

Section 13. [14.] Fire Chiefs' Authority Over Unsafe Property. (1) All property found by the fire chief to be especially susceptible to fire loss for want of repairs, lack of sufficient fire escapes, age, dilapidated condition or any other cause and all property, combustible or explosive matter or flammable materials likely to result in fire loss shall be deemed unsafe and a fire hazard. A vacant building with an [or] opening at door or window shall be deemed especially susceptible to fire loss.

(2) If an unsafe condition is found in a building or structure, the fire chief shall serve on the owner, agent or person in control of the building or structure a written notice describing the property deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure. The order shall forthwith be conformed to by the owner of the property.

(3) The owner may appeal in writing to the commissioner within ten (10) days of the receipt of the order of the fire chief. The commissioner shall within twenty (20) days review the order and file his decision. Such decision shall approve, revoke or modify the order of the fire chief by agreement of the parties or the decision shall establish a formal hearing which shall result in such approval, revocation or modification. The order of the fire chief shall be stayed until the appeal is resolved.

(4) Upon refusal or neglect of the person to comply with the requirements of a proper order to abate the unsafe condition, the legal counsel of the agency or jurisdiction shall be advised of all the facts and he shall institute the appropriate action to compel the structure to be made safe and secure or be taken down and removed, pursuant to KRS 227.390.

Section 14. [15.] Administration and Enforcement. (1) Any person failing, refusing or neglecting to comply with this regulation shall be subject to the applicable civil, criminal and administrative remedies stated in KRS Chapter 227.

(2) The local fire marshal and/or the fire chief shall report all new construction subject to the Kentucky Building Code, of which they are aware, to the appropriate building official.

(3) Whenever the state or local fire marshal finds that any property within his or her jurisdiction is not safe as to fire loss or that the practices or methods of construction or operation, or processes or materials employed or used in connection therewith do not afford adequate protection from fire loss under the terms and conditions of this regulation and the codes adopted by reference herein, he or she shall order that additions, improvements, repairs or changes be made and such equipment provided or action taken as will reasonably render the property safe. Compliance with applicable current National Fire Prevention Association standards and recommended practices shall be deemed safe practices.

CHARLES A. COTTON, Commissioner

ADOPTED: February 15, 1983

APPROVED: NEIL J. WELCH, Secretary

RECEIVED BY LRC: February 15, 1983 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: James R. Smith, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601.

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

**815 KAR 35:010. Electrical inspector's certification.**

RELATES TO: KRS Chapter 227

PURSUANT TO: KRS13.082, 227.489

NECESSITY AND FUNCTION: The Commissioner of Housing is required by KRS 227.489 to certify electrical inspectors based on standards of the National Electrical Code. This regulation is needed to establish the procedures for achieving and maintaining such certification.

Section 1. Responsibilities of the Commissioner of Housing, Buildings and Construction. (1) The Commissioner of Housing shall require inspectors to be certified. Examinations shall be based on the National Electrical Code as provided in the Uniform State Building Code and the standards of safety prescribed by the department.

(2) The commissioner shall establish qualification requirements for electrical inspectors, and schedule examinations at regular intervals.

(3) It shall be the duty of the commissioner to investigate alleged misconduct of any electrical inspector as certified under this regulation when, in the opinion of the commissioner, there is sufficient evidence to suggest that such misconduct exists. Any party may seek redress from the department when alleged misconduct of an electrical inspector is deemed to have worked an undue hardship on the party.

(4) The commissioner shall review the conduct of any electrical inspector who shall have attempted to supplant, overrule or otherwise invalidate the judgment of another electrical inspector without first obtaining express written consent from the original inspector.

(5) Upon a finding by the commissioner that such an action as stated in subsections (3) or (4) of this section has occurred, the commissioner may suspend the certificate of the offending inspector for a period not to exceed one (1) year from the date of the commissioner's ruling.

Section 2. Applicability. This regulation shall apply to all electrical inspectors in the Commonwealth of Kentucky, and to applicants for certification as electrical inspectors.

Section 3. Definitions. The following words and terms, when used in this regulation shall have the meanings indicated:

(1) "Applicant" means the person seeking to be certified as an electrical inspector.

(2) "Commissioner" means the Commissioner of Housing, Buildings and Construction.

(3) "Certified electrical inspector" means an applicant who has met the criteria established by the commissioner, has satisfactorily passed the examination where required by this regulation, and has received a certificate attesting thereto.

(4) "Employee" means one who is employed on a full-time, part-time, or contractual basis.

(5) "Electrical" pertains to the installation of wires and conduits for the purpose of transmitting electricity, and the installation of fixtures and equipment in connection therewith.

(6) "Electrical industry" pertains to those engaged in the generation, transmission and distribution of electricity; the design, manufacture, construction, installation, alteration or repair of electrical wiring facilities and apparatus for the utilization of electricity.

(7) "Authority having jurisdiction" as used in the National Electrical Code means the Department of Housing, Buildings and Construction.

(8) "Code" means the National Electrical Code and any amendments thereto which are adopted by the department.

(9) "Department" means the Department of Housing, Buildings and Construction.

Section 4. Qualifications for Residential Electrical Inspectors. Prior to being examined by the commissioner for certification as a residential inspector the applicant shall meet the following requirements:

(1) (a) Applicant shall have had not less than three (3) years of experience in the field of electrical inspection of all types of residential wiring systems, installed in accordance with the National Electrical Code; or

(b) Applicant shall have had not less than five (5) years of *current* experience in the installation and/or design, of all types of residential wiring systems, installed in accordance with the National Electrical Code; or

(c) Applicant shall be a Registered Professional Electrical Engineer, and shall have been registered and engaged in the practice of his profession for not less than three (3) years.

(d) *Any applicant may receive credit earned for any electrical courses satisfactorily completed from any accredited vocational school or college on a year-for-year basis. Credit for education to replace applicant's experience requirements shall be limited to a total of two (2) years.*

(2) Applicant shall possess the ability to speak, read, and write the English language and possess a general educational level satisfactory to perform his duties.

(3) Inspectors shall not be engaged in any other activity in the electrical industry or have pecuniary or associational interests therein which constitutes a conflict of interest. Electrical contractors, or any person employed by an electrical contractor and electricians are expressly prohibited

from being certified while actively engaged in these activities.

(4) Applicant shall submit a duly notarized application, which shall be supplied by the department upon request, wherein all pertinent personal information and experience shall be stated. Application must be received by the department at least thirty (30) days prior to the desired examination date.

(5) A fee of twenty-five (25) dollars shall accompany the application, consisting of a check or money order made payable to the Treasurer, Commonwealth of Kentucky.

(6) In order to receive residential certification, the applicant must pass the examination required by the department [; except that, any person registered as a professional engineer in Kentucky and designated as an electrical engineer by the Kentucky Board of Registration for Professional Engineers and Land Surveyors may, upon review and approval by the Commissioner, be exempted by the examination].

Section 5. Qualifications for Commercial Electrical Inspectors: (1) Prior to being examined by the commissioner for certification as a commercial inspector, the applicant shall meet the following requirements:

(a) Applicant shall have had not less than three (3) years of experience in the field of electrical inspection of all types of commercial, or residential and industrial, electrical light and power wiring systems, installed in accordance with the National Electrical Code; or

(b) The applicant shall have had not less than five (5) years *current* experience in the installation and/or design of all types of commercial and industrial electrical light and power wiring systems, installed in accordance with the National Electrical Code; or

(c) Applicant shall be a Registered Professional Electrical Engineer, and shall have had been registered and engaged in the practice of his profession for not less than three (3) years.

(d) *Any applicant may receive credit earned for electrical courses satisfactorily completed from any accredited vocational school or college on a year-for-year basis. Credit for education to replace applicant's experience requirements shall be limited to a total of two (2) years.*

(2) Applicant shall possess the ability to speak, read, and write the English language and possess a general educational level satisfactory to perform his duties.

(3) Inspector shall not be engaged in any other activity in the electrical industry or have pecuniary or associational interests therein which constitutes a conflict of interest. Electrical contractors, or any person employed by an electrical contractor, and electricians are expressly prohibited from being certified while actively engaged in these activities.

(4) Applicant shall submit a duly notarized application, which shall be supplied by the department upon request, wherein all pertinent personal information and experience shall be stated. Application must be received by the department at least thirty (30) days prior to the desired examination date.

(5) A fee of twenty-five dollars (\$25) shall accompany the application, consisting of a check or money order made payable to the Treasurer, Commonwealth of Kentucky.

(6) Applicant shall successfully pass the departmental examination [; except that, any person registered as a professional engineer in Kentucky and designated as an electrical engineer by the Kentucky Board of Registration for Professional Engineers and Land Surveyors may, upon



review and approval by the commissioner, be exempted from the examination].

Section 6. Examinations. (1) Examinations for qualified applicants shall be administered within sixty (60) days after receipt and approval of application unless otherwise scheduled by the department.

(2) Examinations will be administered at the department's offices, the 127 Building, U.S. 127 S., Frankfort, Kentucky, 40601, unless another location is specifically designated.

(3) Examinations will be based on the National Electrical Code and will be open book. The code book and all necessary supplies will be provided by the department.

(4) A grade of seventy (70) percent shall be considered passing. An applicant, otherwise qualified, who fails to make a passing score shall, upon request, be scheduled for re-examination at the next examination date without the paying of additional fees.

Section 7. Certification. (1) Certificates will be issued to individuals and not to corporations, partnerships, companies or any other entities.

(2) Certificates will be reissued upon request after re-examination or after a presentation of proof by the electrical inspector that he has successfully completed a continuing education course conducted or approved by the department prior to expiration. The fee for renewal shall be *twenty-five (25) [ten (10)]* dollars, payable to the Treasurer, Commonwealth of Kentucky.

(3) All electrical inspector certifications shall expire on November 30, every year [two (2) years,] beginning November 30, 1983 [1979]. The department shall mail to each certified inspector, prior to the date of expiration, a renewal application form and the inspector shall be recertified subject to the terms and conditions of this regulation.

Section 8. Revocation of Certificates. The commissioner may revoke, suspend or refuse to renew the certificate of an electrical inspector who is determined by the commissioner, after a departmental hearing, to have:

(1) Engaged in fraud, deceit or misrepresentation in obtaining certification.

(2) Been guilty of negligence, incompetency, or misconduct in the field of electrical inspection.

(3) Affixed or caused to be affixed to any electrical installation subject to his inspection a seal of approval, where he has not personally inspected such installation and found it to be satisfactory.

(4) Operated as an electrical inspector in localities or jurisdictions in conflict with state or local laws, ordinances, or regulations.

(5) Improperly overruled the findings of another electrical inspector.

Section 9. Complaints and Grievances. (1) Any person who believes that any act or omission of any electrical inspector certified by the commissioner has worked an undue hardship on him or who believes that an electrical inspector is guilty of misconduct in the performance of his duties, may seek redress from the commissioner.

(2) Any complaints or allegations of misconduct should be submitted in writing to the Commissioner, Department of Housing, Buildings and Construction and set forth the nature of the complaint or alleged misconduct and the ac-

tion desired on the part of the commissioner to alleviate same.

(3) After any investigation the commissioner may, at his discretion, cause the matter to be set for public hearing or take any other appropriate action to resolve or correct the matter.

Section 10. Retention of Records. (1) Each electrical inspector shall make and retain for a minimum time of three (3) years a complete record of each inspection. Such record shall contain, as a minimum, sufficient information to identify the location of the structure inspected, the date of the inspection, the type of structure, whether residential, commercial, industrial or other, the designation of any required permits and the agency(s) granting same, the size and complexity of the structure, any deficiencies in meeting code requirements and action required to comply, and any other pertinent information considered necessary to allow for a review of the inspection.

(2) Such records shall be available for examination by any authorized representative of the commissioner upon request.

Section 11. Duties and Responsibilities of a Certified Electrical Inspector. (1) All inspections shall be made in compliance with the National Electrical Code and any amendments as adopted by the department.

(2) In addition to the National Electrical Code, the electrical inspector shall familiarize himself with the applicable building codes or fire safety codes governing buildings in the areas where he performs inspections, to the extent that it is necessary to determine the occupancy load of a facility.

(3) The electrical inspector shall make a minimum two (2) inspections.

(a) When an electrical inspector makes a rough inspection, he shall attach a sticker with his signature and certification number on the main service entrance equipment or other appropriate location.

(b) When an electrical inspector makes a final inspection he shall attach a sticker to the main service entrance equipment with his signature and certification number, stating that the system is in full compliance with the National Electrical Code. He shall also provide the owner of the installation or his authorized agent with a certificate of approval.

(4) In order to insure uniformity throughout the state, all stickers and certificates to be issued by the electrical inspector shall be approved or furnished by the department.

(5) Upon request by the owner of the inspected facility, the electrical inspector shall immediately furnish a copy of the certificate of compliance to the department. Copies of all other certificates issued by the inspector shall be sent to the department on a semi-annual basis.]

Section 12. Electrical Inspections of State Properties. All buildings constructed by the state under the authority of the *Cabinet for [Department of] Finance and Administration* shall [may] be inspected by a certified commercial electrical inspector who is an employee of the State Fire Marshal's Office.

CHARLES A. COTTON, Commissioner

ADOPTED: February 14, 1983

APPROVED:

NEIL J. WELCH, Secretary

RECEIVED BY LRC: February 15, 1983 at 3:30 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.

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

**815 KAR 45:035. Education incentive.**

RELATES TO: KRS Chapter 95A

PURSUANT TO: KRS 95A.240

NECESSITY AND FUNCTION: KRS 95A.240(1) authorizes the Commission on Fire Protection Personnel Standards and Education to issue such regulations as are necessary to properly administer the Professional Firefighters Foundation Program Fund. This regulation establishes the procedures and criteria which shall be utilized to determine the eligibility of local governments and individual firefighters to share in the fund.

Section 1. Definitions. As employed in the Kentucky Professional Firefighters Program Fund administrative regulations, the following words and phrases have the following meanings:

(1) *"Allowable sickness, injury or other medical causes"* for the purpose of this regulation shall mean reasons for which time off the job is granted by the local government for sickness, injury, or other medical causes.

(2) [(1)] "Annual salary" means base pay for forty (40) hours and any required scheduled overtime.

(3) [(2)] "Certified training" means firefighter training given by a certified instructor [inspector] and approved and recorded by the commission.

(4) [(3)] "Commission" means the Commission on Fire Protection Personnel Standards and Education established pursuant to KRS 95A.020.

(5) [(4)] "Department" means the Department of Housing, Buildings and Construction.

(6) [(5)] "Fiscal year" means the period July 1 through June 30 of each twelve (12) month period.

(7) [(6)] "Full-time firefighters" means individuals who work a minimum of 2,080 hours per year as a member of a fire department or fire protection district.

(8) [(7)] "Fund" means Professional Firefighters Foundation Program Fund.

(9) [(8)] "Incentive pay" means monies from the fund used to supplement compensation paid to full-time paid firefighters.

(10) *"Leave of absence"* for the purpose of this regulation shall mean a leave granted by the local government by which the firefighter is employed.

(11) [(9)] "Local government" means any city or county, or any combination thereof, or urban county government of the Commonwealth.

(12) [(10)] "Member," for purposes of determining initial eligibility under the fund, shall mean an individual who has completed a 200-hour basic training course if hired prior to July 15, 1982 or a 400-hour basic training course if hired on or after July 15, 1982 in fire suppression, extinguishment and self-protection as approved by the commission and whose job position is such that the individual may be subject to responding to an emergency situation at the direction of the fire chief. This definition is intended to cover jobs involving the suppression, investigation, inspection and prevention of emergency situations. Janitorial, maintenance, and clerical personnel are specifically exempted from this definition.

(13) [(11)] "Professional firefighter" means any sworn member of a paid municipal fire department organized under KRS Chapter 95 or a fire protection district organized under KRS Chapter 75, or a county fire department created pursuant

to Chapter 67.

(14) [(12)] "Scheduled overtime" means those working hours required beyond forty (40) hours a week in order to meet the requirements of KRS Chapter 95 concerning firefighters working hours.

(15) [(13)] "Total annual compensation" means the base pay, including longevity, plus scheduled overtime.

Section 2. Eligibility. Each local government which meets the following requirements shall be eligible to participate and share in the distribution of funds when it has made application on forms prescribed by the commission and the commission has determined that the local government has met the eligibility criteria. Those criteria are:

(1) Employs one (1) or more firefighters.

(2) Pays a minimum annual salary of \$8,000.

(3) Maintains as a minimum educational requirement, for anyone newly employed as a firefighter after August 1, 1980, high school graduation or its equivalent.

(4) Requires all firefighters employed on or after July 15, 1982 to successfully complete within one (1) year of the date of employment a basic training course of a minimum of 400 hours as mandated by the commission as to subject matter and number of hours for each subject at a school or by a method certified or recognized by the commission.

(5) Local units which have not previously participated in the fund shall require all firefighters who have been employed for at least one (1) year by the local unit on the date of initial participation to have completed a basic training course certified or recognized by the commission of at least 400 hours duration. All firefighters employed less than one (1) year prior to or hired after the date of initial participation shall complete the basic training within one (1) year of the date of employment as required for participating local units.

(6) Requires all firefighters to successfully complete in each calendar year an in-service training program appropriate to the firefighter's rank and responsibilities of at least 100 hours duration at a school or through a method certified or recognized by the commission.

(7) The commission shall review the qualifications of firefighters employed by local units after the effective date of this regulation, to determine the basic training, if any, which the firefighter may be required to successfully complete prior to being eligible to participate in the fund.

(8) Requires compliance with all rules and regulations issued by the commission to facilitate the administration of the fund and further the provisions of KRS Chapter 95A.

(9) Requires compliance with all provisions of law applicable to local firefighters.

(10) Any firefighter who does not possess a high school degree or its equivalent and who has been deemed eligible to participate in the fund pursuant to KRS Chapter 95A who terminates firefighter service forfeits such eligibility and must meet the minimum educational requirement to reparticipate in the fund.

(11) Any firefighter who possesses sufficient training to meet the basic training requirements established by the commission and who terminates or is granted a leave of absence from firefighter service for a period exceeding one (1) year (365 days) forfeits such eligibility and must meet the minimum training requirements to reparticipate in the fund. If his separation or leave of absence does not exceed one (1) year, he shall be considered eligible for participation in the fund.

(12) *Should an individual firefighter be off duty due to allowable sickness, injury, or other medical cause in*



his/her first year of employment, he/she shall have an additional amount of time equal to the required time off to acquire the balance of his initial 400 hours of required training or after the first year of his/her 100 hours of required training to maintain his/her eligibility.

(13) [(12)] A copy of the high school diploma or GED certificate for each firefighter where required must be maintained by the local unit and must be available for review by appropriate commission personnel.

(14) [(13)] If, after having successfully completed a certified basic training course, a firefighter transfers from one (1) participating local unit to another, he shall be eligible to receive payments from the fund providing he continues to meet the requirements of the fund as set down by the commission.

(15) [(14)] If a firefighter transfers from one (1) fire department to another, paid or volunteer, all certified training received by him/her shall be recognized by the fire department to which he/she transferred and shall be considered toward his/her eligibility for participation in the fund.

Section 3. Participation Requirements. (1) Beginning July 1, 1982, an eligible local government shall be entitled to receive annually an *incentive* [a supplement] of \$2,500 for each qualified professional firefighter it employs.

(2) Each qualified professional firefighter, whose local government receives an *incentive* [a supplement] pursuant to subsection (1) of this section, shall be paid by that local government the *incentive* [supplement] which his qualifications brought to the local government. The *incentive* [supplement] paid each qualified firefighter shall be in addition to his regular salary.

(3) Participation in the Professional Firefighter's Incentive Pay Program during the first fiscal year of the program's existence (January 1-June 30, 1981) shall require that application be made to the commission within the dates of August 1, 1980 through October 20, 1980. Thereafter, application must be made annually by local governments for new or continued participation. Applications shall be accepted from February 1 through April 30 of each year. Local governments failing to make application within the specified dates shall not be considered for participation until the next application filing period.

(4) The commission shall determine which local governments are eligible to share in the fund and may withhold or terminate payments to any local government that does not comply with the requirements of KRS Chapter 95A or the rules and regulations issued by the commission thereunder.

Section 4. Local Use of Funds. Funds made available to local governments shall be received, held and expended in accordance with the provisions of this act, any rules and regulations issued by the commission, and the following specific restrictions:

(1) Funds provided shall be used only as a direct monetary *incentive* [supplement] to firefighters' compensation.

(2) Funds provided shall be used only to compensate firefighters who have complied with subsection (3), (4), and (6) of Section 2.

(3) Each firefighter shall be entitled to receive the state *incentive* [supplement] which his qualifications brought to the local government.

(4) Funds shall not be used to supplant existing salaries or as a substitute for normal salary increases periodically due to a firefighter.

(5) No firefighter shall receive monies from this fund for employment with more than one (1) employer and in no instance shall receive dual payment.

Section 5. Certification of Funds. The Department of Finance, on the certification of the commission, shall draw warrants as specified on the State Treasury for the amount of the fund due each eligible local government. Checks shall be issued by the State Treasurer and transmitted to the commission for distribution to the proper officials or participating local governments which have complied with the provisions of KRS Chapter 95A and this regulation. Beginning January 1, 1981, and on the first day of each month thereafter, the share of each eligible local unit shall be distributed from the fund.

Section 6. Available Funds. (1) If funds appropriated by the General Assembly and otherwise made available to the fund are insufficient to provide the amount of money required by Section 3(1) of this regulation, the commission shall make a uniform percentage reduction in the allotment of funds available.

(2) Funds appropriated by the General Assembly and unexpended by the commission at the close of the fiscal year for which the funds were appropriated and otherwise made available to this fund pursuant to KRS 136.340 to 136.400, KRS Chapter 42 and KRS 95A.220 shall not lapse but shall be carried forward into the following fiscal year.

Section 7. Transmittal of Funds. (1) Request for funds by the local unit shall be submitted to the department not later than thirty (30) days prior to the beginning of the month in which the funds are to be expended.

(2) The department shall mail fund checks by the first day of each month to all local units which have filed timely requests for funds.

(3) The local unit shall acknowledge receipt of funds to the department on forms provided for that purpose.

Section 8. Local Unit Distribution of Funds. (1) The local unit shall include the incentive compensation paid to each firefighter from the fund as a part of the firefighter's salary in determining all payroll deductions.

(2) The local unit shall provide each firefighter with a check stub or separate receipt upon which the gross amount of incentive funds paid to the firefighter is identified.

(3) The local unit shall disburse incentive funds during the month for which the funds are requested.

[(4)] The local unit shall maintain a separate account for all incentive funds which it receives pursuant to KRS Chapter 95A and this regulation.]

(4) [(5)] The local unit shall maintain records to document that each firefighter devotes sufficient hours performing firefighter's duties and training to qualify him for incentive funds consistent with his annual salary.

Section 9. Quarterly Reports. (1) Each participating local unit shall submit quarterly reports to the department within fifteen (15) days of the close of the quarter falling on March 31, June 30, September 30 and December 31 of each year.

(2) The quarterly report shall include the name, rank, social security number, date of employment, annual compensation and the amount of incentive funds received for each firefighter and any other information specifically requested on the respective quarterly report form.

Section 10. Local Audits. (1) The local unit may be audited by the department pursuant to established procedures.

(2) For audit purposes, the local unit shall maintain accurate financial records. Such records shall include, but are not limited to, books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks and any related document and record.

(3) These records shall be retained by the local unit until destruction is authorized by the commission.

Section 11. False or Fraudulent Statements. (1) Any person who knowingly or willfully makes any false or fraudulent statement or representation in any record or report to the commission under KRS Chapter 95A or this regulation shall cause the unit of government which he represents to become ineligible for further funds and that unit of government may be responsible for the return to the State Treasury of those funds which were received through these false or fraudulent statements or representations. Eligibility can be reestablished by submitting a new application as outlined in Section 2 after settlement has been completed to the satisfaction of the commission.

(2) Any person who knowingly or willfully makes a false or fraudulent statement or representation in any record or report to the commission under this act shall be fined not less than \$100 nor more than \$500 or imprisoned for not less than thirty (30) days nor more than one (1) year or both.

Section 12. Appeals. (1) No decision of the commission which negatively affects the eligibility of a firefighter to be a recipient of the fund shall be final until said firefighter shall have been afforded an opportunity to be heard on the matters.

(2) An appeal may be taken from a final decision of the commission to withhold or terminate payment from the fund to any local government. Said appeal shall be to the circuit court of the circuit where the controversy originated.

CHARLES A. COTTON, Commissioner

ADOPTED: February 8, 1983

APPROVED:

NEIL J. WELCH, Secretary

RECEIVED BY LRC: February 15, 1983 at 3:30 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.

#### CABINET FOR HUMAN RESOURCES

Department for Health Services

Certificate of Need and Licensure Board

(Proposed Amendment)

902 KAR 20:008. Health facilities and health service; licensure procedures and fee schedule.

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 requirements for obtaining a license to operate a health facility and establishes the fee schedule for a license.

Section 1. Definitions. "Volunteer service" means an ambulance service in which none of the drivers or attendants receive any compensation for their work.

Section 2. Licenses. (1) No person shall operate any health facility in this Commonwealth without first obtaining the appropriate license therefor.

(2) The license shall be conspicuously posted in a public area of the facility.

(3) All applications for licensure shall be filed with the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40621.

(4) All applicants for licenses shall, as a condition precedent to licensure or relicensure, be in compliance with the applicable regulations relating to the particular health facility. Compliance with the board's regulations shall be ascertained through on-site inspections of the health facility by members of the board or their authorized representatives. Any regulatory violation identified during such inspections will be transmitted in writing to the health facility by the inspecting agency. The health facility shall submit a written plan for the elimination or correction of the regulatory violations to the inspecting agency within ten (10) days. Such plan shall specify the date(s) by which each of the violations will be corrected. Following a review of the plan, the inspecting agency shall notify the health facility in writing of the acceptability of the plan. In instances where a portion or all of the plan is unacceptable, the inspecting agency shall specify the reasons for the unacceptability. In such cases, the health facility shall modify or amend the plan and resubmit it to the inspecting agency within ten (10) days.

(5) Unannounced inspections shall be conducted on complaint allegations. Such inspections shall be conducted utilizing the procedures outlined under subsection (4) of this section.

(6) All licenses shall expire on December 31 following the date of issuance unless otherwise expressly provided in the license certificate.

(7) Licenses may be renewed upon:

(a) Payment of the prescribed fee;

(b) Compliance with the applicable provisions of the Certificate of Need and Licensure Board's regulations; and

(c) Submission of reports including health services provided, health manpower employed and utilization of health services and any special reports required by the Board. Commencing with the required reports for calendar year 1982, the data elements to be included in said reports will be circulated for notification at least sixty (60) days in advance of the requests.

(8) Each license to operate shall be issued only for the person or persons and premises, including the number of beds (if applicable), named in the application and shall not be transferable. A new application shall be filed in the event of change of ownership. A change of ownership for licenses shall be deemed to occur when more than fifty percent (50%) of an existing facility or capital stock or voting rights of a corporation is purchased, leased or acquired by comparable arrangement by one (1) person from another.

(9) Upon the filing of a new application for a license because of change of ownership, the new license shall be automatically issued for the remainder of the current licen-

sure period. No additional fee will be charged for the remainder of the licensure period.

(10) There shall be full disclosure to the licensure board of the name and address (and any changes) of:

(a) Each person having (directly or indirectly) ownership interest of ten (10) percent or more in the facility;

(b) Each officer and director of the corporation, where a facility is organized as a corporation; and

(c) Each partner, where a facility is organized as a partnership.

Section 3. Fee Schedule. (1) Fees for review of plans and specifications for construction of health facilities shall be as follows:

License Type	Rate
(a) Hospitals	
plans and specifications review (initial through final)	\$.025 per sq. ft. \$1,500 maximum
(b) All other health facilities	
plans and specifications review (initial through final)	.025 per sq. ft. \$800 maximum

(2) Annual fees. The annual licensure fee (including renewals) for health services shall be as follows:

License Type	Rate
(a) Air ambulance services	\$50
(b) [(a)] Alternative birth centers	\$100
(c) [(b)] Ambulatory surgical center	\$100
(d) Chemical dependency treatment service	\$5 per bed \$100/minimum \$1,000/maximum
(e) [(c)] Community mental health and mental retardation center	\$500 [per catchment area]
(f) [(d)] Day health care	\$50
(g) [(e)] Ambulance service (per non-volunteer service)	\$50
(per volunteer service)	\$10
(h) [(f)] Family care homes	\$25
(i) [(g)] Group homes	
mentally retarded/developmentally disabled	\$50
(j) [(h)] Health maintenance organizations	\$3 per 100 patients
(k) [(i)] Home health agencies	\$50
(l) [(j)] Homemaker	\$50
(m) [(k)] Hospice	\$10
(n) [(l)] Hospitals	
1. Accredited hospital	\$3 per bed \$100/minimum \$1,000/maximum
2. Non-accredited hospital	\$5 per bed \$100/minimum \$1,000/maximum
(o) [(m)] Intermediate care facilities	\$5 per bed \$100/minimum \$1,000/maximum
(p) [(n)] Medical [alcohol emergency] detoxification services	No fee [\$5 per bed]
(q) [(o)] Non-emergency health transportation service (per service)	\$50
(r) [(p)] Nursing home	\$5 per bed \$100/minimum \$1,000/maximum
(s) [(q)] Outpatient clinics and ambulatory care facilities	\$100

(t) [(r)] Personal care home	\$2 per bed \$50/minimum \$500/maximum
(u) [(s)] Primary care center	\$100 \$15 per satellite
(v) [(t)] Rehabilitation (outpatient)	\$50
(w) [(u)] Renal dialysis	\$10 per station
(x) [(v)] Rural health clinics	\$50
(y) [(w)] Skilled nursing facilities	\$5 per bed \$100/minimum \$1,000/maximum

FRANK W. BURKE, SR., Chairman

ADOPTED: January 19, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: February 11, 1983 at 11:30 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.

**CABINET FOR HUMAN RESOURCES**  
**Department for Health Services**  
**Certificate of Need and Licensure Board**  
**(Proposed Amendment)**

**902 KAR 20:111. [Operations and services:] Medical [alcohol emergency] detoxification services [centers].**

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 operation and services] of medical [alcohol emergency] detoxification services [centers].

Section 1. *Scope of Operation and Services.* A facility with a medical detoxification service provides examination, diagnosis, treatment, and referral for intoxicated persons and persons evaluated by a physician to be alcoholics or abusers of other chemical substances in need of detoxification. Medical detoxification services are provided in a facility licensed as a hospital, psychiatric hospital or chemical dependency treatment service and are available on a twenty-four (24) hour basis. [Definition. Medical alcohol emergency detoxification services means a service providing treatment for intoxicated persons, or for persons evaluated by physicians to be alcoholics in need of acute emergency care in hospitals or skilled nursing facilities which operate on a twenty-four (24) hour basis and are licensed for this purpose in accordance with KRS 222.230.]

Section 2. *Definitions.* (1) "Detoxification" means the systematic reduction of the amount of a toxic agent in the body or the elimination of a toxic agent from the body.

(2) "Service" means a medical detoxification service.

Section 3. [2.] Minimum Standards of Operation. (1) The medical [alcohol emergency] detoxification service shall be provided on the premises of a facility licensed as a hospital, psychiatric hospital or chemical dependency

treatment service [skilled nursing facility] under the applicable health service and health facility licensure regulations. The [medical alcohol emergency detoxification] service shall have staff, [and] operating procedures and records appropriate to the licensure category of the facility providing [housing] the service [program].

(2) A psychiatric hospital or chemical dependency treatment service providing medical detoxification [The hospital or skilled nursing facility] shall have provisions for obtaining emergency medical treatment through a licensed hospital with an organized emergency department [capability].

(3) The facility shall provide extended medical care of the patient within the primary facility or through cooperative arrangement with or referral to another licensed medical care facility if services required for the patient are not available in the primary facility.

(4) The service shall be operated by licensed staff [specially] trained in alcohol and drug [emergency] treatment procedures who receive regular in-service training relating to their job activities. There shall be at least one (1) person on duty at all times who shall have received training in cardio-pulmonary resuscitation [as certified by the Department for Human Resources, except that the certification shall in no way be construed as interfering with the individual practice privileges granted medical, nursing, and other personnel through licensure in their respective professions].

(5) The service shall have twenty-four (24) hour capability, and shall provide examination, [and/or] diagnosis, [medical emergency outpatient] treatment, and appropriate referral for all patients [clients].

(6) A physical examination shall be conducted prior to commencing detoxification or administering medications to determine whether the patient requires transfer to a more appropriate level of care. Admission for [to] inpatient treatment [status] shall be determined by an attending or examining staff physician. The medical care of the patient during detoxification shall be directed by a physician.

(7) Prior to discharge from the detoxification service an assessment of the patient's condition shall be conducted to determine an appropriate referral for continuing care.

(8) [(7)] The facility shall designate the number of beds to be available for detoxification services [medical alcohol emergencies,] and [shall] assure space is available [for at least one (1) bed] with reasonable privacy [and appropriate stretcher or bed access] for examination, detoxification, observation, evaluation and treatment of the medical alcohol or drug emergency patient.

(9) [(8)] The facility shall have [show evidence of] written affiliation [or efforts to affiliate for reciprocal services] with [as many of the] other licensed alcohol and drug services [as possible and] available in the community such as: chemical dependency treatment services and services licensed under 902 KAR Chapter 3 including [but not limited to:] situation, identification, and disposition (SID) units, thirty (30) day residential units, halfway houses and outpatient services [; and shall have written affiliation with at least two (2) such services if existing within the community].

(10) [(9)] The facility shall have the following equipment immediately available [on hand and operational at all times]:

(a) Complete parenteral treatment equipment; [and capability.]

(b) Appropriate pharmaceutical supplies to include tranquilizers, anti-convulsants, oral and parenteral vitamins; [.]

(c) Ventilation equipment including masks and cannulae

for administration of oxygen and suction equipment; [Inhalation equipment including suction and positive pressure breathing equipment.]

(d) An emergency crash cart; and

(e) Defibrillator.

(11) [(10)] The facility shall have twenty-four (24) hour [immediate] access to physician services on at least an on-call basis.

FRANK W. BURKE, SR., Chairman

ADOPTED: January 19, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: February 11, 1983 at 11:30 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.

### CABINET FOR HUMAN RESOURCES Department for Health Services Certificate of Need and Licensure Board (Proposed Amendment)

902 KAR 20:120. Non-emergency health transportation services.

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) authorize the Certificate of Need and Licensure Board to regulate health facilities and health services. This regulation sets forth the minimum requirements for non-emergency health transportation services.

[Section 1. Scope. This regulation sets forth the requirements for non-emergency health transportation services. Non-emergency health transportation services provide health care transportation on a routine scheduled basis to individuals whose impaired health condition requires special patient care and handling but does not indicate a need for emergency medical treatment during transit. The intent of this regulation is to define minimum standards. Nothing in this regulation shall be construed as discouraging, limiting or prohibiting an increased level of non-emergency health transportation services pursuant to the discretion of the party responsible for the operation of the service.]

Section 1. [2.] Definitions. (1) "Non-emergency health transportation" means health care transportation provided on a [routine,] scheduled basis to individuals whose impaired health condition requires special transportation considerations [patient care], supervision or handling but does not indicate a need for [emergency] medical treatment during transit or emergency medical treatment upon arrival at the final [patient's] destination.

(2) "Emergency medical technician, EMT," means any person who is currently certified by the Kentucky Cabinet [Department] for Human Resources under KRS 211.960 to 211.968.

(3) "[Certificate of Need and Licensure] Board" means the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board.

[(4)] "Certificate of need" means an authorization by the Certificate of Need and Licensure Board to an applicant to construct, expand, or modify a health facility or initiate, expand or modify a health service.]

(4) [(5)] "License" means an authorization issued by the [Certificate of Need and Licensure] Board for the purpose of operating a non-emergency health transportation service.

(5) "Emergency care ambulance transportation" means health care transportation provided on an emergency or scheduled basis to persons who are sick, injured, or otherwise incapacitated, and may require immediate stabilization and continued medical response and intervention during transit or upon arrival at the patient's destination to safeguard the patient's life or physical well being, except transportation provided by on-duty police and fire department personnel assisting in emergency situations by providing first-aid or transportation when regular emergency units licensed to provide first-aid or transportation are unable to arrive at the scene of an emergency situation within a reasonable time.

Section 2. [3. Certificate of Need,] Licensure [and Reports. (1) Except for non-emergency health transportation services provided by ambulance services licensed pursuant to 902 KAR 20:115, a non-emergency health transportation service shall not be established without first obtaining a certificate of need.]

(1) [(2)] No person nor any private or public organization shall provide non-emergency health [ambulance] transportation services without having first obtained a license from the [Certificate of Need and Licensure] Board.

(2) [(3)] Upon proper submission of an application accompanied by the prescribed fees to the Board, a service in full compliance with the standards herein may be issued a license designated as a non-emergency health transportation service. The license shall designate the geographical area served by the licensee.

(3) The license shall designate the number of vehicles to be operated by the licensee. Upon application for licensure and renewal of licensure the applicant or licensee shall specify the number of vehicles to be operated and provide the licensure agency with identifying information (e.g., license numbers, vehicle numbers, serial numbers, etc.) for each vehicle. The licensee shall notify the licensure agency of any change in the number of vehicles to be operated. Additional vehicles shall not be operated until after the licensure agency has been notified and has verified that the vehicle meets the requirements of this regulation.

[(4)] All applicants for license renewal shall have submitted inventory and utilization reports required by the Certificate of Need and Licensure Board.]

Section 3. [4.] Standards for Operations. To be issued a license designated as a "non-emergency health transportation service," the service shall comply with the following standards:

(1) A non-emergency health transportation service shall not provide emergency care ambulance transportation services unless they are [also] licensed as an [emergency care] ambulance service pursuant to 902 KAR 20:115; and [.]

(2) Vehicle design and maintenance. All vehicles used in the provision of non-emergency health transportation services shall be designed to provide adequately for the transportation of patients including: [.]

(a) All vehicles [There] shall have [be] adequate heating and air conditioning capabilities in both the driver and patient compartments;

(b) [(a)] All vehicles shall be kept in optimum working order. The interior of the vehicle and equipment shall be kept clean;

(c) [(b) Patient access.] All vehicles utilized in the provision of non-emergency health transportation shall be constructed to allow verbal communication with the patient during transit;

(d) All vehicles designed to transport stretchers or wheelchair patients shall be equipped with mechanisms to secure the patient and the stretcher or wheelchair while in transit; and

(e) Vehicles used in the provision of non-emergency health transportation by services licensed under this regulation shall not be equipped with emergency lights or sirens as required by KRS 189.920 for emergency vehicles or display the "star of life" symbol.

Section 4. [5.] Equipment. (1) All vehicles used in the provision of non-emergency health transportation services shall have at least the following essential equipment [/accessories as prescribed by the Board, including]:

(a) One (1) five (5) lb. dry chemical fire extinguisher;

(b) One (1) first aid kit; and

(c) Oxygen equipment (portable) including:

1. One (1) "D" size oxygen cylinder;

2. One (1) pressure gauge and flow rate regulator;

3. Adaptor and tubing; and

4. Transparent masks for adults and children. Nasal cannulas may be substituted.

Section 5. [6.] Personnel. Each non-emergency health transportation vehicle shall be staffed by one (1) person [emergency medical technician] per service run who may also be the driver of the vehicle and who shall have the following qualifications:

(a) Red Cross Advanced, Red Cross Standard First Aid and Personal Safety, or Red Cross Advanced First Aid and Emergency Care Certification, each with supplemental CPR instruction certified by the American Red Cross or the American Heart Association; or

(b) Medical Corpsman Training within the last five (5) years; or

(c) EMT-A certification; or

(d) Licensure as a registered nurse or physician.

Section 6. [7.] Records and Reports. All non-emergency health transportation services shall keep adequate reports and records, which are maintained at the base headquarters, and are available for periodic review as deemed necessary by the [Kentucky Certificate of Need and Licensure] Board. Required records and reports shall include [are as follows]:

(1) *Run report forms provided by the Cabinet for Human Resources shall be [The Kentucky Emergency Medical Service Ambulance Run Report Form.] completed and [forms shall be] forwarded to offices designated by the cabinet [Department for Human Resources] in accordance with submission dates and procedures established by the cabinet; and [department.]*

(2) Employee records shall include documentation of certification.

FRANK W. BURKE, SR., Chairman

ADOPTED: February 15, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: February 15, 1983 at 4:30 p.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.

**CABINET FOR HUMAN RESOURCES**  
Department for Social Insurance  
(Proposed Amendment)

**904 KAR 2:115. Eligibility, criteria for home energy assistance program.**

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

**NECESSITY AND FUNCTION:** The Cabinet for Human Resources has responsibility as prescribed by P.L. 97-35 (Title XXVI of the Omnibus Budget Reconciliation Act of 1981) to administer a program to provide assistance for eligible low income households within the Commonwealth of Kentucky to help meet the costs of home energy. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth the eligibility and benefits criteria for each of *four (4) [three (3)]* components of energy assistance, regular, crisis, [and] Project Warmup, *and emergency reconnection* 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 benefit amount in accordance with the procedural requirements prescribed by the cabinet.

**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, that is used to sustain reasonable living conditions.

(3) "Household" means any individual or group of individuals who are living together as one (1) economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

(4) "Economic unit" is one (1) or more persons sharing common living arrangements.

(5) A "fully vulnerable household" is any household living in non-subsidized housing which pays all energy costs directly to the energy provider or any household which rents non-subsidized housing whose energy costs are included in the rent payment.

(6) "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 receiving benefits on the basis of 100 percent disability.

(7) "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.

(8) "Project Warmup" is that component of HEAP administered by local governments and other local organizations under contract with the cabinet to provide benefits to eligible households who are without adequate heat.

(9) "Emergency reconnection component" is that portion of benefits reserved as energy assistance for eligible households who use a utility service with a continuous billing cycle and whose service has been disconnected.

**Section 3. Eligibility Criteria.** (1) A household must meet the following conditions of eligibility for receipt of a HEAP payment under the regular, [and] crisis, and emergency reconnection components:

(a) The household must be fully vulnerable for energy cost.

(b) 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.

(c) 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.

Family Size	Income Scale	
	Monthly	Yearly
1	\$500	\$6,000
2	600	7,200
3	700	8,400
4 or more	800	9,600

(d) The household must have total liquid assets at the time of application of not more than \$5,000. Excluded assets are cars, household or personal belongings, principal residence, cash surrender value of insurance policies, and prepaid burial policies.

(e) Applicants for the crisis and emergency reconnection components must attest that an immediate need for energy exists because the household is financially incapable of meeting their energy costs at the time of application or within fifteen (15) days. The thirty (30) day extension of



service prior to energy cut-off granted by Public Service Commission regulations does not affect eligibility for the crisis component.

(f) *Under the emergency reconnection component, the utility service for the principal residence of the household must be disconnected.*

(2) A household must meet the following conditions of eligibility for receipt of a Project Warmup component benefit:

(a) The household must be without adequate heat.

(b) The household must meet the income and assets criteria contained in subsection (1)(b) through (d) of this section.

(c) The applicant for shelter cannot be, in the opinion of the contracting agency, a threat to the health and/or welfare of other Project Warmup recipients.

(3) Households are eligible to receive benefits under either the regular, [or] crisis, or *emergency reconnection* component and Project Warmup.

Section 4. Benefit Levels. (1) Payment amounts for the regular, [and] crisis, and *emergency reconnection* components 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.

(a) 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, Wood, Kerosene

Monthly Household Income	Payment Amount	
	Household Size 1 and 2	Household Size 3 or more
\$ 0-300	\$275	\$300
301-600	238	263
over 600	—	225

##### Scale B.

Energy Sources: Natural Gas, Coal

Monthly Household Income	Payment Amount	
	Household Size 1 and 2	Household Size 3 or more
\$ 0-300	\$225	\$250
301-600	188	213
over 600	—	175

(b) If the cabinet receives only a percentage of the federal funds authorized by Congress, benefits to eligible households under the regular or crisis components may be reduced proportionately.

(2) Benefits to eligible households under the Project Warmup component shall be in the form of temporary shelter, blankets, space heater(s), short term fuel supplies, or the payment of utility reconnection fees and deposits if such payment will enable the household to obtain heat. Other benefits may be provided which directly or indirectly assist households in obtaining energy. Benefits will be

available only in counties which contract with the cabinet for the provision of these services.

Section 5. Benefit Delivery Methods. Benefits shall be provided to eligible households as follows:

(1) Payment authorization under the regular and crisis components 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 (2) party check made payable to the provider and the recipient, *whenever feasible*.

(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 and the provider/landlord *whenever feasible*.

(c) When a two (2) party check is not feasible, the recipient shall sign an affidavit prior to receipt of funds stating that benefits received under HEAP shall be utilized solely for home energy.

(2) *Payment authorization under the emergency reconnection component shall be made by a two-party check made payable to the provider and the recipient, whenever feasible.*

(3) [(2)] Under the regular, [or] crisis, or *emergency reconnection* components, 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 the maximum for the primary source of energy *for heating*. The household will decide how to divide payment if more than one (1) provider is used.

(4) [(3)] For Project Warmup, no direct cash payments shall be made to the recipient. Benefits shall be provided to eligible households by the contracting agency as necessary.

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 cabinet 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 3, 1983, and ending no later than January 14, 1983, at the close of business.

(2) Applications for the crisis component shall be accepted beginning January 17, 1983.

(3) *Applications for the emergency reconnection component shall be accepted beginning February 14, 1983.*

(4) [(3)] Application shall be processed in the order taken until funds are expended. HEAP regular, [and] crisis, and *emergency reconnection* components shall be terminated by the secretary when actual and projected component [program] expenditures have resulted in utilization of available funds or March 31, 1983, *whichever comes first*.

(5) [(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.

(6) [(5)] Project Warmup may be implemented by contracting agencies on December 15, 1982 [and must be implemented no later than January 1, 1983]. Benefits shall be provided until funds are exhausted or March 31, 1983, whichever comes first.

Section 9. Allocation of Funds. (1) Up to fifteen (15) percent of the total HEAP allocation shall be reserved for weatherization assistance.

(2) Up to \$1.6 million shall be reserved for Project Warmup.

(3) *Remaining benefit funds available under Public Law 97-35 shall be reserved for the regular and crisis components [shall be equally divided between the two (2) components. Regular component funds unobligated by the close of business January 14, 1983, shall be available for use in the crisis component].*

(4) *Of the approximately \$2.57 million oil pricing settlement funds made available to Kentucky by the United States Department of Energy pursuant to the 1983 Further Continuing Appropriation Act, up to \$1.0 million shall be reserved for the emergency reconnection component with the remainder made available for use in the crisis component.*

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: February 14, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: February 15, 1983 at 4:15 p.m.

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

**CABINET FOR HUMAN RESOURCES**  
Department for Social Insurance  
(Proposed Amendment)

**904 KAR 3:010. Definitions.**

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Cabinet 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 definitions for terms used by the cabinet in regulations pertaining to the Food Stamp Program.

Section 1. Definition of terms utilized in regulations relating to the Food Stamp Program are as follows:

(1) "Application for participation" means the form designed or approved by Food and Nutrition Service, hereinafter referred to as FNS, which is completed by a household member or authorized representative; or for household consisting solely of public assistance recipients, it may also mean the application form used to apply for public assistance, including attachments approved by FNS, which is completed by a household member or authorized representative.

(2) "Authorization to participate card," ATP, means the document which is issued by the state agency to a certified household to show the allotment the household is authorized to receive on presentation of such document.

(3) "Authorized representative" means an individual designated by a household member to act on behalf of the household in one (1) or all of the following capacities: making application for the program, obtaining the coupons, using the coupons. Authorized representatives will be disqualified for program abuse in accordance with 7 CFR 273.1(f).

(4) "Certification" means the action necessary to determine eligibility of a household. Such action includes interviews, verification and decisions.

(5) "Communal dining facility" means a public or non-profit private establishment, approved by FNS, which prepares and serves meals for elderly persons, or for supplemental security income (SSI) recipients and their spouses, a public or private nonprofit establishment (eating or otherwise) that feeds elderly persons or SSI recipients and their spouses, and federally subsidized housing for the elderly at which meals are prepared for and served to the residents. It also includes private establishments that contract with an appropriate state or local agency to offer meals at concessional prices to elderly persons or SSI recipients and their spouses.

(6) "Coupons" mean any stamp, coupon or type of certificate issued in accordance with the Food and Nutrition Service regulations for the purchase of eligible food.

(7) "Date of entry" or "date of admission" means the date established by the Immigration and Naturalization Service as the date the sponsored alien was admitted for permanent residence.

(8) [(7)] "Drug addiction or alcoholic treatment and rehabilitation program" means any drug addiction or alcoholic treatment and rehabilitation program conducted by a private nonprofit organization or institution which is certified by the cabinet or agencies designated by the Governor as responsible for the administration of the state's programs for alcoholics and drug addicts.

[(8) "Elderly person" means a person sixty (60) years of age or older.]

(9) "Elderly or disabled member" means a member of a household who, effective September 8, 1982, meets the criteria set forth in 7 CFR Part 271.2 as follows:

(a) Is sixty (60) years of age or older or will become sixty (60) in the month of application;

(b) Is receiving SSI benefits under Title XVI of the Social Security Act or disability or blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act;

(c) Is a veteran with a service-connected disability rated or paid as total under Title 38 of the United States Code or is considered in need of regular aid and attendance or permanently housebound under said title of the code;

(d) Is a surviving spouse of a veteran and considered in need of aid and attendance or permanently housebound or a surviving child of a veteran and considered to be permanently incapable of self-support under Title 38 of the United States Code; or

(e) Is a surviving spouse or child of a veteran and entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title 38 of the United States Code and has a disability considered permanent under Section 221(i) of the Social Security Act.

(10) [(9)] "Eligible foods" means any of the following:

(a) Any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot food products prepared for immediate consumption;

(b) Seeds and plants to grow foods for the personal consumption of eligible households;

(c) Meals prepared and delivered by an authorized meal delivery service to households eligible to use coupons to purchase delivered meals; or meals served by a communal dining facility for the elderly, for SSI households or both, to households eligible to use coupons for communal dining;

(d) Meals prepared and served by an authorized drug addict or alcoholic treatment and rehabilitation center to eligible households;

(e) Meals prepared and served by an authorized group living arrangement facility to residents who are blind or disabled recipients of benefits under Title II or Title XVI of the Social Security Act; or

(f) Meals prepared and served by an authorized shelter for battered women and children to its eligible residents.

(11) [(10)] "Federal fiscal year" means a period of twelve (12) calendar months beginning with each October 1 and ending with September 30 of the following calendar year.

(12) [(11)] "FNS" means the Food and Nutrition Service of the United States Department of Agriculture.

(13) [(12)] "Food Stamp Act" means the Food Stamp Act of 1977 (Pub. L. 95-113) including any subsequent amendment thereto.

(14) [(13)] "Group living arrangement" means a public or private nonprofit residential setting that serves no more than sixteen (16) residents and is appropriately certified. Residents must be blind or disabled and receiving benefits under Title II or Title XVI of the Social Security Act to be eligible for food stamps.

(15) [(14)] "Head of household" is the person in whose name the application for participation is made.

(16) [(15)] "Household" means an individual(s) living alone or with others or a group of individuals living together where living quarters are shared. [any of the following individuals or groups of individuals provided that such individuals or groups are not residents of an institution, and provided that separate household status shall not be granted to a spouse of a member of the household, to children under eighteen (18) years of age under the parental control of a member of the household, to non-elderly parents (regardless of their marital status) and children who live together, or to a boarder:]

(a) A household may be composed of any of the following individuals or groups of individuals, provided that such

individuals or groups of individuals are not residents of an institution, residents of a commercial boarding house, or living with others and paying compensation to others for meals and lodging except as otherwise specified in subsection 24(b) of this section:

1. [(a)] An individual living alone;

2. [(b)] An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from the others;

3. [(c)] A group of individuals living together for whom food is customarily purchased in common and for whom meals are prepared together for home consumption.

4. Effective February 1, 1983, an individual who is sixty (60) years of age or older living with others (and the spouse of such individual) who is unable to purchase and prepare meals because he/she suffers from a disability considered permanent under the Social Security Act or suffers from a nondisease-related, severe, permanent disability, provided that the income of the others, excluding the income of said individual's spouse, with whom said individual resides does not exceed 165 percent of the Food Stamp Program's gross monthly income eligibility standard.

(b) In no event shall separate household status or, effective February 1, 1983, nonhousehold member status be granted to:

1. Parents and natural, adopted or stepchildren, unless at least one (1) parent is elderly or disabled as defined in subsection (9) of this section;

2. Children under eighteen (18) years of age under the parental control of an adult member of the household;

3. A spouse of a member of the household;

4. Effective February 1, 1983, siblings (natural, adopted, half or stepbrothers and sisters), unless at least one (1) sibling is elderly or disabled as defined in subsection (9) of this section.

(17) [(16)] "Identification (ID) card" means a card which identifies the bearer as eligible to receive and use food coupons.

(18) [(17)] "Immigration and Naturalization Service (INS)" means the Immigration and Naturalization Service, United States Department of Justice.

(19) [(18)] "Institution of higher education" means any institution providing post high school education, which normally requires a high school diploma or equivalency certificate for a student to enroll, including but not limited to colleges, universities, and vocational or technical schools.

[(19)] "Low-income household" means any household whose gross income does not exceed 130 percent of the Office of Management and Budget poverty guidelines, with the following exceptions: Households in which one (1) of the members is sixty (60) years of age or older, or one (1) of the members receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act shall not have net income exceeding 100 percent of the Office of Management and Budget poverty guidelines.]

(20) "Meal delivery service" means a political subdivision, a private nonprofit organization, or a private establishment with which the cabinet has contracted for the preparation of meals at concessional prices to elderly persons and their spouses, and to the physically or mentally handicapped and persons otherwise disabled, and their spouses, such that they are unable to adequately prepare all of their meals.



(21) "Medicaid" means medical assistance under Title XIX of the Social Security Act, as amended.

(22) "Non-assistance household" hereinafter referred to as NA, means a household containing members who are not included in a public assistance household, hereinafter referred to as PA, grant.

(23) "Nonprofit cooperative food purchasing venture" means any private nonprofit association of consumers whose members pool their resources to buy food.

(24) "Nonhousehold member" means individuals residing with a household but not considered household members in determining the household's eligibility or allotment. Nonhousehold members who are otherwise eligible may participate in the program as separate households.

(a) Roomers. Individuals to whom a household furnishes lodging, but not meals, for compensation.

(b) Boarders. Individuals to whom a household furnishes lodging and meals with the following restrictions:

1. *Effective January 1, 1983, boarders may participate as part of the household with whom they reside at said household's request (if the household meets food stamp program eligibility requirements) but not as a separate household. [Boarder status shall not be granted to a spouse of a member of the household, non-elderly parents (regardless of marital status) and children who live together even if they do not prepare or eat meals together, or to children under eighteen (18) years of age under the parental control of a member of the household.]*

2. Boarder status shall not be extended to persons paying less than a reasonable monthly payment for meals.

(c) Live-in-attendants. Individuals who reside with a household to provide medical, housekeeping, child care or other similar personal services.

(d) Ineligible students. Students not meeting eligibility requirements as set forth in 7 CFR 273.5.

(e) Disqualified individuals. Individuals disqualified for fraud, for failure to meet the citizenship or eligible alien status as set forth in 7 CFR 273.2(f)(1)(ii), 273.2(f)(2)(ii), and 273.4 or for failure to meet social security number requirements as set forth in 7 CFR 273.6.

(f) Others. Other individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household.

(25) "Overissuance" means the amount by which coupons issued to a household exceeds the amount such household was eligible to receive.

(26) "Public assistance" hereinafter referred to as PA, means any of the programs authorized by the Social Security Act of 1935, as amended; old age assistance, aid to families with dependent children (AFDC), including AFDC for children of unemployed parents, aid to the blind, aid to the permanently and totally disabled and aid to aged, blind or disabled.

(27) "Retrospective budgeting" means the computation of a household's food stamp allotment for an issuance month based on actual income and circumstances which existed in a previous month.

(28) [(27)] "Shelter for battered women and children" means a public or private nonprofit residential facility that serves battered women and children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children.

(29) "Sponsor" means a person who executed an affidavit(s) of support or similar agreement on behalf of an alien as a condition of the alien's entry/admission into the United States as a permanent resident.

(30) "Sponsored alien" means an alien lawfully admit-

ted for permanent residence as an immigrant as defined in sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act.

(31) [(28)] "Spouse" refers to either of two (2) individuals:

(a) Who would be defined as married to each other under applicable state law; or

(b) Who are living together and are holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or tradespeople.

(32) [(29)] "Striker" means anyone involved in 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, unless otherwise exempt from work registration for reasons other than employment. *Effective January 1, 1983, said exemption must have existed on the day prior to the strike in order for an individual to not be considered a striker.*

(33) [(30)] "Supplemental security income (SSI)" means monthly cash payments made under the authority of Title XVI of the Social Security Act, as amended, to the aged, blind and disabled.

(34) [(31)] "Thrifty food plan" means the diet required to feed a family of four (4) persons consisting of a man and a woman twenty (20) through fifty-four (54), a child six (6) through eight (8), and a child nine (9) through eleven (11) years of age, determined in accordance with the Secretary of United States Department of Agriculture's calculations. The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition, except that the Secretary of the United States Department of Agriculture shall make household-size adjustment in the thrifty food plan taking into account economies of scale.

(35) [(32)] "Underissuance" means the amount by which the allotment to which the household was entitled exceeds the allotment which the household received.

JOHN CUBINE, Commissioner

ADOPTED: February 10, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: February 11, 1983 at 11:30 a.m.

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

#### CABINET FOR HUMAN RESOURCES Department for Social Insurance (Proposed Amendment)

904 KAR 3:020. Eligibility requirements.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

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



Section 1. Eligibility Requirements. In accordance with regulations promulgated by the Food and Nutrition Service, of the United States Department of Agriculture, national uniform standards of eligibility for the Food Stamp Program, composed of both financial and non-financial criteria, shall be utilized. Financial criteria shall consist of income and resource limitations. Non-financial criteria shall consist of certain technical factors. Participation in the program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. The income eligibility standards are derived from the Office of Management and Budget's (OMB) non-farm income poverty guidelines.

Section 2. Countable Income. *All income from any source shall be counted, except income specifically excluded in Section 3, including but not limited to:* [The following, when received by any household member, shall be considered as income:]

(1) [All] Wages earned by a household member [and salaries of an employee], including all wages [and salaries] received by a striker the month prior to the month of the strike, or effective January 1, 1983, the month of application, in accordance with 7 CFR Part 273.1(g).

(2) The gross income of a self-employment enterprise, including the total gain from the sale of any capital goods or equipment related to the business, excluding the cost of doing business.

(3) Training allowance from vocational and rehabilitative programs recognized by federal, state or local governments, to the extent that they are not reimbursements.

(4) Payments under Title I (Volunteers in Service to America, University Year for Action, etc.) of the Domestic Volunteer Service Act of 1973 shall be considered earned income unless specifically excluded in 7 CFR Part 273.9(c)(10)(iii).

(5) The earned or unearned income of disqualified individuals as set forth in 904 KAR 3:035, Section 5(3).

(6) Assistance payments from federal or federally aided public assistance such as supplemental security income (SSI) or aid to families with dependent children (AFDC); general assistance (GA) programs, or other assistance programs based on need.

(7) Annuities; pensions; retirement; veteran's or disability benefits; worker's or unemployment compensation; strike pay; old-age, survivors, or social security benefits; foster care payments for children or adults; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least twenty (20) hours a week.

(8) Wages earned by a household member which are garnished or [Monies which are legally obligated and otherwise payable to the household, but which are] diverted by [the provider of the payment] an employer and paid to a third party for a household expense.

(9) Support or alimony payments made directly to the household from nonhousehold members.

(10) Such portion of scholarships, educational grants, fellowships, deferred payment loans for education, veterans educational benefits and the like which are not excludable under Section 3(6) of this regulation [in excess of amounts excluded].

(11) Payments from government sponsored programs, dividends, interest, royalties, and all other direct money

payments from any source which can be construed to be a gain or benefit.

(12) Monies withdrawn or dividends which are or could be received from a trust fund considered to be excludable under 7 CFR Part 273.8(e)(8) by a household, unless otherwise exempt under the provisions set forth in 7 CFR Part 273.9(c).

(13) Effective February 1, 1983, that amount of monthly income of an alien's sponsor and the sponsor's spouse (if living with the sponsor) that has been deemed to be that of the alien in accordance with 7 CFR Part 273.11(h).

Section 3. Income Exclusions. The following payments shall not be considered as income:

(1) Money withheld from an assistance payment, earned income or other income source, or moneys received from any income source which are voluntarily or involuntarily returned, to repay a prior overpayment received from that income source, provided the overpayment was not excludable in accordance with 7 CFR Part 273.9(c).

(2) Child support payments received by AFDC recipients which must be transferred to the division administering Title IV-D of the Social Security Act, as amended, to maintain AFDC eligibility.

(3) Any gain or benefit which is not in the form of money payable directly to the household.

(4) Money payments that are not payable directly to a household, but are paid to a third party for a household expense are excludable as a vendor payment.

(5) Any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, but not in excess of thirty dollars (\$30) in a quarter.

(6) Educational loans on which payment is deferred, grants, scholarships, fellowships, veteran educational benefits, and the like to the extent that they are used for tuition and mandatory fees at an institution of higher education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.

(7) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.

(8) Reimbursements for past or future expenses to the extent they do not exceed actual expenses, and do not represent a gain or benefit to the household.

(9) Money received and used for the care and maintenance of a third party beneficiary who is not a household member.

(10) The earned income of children who are members of the household, who are students at least half-time and who have not attained their eighteenth (18th) birthday.

(11) Money received in the form of a non-recurring lump-sum payment.

(12) The cost of producing self-employment income.

(13) Any income specifically excluded by any other federal statute from consideration as income for the purpose of determining eligibility for the Food Stamp Program.

(14) Any energy assistance payments made under federal, state, or local laws.

Section 4. Income Eligibility Standards. Participation in the Food Stamp Program is limited to those households whose incomes fall at or below the applicable standards as established by FNS and which are set forth below:

(1) Households which contain a member who is elderly or disabled as defined in 904 KAR 3:010, Section 1(9) [sixty

(60) years of age or over, or a member who receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV or XVI of the Social Security Act] shall have their net income compared 100 percent of [to] the *federal income* [Office of Management and Budget (OMB)] poverty guidelines.

(2) All other households shall have their gross income (total income after excluded income has been disregarded but before any deductions have been made) compared to 130 percent of the *federal income* [Office of Management and Budget (OMB)] poverty guidelines and, effective February 1, 1983, their net income compared to 100 percent of the *federal income* poverty guidelines.

Section 5. Income Deductions. The following shall be allowable income deductions:

(1) A standard deduction per household per month. This standard shall be periodically adjusted by FNS to reflect changes in the cost of living for a prior period of time as determined by FNS.

(2) Eighteen (18) percent of gross earned income.

(3) Payments for the actual cost for the care of a child or other dependent when necessary for a household member to seek, accept or continue employment or attend training or pursue education preparatory to employment. This deduction shall not exceed the standard established by FNS.

(4) Monthly shelter cost in excess of fifty (50) percent of the household's income after all other allowable deductions have been made. The shelter deduction alone or in combination with the dependent care deduction in subsection (3) of this section shall not exceed a fixed monthly amount established by FNS, *except that households containing an elderly or disabled member shall not have a fixed monthly amount in regards to the shelter deduction.* This fixed monthly amount shall be adjusted periodically by FNS to reflect changes in the cost of living for a prior period of time [as determined by FNS]. Allowable monthly shelter expenses shall be those expenses outlined in 7 CFR Part 273.9(d). The cabinet shall develop a standard utility allowance for use in calculating shelter cost for those households which incur *heating/cooling* [utility] costs separate and apart from their rent or mortgage payments in accordance with 7 CFR Part 273.9(d)(6). If the household is not entitled to the standard or does not choose to use the standard, it may claim actual utility expenses for any utility which it does pay separately. The standard utility allowance shall be adjusted at least annually to reflect changes in the cost of utilities.

(5) Allowable medical expenses, *excluding special diets*, in excess of thirty-five dollars (\$35) per month [excluding special diets,] incurred by any household member who meets the definition of *elderly* [aged, blind,] or disabled, as set forth in 7 CFR Part 271.2, [273.9(d)(3)]. Allowable medical costs] are those meeting the criteria set forth in 7 CFR Part 273.9(d)(3) including, but not limited to:

- (a) Medical and dental care;
- (b) Hospitalization or outpatient treatment and nursing care;
- (c) Medication and medical supplies;
- (d) Health and hospitalization premiums; and
- (e) Dentures, hearing aids, eyeglasses and prosthetics.

Section 6. Resources. Uniform national resource standards of eligibility shall be *utilized* [apply to applicant households in accordance with 7 CFR 273.8]. Eligibility

shall be denied or terminated if the total value of a *household's* [the] liquid and non-liquid [household's] resources, *not exempt under Section 7 of this regulation and in accordance with 7 CFR Part 273.8*, exceed:

(1) \$3000: for all households with two (2) or more members, when at least one (1) member is sixty (60) years or older; or

(2) \$1500: for all other households.

(3) *Effective June 1, 1983, households in which all members receive AFDC benefits and whose gross income does not exceed 130 percent of the federal income poverty guidelines shall be considered as having met the food stamp resource requirement.*

Section 7. Exempt Resources. The following resources shall not be considered in determining eligibility:

(1) The home and surrounding property which is not separated from the home by intervening property owned by others.

(2) Household goods, personal effects including one (1) burial plot per household member, the cash value of life insurance policies and pension funds (*except that effective February 1, 1983, Keogh plans which involve no contractual relationship with individuals who are not household members and Individual Retirement Accounts shall not be exempt*), and prepaid burial plans if a contractual agreement for repayment must be signed in order to withdraw any funds.

(3) Licensed/unlicensed vehicles as specified in 7 CFR Part 273.8.

(4) Property which annually produces income consistent with its fair market value, even if only used on a seasonal basis.

(5) Property which is essential to the employment or self-employment of a household member, in accordance with 7 CFR Part 273.8(e)(5).

(6) Installment contracts for the sale of land or buildings if the contract or agreement is producing income consistent with its fair market value.

(7) Any governmental payments which are designated for the restoration of a home damaged in a disaster, if the household is subject to legal sanction if funds are not used as intended.

(8) Resources whose cash value is not accessible to the household.

(9) Resources which have been prorated as income.

(10) Indian lands held jointly with the tribe, or land that can be sold only with the approval of the Department of the Interior's Bureau of Indian Affairs; and

(11) Resources which are excluded for food stamp purposes by express provision of federal statute.

Section 8. Transfer of Resources. Households which have transferred resources knowingly for the purpose of qualifying or attempting to qualify for food stamps shall be disqualified from participation in the program for up to one (1) year from the date of the discovery of the transfer.

Section 9. Non-financial Criteria. Non-financial eligibility standards apply equally to all households and consist of:

(1) Residency. A household must live in the county in which they make application;

(2) Identity. Applicant's identity will be verified; also, where an authorized representative applies for the household, both the applicant's and the authorized representative's identities will be verified;



(3) Citizenship and [or eligible] alien status. [A] Program participation shall be limited to either [a] citizens of the United States or eligible aliens, as outlined in 7 CFR Part 273.4. *Effective April 1, 1983, individuals whose status is questionable shall be ineligible to participate until such status has been verified;*

(4) Household size. Size of household will be verified through readily available documentary evidence or through a collateral contract; and

(5) Students. *Persons aged eighteen (18) to sixty (60) who are physically and mentally fit and enrolled at least half-time in an institution of higher education are ineligible to participate unless they meet criteria specified in 7 CFR Part 273.5.*

(6) Mandatory monthly reporting (MMR). *Effective April 1, 1983, households in counties in which MMR is being phased in shall be required to file monthly reports as a condition of eligibility, unless otherwise exempt under criteria set forth at 7 CFR Part 273.21(b)(2).*

(7) Social security number (SSN). *Effective February 1, 1983, households applying for or participating in the Food Stamp Program must comply with SSN requirements, specified in the Income Tax Reform Act of 1976, by providing the SSN of each household member or applying for one (1) prior to certification. Failure to comply shall be determined for each household member in accordance with 7 CFR Part 273.6(c).*

(8) [(5)] Work registration. All household members between the ages of eighteen (18) and sixty (60), except those exempt in 7 CFR Part 273.7(b), shall be required to register for work, accept suitable employment and be subject to other work registration requirements specified in 7 CFR Part 273.7. *Effective January 1, 1983, strikers whose households are eligible in accordance with 904 KAR 3:035, Section 5(9), shall be subject to the work registration requirements unless exempt for reasons other than employment at the time of application.*

JOHN CUBINE, Commissioner

ADOPTED: February 10, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: February 11, 1983 at 11:30 a.m.

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

## CABINET FOR HUMAN RESOURCES

Department for Social Insurance  
(Proposed Amendment)

### 904 KAR 3:030. Application process.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Cabinet [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 citizens of the Commonwealth. This regulation sets forth the application process used by the cabinet [department] in the administration of the Food Stamp Program.

Section 1. Application Process. The application process consists of filing and completing an application, an inter-

view and required verification and documentation. The cabinet [department] shall make applications readily accessible to households as well as groups and organizations involved in program information activities and shall provide an application form to anyone upon request.

Section 2. Prompt Action on Applications. The cabinet [department] shall provide eligible households that complete the initial application process an opportunity to participate as soon as possible but not later than thirty (30) days after the application is filed. The department [bureau] shall notify the household of any action it must take to complete the application process. If verification is lacking, the household will have up to thirty (30) days from the date the missing verification was requested to provide such verification.

Section 3. Expedited Service. [(1)] The cabinet [department] shall identify households eligible for expedited service at the time the household requests assistance and shall comply with 7 CFR Parts 273.2(i)(3) and 273.2(i)(4) when expediting certification and issuance procedures. [If otherwise eligible,]

(1) Prior to February 1, 1983 the following households, if otherwise eligible, are entitled to expedited service:

(a) Households with zero net monthly income as computed in 7 CFR Part 273.10.

(b) Households who are destitute as defined in 7 CFR Part 273.10(e)(3).

(2) *Effective February 1, 1983, the following households, if otherwise eligible and provided their liquid resources do not exceed \$100, are entitled to expedited service:*

(a) *Households with less than \$150 in monthly gross income computed in accordance with 7 CFR Part 273.10; or*

(b) *Migrant or seasonable farmworker households who are destitute as defined in 7 CFR Part 273.10(e)(3).*

[(2)] The department shall comply with 7 CFR Parts 273.2(i)(3) and 273.2(i)(4) when expediting certification and issuance procedures.]

Section 4. Public Assistance Application Process. Households in which all members are applying for public assistance (PA) and state administered general assistance shall be allowed to simultaneously apply for food stamp benefits. The cabinet [department] shall comply with procedures specified in 7 CFR 273.2(j) in handling PA households.

Section 5. Joint SSI/FS Application Process. Households in which all members are applicants/recipients of Supplemental Security Income (SSI) shall be allowed to simultaneously apply for both SSI and food stamps at the appropriate Social Security Administration office. The cabinet [department] will comply with procedures specified in 7 CFR 273.2(k) in processing these households.

JOHN CUBINE, Commissioner

ADOPTED: February 10, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: February 11, 1983 at 11:30 a.m.

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

**CABINET FOR HUMAN RESOURCES  
Department for Social Insurance  
(Proposed Amendment)**

**904 KAR 3:035. Certification process.**

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

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

**Section 1. Eligibility and Benefit Levels.** Eligibility and benefit levels shall be determined by the cabinet by considering the households circumstances for the entire month(s) for which each household is certified. Procedures specified in 7 CFR Parts 273.3, 273.10(a), 273.10(b), 273.10(c), 273.10(d) and 273.10(e) shall be used to determine eligibility and calculate net income and benefit levels. *The criteria set forth in this section shall be applicable to all households. In addition, certain households require special/additional certification procedures as specified in Section 5 of this regulation.*

**Section 2. Certification Periods.** The cabinet shall establish a definite period of time within which a household shall be eligible to receive benefits. At the expiration of each certification period entitlement to food stamp benefits ends. Further eligibility shall be established only upon a recertification based upon a newly completed application, an interview, and verification. Certification periods for non-public assistance households shall be in accordance with those specified in 7 CFR Part 273.10(f)(3)(4)(5)(6). Households in which all members are included in a PA grant shall be certified for one (1) year, except that the food stamp case shall be recertified at the same time they are redetermined for PA.

**Section 3. Certification Notices to Households.** The cabinet shall provide applicants with one (1) of the following written notices as soon as a determination is made, but no later than thirty (30) days after the date of the initial application:

- (1) Notice of eligibility.
- (2) Notice of denial.
- (3) Notice of pending status.

**Section 4. Application for Recertification.** The cabinet shall process applications for recertification in accordance with 7 CFR Part 273.10(g)(2) and Part 273.14.

**Section 5. Certification Process for Specific Households.** The following households have circumstances that are substantially different from other households and therefore require special/additional certification procedures:

- (1) Households with self-employed members shall have their cases processed in accordance with 7 CFR Part 273.11(a).
- (2) Households with boarders shall have their case processed in accordance with 7 CFR Part 273.11(b).

(3) Households with members which have been disqualified from program participation due to fraud or failure to provide a Social Security number, or *because they are [for being an] ineligible aliens or, effective April 1, 1983, because they have not verified their citizenship or alien status prior to certification* shall have their case processed in accordance with 7 CFR Part 273.11(c).

(4) Households with other non-household members will be processed in accordance with 7 CFR Part 273.11(d).

(5) Residents of drug/alcoholic treatment and rehabilitation programs shall have their case processed in accordance with 7 CFR Part 273.11(e).

(6) Residents of group living arrangements who are blind or disabled receive benefits under Title II or Title XVI of the Social Security Act shall have their case processed in accordance with 7 CFR Part 273(f), which allows residents to apply in their own behalf or through the use of an authorized/certified facility's authorized representative.

(7) Residents of shelters for battered women and children shall have their case processed in accordance with 7 CFR 273.11(g).

(8) Households consisting only of Supplemental Security Income (SSI) applicants or recipients shall have their case processed in accordance with 7 CFR 273.2(k).

(9) Households with a member who is on strike shall have their case processed in accordance with 7 CFR 273.1(g).

(10) Households requesting replacement allotments shall be processed in accordance with 7 CFR 273.11(h), 274.2(h) and 274.3(c).

(11) *Student households or households containing a member(s) who is a student shall have their case processed in accordance with 7 CFR Part 273.5.*

(12) *Effective February 1, 1983, households containing a sponsored alien(s) shall have their case processed in accordance with 7 CFR Part 273.11(h).*

(13) *Households residing in a county which is phasing in mandatory monthly reporting effective April 1, 1983 and which are required to report monthly, shall have their case processed in accordance with 7 CFR Part 273.21 with selected options as follows:*

(a) *A two (2) month system will be used whereby the issuance month is the second month following its corresponding budget month.*

(b) *Eligibility shall be determined by considering all factors of eligibility prospectively for each of the issuance months.*

(c) *Actual earned and unearned income received in the corresponding budget month shall be considered.*

(d) *Consider the PA grant to be issued in the corresponding budget month.*

(e) *Counties will terminate cases in accordance with 7 CFR Part 273.21(m) or will suspend in accordance with 7 CFR Part 273.21(n).*

(f) *Households shall be recertified using the recertification form and a monthly report will not be required for that month.*

(g) *All households specified in 7 CFR Part 273.21(b)(2) shall be excluded from mandatory monthly reporting.*

**Section 6. Reporting Changes.** Certified households are required to report those changes in household circumstances specified in 7 CFR Part 273.12(a) within ten (10) days of the date the change becomes known to the household. An applying household shall report all changes related to its food stamp eligibility and benefits at the cer-

tification interview, or for changes occurring after the interview but prior to receipt of the notice of eligibility, within ten (10) days of the date of the notice. The cabinet shall act on reported changes in accordance with 7 CFR Part 273.12(c). The cabinet shall comply with other change reporting provisions outlined in 7 CFR Part 273.12. *Households participating in a county which is phasing in mandatory monthly reporting and which are required to report monthly, effective April 1, 1983, shall not be required to submit any reports of changes other than the monthly reports required under Section 5(13) of this regulation.*

JOHN CUBINE, Commissioner

ADOPTED: February 10, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: February 11, 1983 at 11:30 a.m.

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

**CABINET FOR HUMAN RESOURCES**  
Department for Social Insurance  
(Proposed Amendment)

**904 KAR 3:045. Coupon issuance procedures.**

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The *Cabinet* [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 *cabinet* [department] in the administration of the Food Stamp Program.

Section 1. Basic Issuance Requirements. The *cabinet* [department] is responsible for the timely and accurate issuance of coupons to eligible households. In issuing coupons the *cabinet* [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 *cabinet* [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 *cabinet* [department].
- (2) Direct mail is a system wherein coupons are mailed, using at least first class mail, directly to the eligible household.

(3) Alternate issuance is a system used, in accordance with 7 CFR 274.3(c)(3), when circumstances exist which indicate a household may not receive their benefits through the normal issuance system.

(a) Local office pickup is a system whereby a household's benefits are mailed to the local office for the household to pick up.

(b) Certified mail is a system whereby benefits are sent via the postal system and must be signed for before they are obtained.

(c) As determined by the *cabinet* [department], other issuance systems may be utilized to ensure receipt of benefits by the eligible household.

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) 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 *mailed or made available for pick-up no later than the close of business on the fifth calendar day* [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 Parts 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 Part 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.

Section 6. Coupon Controls. Regardless of which issuance system is used, the cabinet [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).

JOHN CUBINE, Commissioner

ADOPTED: February 10, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: February 11, 1983 at 11:30 a.m.

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

**CABINET FOR HUMAN RESOURCES**  
Department for Social Insurance  
Division of Unemployment Insurance  
(Proposed Amendment)

904 KAR 5:100. Claimant's reporting requirements.

RELATES TO: KRS 341.350, 341.380

PURSUANT TO: KRS 13.082, 194.050, 341.115

NECESSITY AND FUNCTION: This regulation sets forth the reporting requirements that the claimant must meet to draw benefits and the date when the claim will be valid. It further sets out the length of time a claim may be backdated and the procedures for mail claims.

Section 1. Registration for Work. A worker must be registered for work before he shall be eligible to receive benefits. *The completion of an initial application for benefits shall also serve as the registration for work. Such registration shall remain active during the worker's benefit year as defined in KRS 341.090(2).*

Section 2. Initial and Reopened (Additional) Claims for Benefits. (1) In order for a worker to file an initial or reopened claim for benefits he shall report in person to a public employment office and complete such forms and conform to such procedures as are approved by the secretary.

(2) In areas serviced by a full-time public employment office, such initial or reopened claim shall be dated as of the first day of the week in which such worker first reports to such public employment office for the purpose of filing a claim for benefits.

(3) In areas serviced by an itinerant public employment office, such initial or reopened claim shall be dated as of the first day of the week in which the worker becomes unemployed provided he reports to such itinerant office for the purpose of filing a claim for benefits on the first day such office is open following his last day of work; otherwise such claim shall be dated as of the first day of the week in which the worker reports at an itinerant or full-time public employment office.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section such initial or reopened claim may be dated as of the first day of any week of unemployment in which the worker worked less than his customary full-time hours for his regular employer, provided such worker reports to a public employment office for the purpose of filing a claim for benefits within fourteen (14) days after the date he was paid for such week.

(5) Upon the presentation by the worker of reasons found to constitute good cause for failure to report at an earlier date, the secretary may authorize the backdating of initial or reopened claims in an area serviced by a full-time public employment office to the first day of a week which ended not earlier than fourteen (14) days prior to the day on which he first reported or indicated his desire to file such claim, and in an area serviced by an itinerant office to the first day of the week which ended not earlier than twenty-eight (28) days prior to the day on which he first reported.

Section 3. Continued Claims for Benefits. (1) In order for a worker, who has filed his initial claim for benefits and has established a benefit year, to file a continued claim for benefits he shall report in person, except as hereinafter provided, to a public employment office and complete such forms and conform to such procedures as are approved by the secretary.

(2) Continued claims for benefits shall cover the week or the two (2) weeks of unemployment (depending on whether the worker is reporting on a weekly or bi-weekly basis) immediately prior to the date on which they are filed.

(3) Upon the presentation by the worker of reasons found to constitute good cause for failure to file at an

earlier date, the secretary may authorize the backdating of continued claims in an area serviced by a full-time public employment office to cover a week or weeks of unemployment ended not earlier than twenty-eight (28) days prior to the date on which they are filed and in an area serviced by an itinerant public employment office to cover a week or weeks of unemployment ended not earlier than thirty-five (35) days prior to the date on which they are filed.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section, such continued claim may be dated as the first day of any week of unemployment in which the worker worked less than his customary full-time hours for his regular employer and for which week he filed a continued claim, provided such worker reports to a public employment office for the purpose of filing a claim for benefits within fourteen (14) days after the date he was paid for such week.

(5) Continued claims for partial benefits shall be certified as to earnings when so required by procedures approved by the secretary, except that the failure of an employer to properly certify earnings shall not result in a denial of benefits otherwise due under the law.

**Section 4. Mail Claims.** (1) The secretary may establish procedures whereby an individual may file his continued claims by mail if reporting in person would require expenditure of an unreasonable amount of travel or money. Such continued claim shall cover the week or weeks indicated on the claim form.

(2) Claims filed by mail shall be considered filed on the day they are deposited in the mail and postmarked. The provisions of this regulation governing the dating and backdating of continued claims filed in areas serviced by a full-time employment office shall also apply to claims filed by mail, and unless such claims are filed within the time prescribed herein, they shall not be allowed.

**Section 5. Claims by Re-employed Workers.** Notwithstanding the provisions of Section 3, a worker, who having filed his initial claim for benefits and having

established a benefit year and who by reason of having returned to full-time employment is unable to report in person to a public employment office, may file a continued claim for benefits by completing such forms in accordance with such procedures as are approved by the secretary and submitting such forms by mail to the Division for Unemployment Insurance. Such continued claim shall cover the week of unemployment indicated on the claim form provided that such week of unemployment ended not earlier than thirty-five (35) days prior to the date on which such claim was deposited in the mail.

**Section 6. Eligibility Review.** *An unemployed worker claiming benefits shall report in person to a public employment office, as directed, on a periodic basis for the purpose of continued benefit eligibility review.*

**Section 7. [6.] Failure to Comply with Regulations.** Notwithstanding any other provisions of this regulation, if the secretary finds that the failure of any worker to file a claim for benefits, and register for work within the specified time, was due to the failure on the part of the employer to comply with any of the provisions of the commission's regulations, or to coercion or intimidation exercised by the employer to prevent the prompt filing of such claim or to failure by the division's personnel to discharge necessary responsibilities, the worker shall have fourteen (14) days after he has received appropriate notice of such findings of the secretary, within which to file such claim, provided that no claim shall be allowed which is filed later than thirteen (13) weeks subsequent to the end of the actual or potential benefit year involved.

JOHN CUBINE, Commissioner

ADOPTED: February 10, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: February 11, 1983 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

## Proposed Regulations

### NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Environmental Protection Division of Water

**401 KAR 5:090. Control of water pollution from oil and gas facilities.**

RELATES TO: KRS Chapters 151, 224

PURSUANT TO: KRS 13.082, 151.125, 224.033, 224.060

**NECESSITY AND FUNCTION:** KRS 224.033 requires that the cabinet promulgate regulations pertaining to the issuance of permits and the prevention, abatement and control of water pollution. This regulation provides for

preventing, abating, and controlling water pollution from oil and gas facilities.

**Section 1. Definitions.** The following definitions describe terms used in this regulation. Terms not defined below shall have the meaning given to them by KRS Chapters 151 and 224 or the meaning attributed by common use.

(1) "Cabinet" means the Natural Resources and Environmental Protection Cabinet.

(2) "Disposal well" means a borehole drilled or proposed to be drilled, or a well converted to be used, for the sole purpose of disposing of any water, gas, produced water or other fluid by injection or other method into a subsurface zone.

(3) "Division" means Division of Water, Natural Resources and Environmental Protection Cabinet.

(4) "Facility" means any well, tank, pit, structure, appurtenance or improvement used in the exploration, drilling, or production of oil or gas or used for treating, storing or disposing of produced water.

(5) "Gas" means all natural gas, including casinghead gas, and all other hydrocarbons not defined herein as oil.

(6) "Holding pit" means an earthen excavated depression or continuous bermed area at least two (2) feet above ground level designed to receive and hold produced water at a facility.

(7) "Kentucky Pollutant Discharge Elimination System (KPDES)" means the Kentucky program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits to discharge and imposing and enforcing pretreatment requirements. The KPDES regulations are 401 KAR 5:050 to 5:085.

(8) "Oil" means natural crude oil or petroleum and other hydrocarbons, regardless of specific gravity, which are produced at the well in liquid form and which are not the result of condensation of gas after it leaves the underground reservoir.

(9) "Operates" means any act relating to the construction, operation or maintenance of any facility.

(10) "Operator" means any person who operates any facility.

(11) "Owner" means any person who possesses any interest in:

(a) The right to develop, operate, or produce oil or gas; or

(b) Any facility.

(12) "Person" means as defined in KRS Chapter 224.

(13) "Pollutant" means as defined in KRS Chapter 224.

(14) "Produced water" means any and all water and pollutants and combination thereof resulting, obtained or produced from the exploration, drilling, or production of oil or gas.

(15) "Register" means the filing of forms provided by the division with the division which contain information as to oil and gas well geographic location, production, produced water production, methods used for treating, storing or disposing of produced water, and other information deemed necessary by the division.

(16) "Total dissolved solids" means the total dissolved (filtrable) solids as determined by use of the method specified in 40 CFR Part 136.

(17) "Waters of the Commonwealth" means waters of the Commonwealth as defined in KRS Chapter 224.

(18) "Well" means a borehole drilled, or proposed to be drilled for the purpose of producing gas or oil or one through which gas or oil is being produced, or a borehole drilled or proposed to be drilled for the purpose of injecting any water, gas, produced water or other fluid therein or one into which any water, gas, produced water or other fluid is being injected.

(19) "Zone" means a layer or stratum capable of producing or receiving fluids.

Section 2. General Prohibition. No person shall construct, modify, or operate a facility in such a manner as to cause water pollution or disposal of any pollutant.

Section 3. Applicability. The provisions of this regulation shall apply to the owner or operator of any facility which produces or is reasonably capable of producing produced water.

Section 4. Registration. (1) All owners or operators shall register their facility with the division. All contiguous facilities operated or to be operated in a single geographical oil or gas field by one (1) owner or operator may register as one (1) facility operation.

(2) Owners or operators who previously registered their facilities with the division on the form entitled "Division of Water, Crude Oil Producers Brine Disposal Registration Form" shall not be required to register under this section unless there has been a change to the reported quantity of produced water or a modification to the facility has occurred which effects the operations used for treating, storing or disposing of produced water.

Section 5. Approval Requirements for Continuation for Operation of Existing Facilities. (1) Applicability. The provisions of this section shall apply to owners or operators of facilities in existence prior to the effective date of this regulation.

(2) Continuation requirements. Owners or operators may continue to operate existing facilities for a period not to exceed one (1) year from the effective date of this regulation provided all the following provisions are met:

(a) A written request to continue operating existing facilities is submitted to the division director. This request shall include a detailed description of existing operations for treating, storing or disposing of produced water.

(b) A plan is submitted to the division director which includes a schedule and outlines the procedures for meeting the requirements of this regulation.

(c) Both the written request and plan shall be submitted to the division director within ninety (90) days of the effective date of this regulation.

(d) Approval for continuation of operation of existing facilities has been obtained from the division director pursuant to subsection (3) of this section and the owner or operator has on display at the facility the division's approval identification number.

(3) Approval procedures. After receiving the written request and plan specified in subsection (2) of this section, the division director will:

(a) Review the plan and request any additional information from the owner or operator, if needed;

(b) Develop a compliance schedule for each facility or contiguous facility operation; and

(c) Issue a written approval to the owner or operator containing the compliance schedule and an identification number.

Section 6. Discharges of Produced Water. (1) Applicability. The provisions of this section apply to owners or operators of facilities discharging produced water into waters of the Commonwealth as defined in KPDES regulation 401 KAR 5:050.

(2) General requirements. No owner or operator shall cause the discharge of produced water from a facility except as authorized by and in accordance with a KPDES permit. KPDES permits may be issued to owners or operators of facilities provided the following conditions are met:

(a) The facility meets the criteria for inclusion with in Subpart F—Stripper Subcategory of 40 CFR Part 435; and

(b) The produced water discharge from the facility meets the water quality standards of 401 KAR 5:031.

(c) Discharges of produced water from facilities included in Subpart B—Onshore Subcategory of 40 CFR Part 435 are prohibited.



Section 7. Holding Pits. (1) Applicability. The provisions of this section apply to owners or operators of holding pits.

(2) General requirements. Owners or operators of holding pits shall supplement the registration form required under Section 4 of this regulation with information regarding the construction and operation of any holding pit and any other information deemed necessary by the division director. This information shall be submitted to the division director on forms provided by the division director.

(3) Permits. The division director will issue permits to owners or operators of holding pits to contain any condition which he deems necessary to satisfy any requirement of this regulation notwithstanding any less stringent provision of the law to the contrary.

(4) Conditions applicable to all holding pits.

(a) Construction requirements.

1. No holding pit shall be constructed within the 100-year floodplain of any stream or water course as defined in KRS 151.100 unless it is surrounded by a continuous impermeable wall to the elevation of the 100-year flood and has a permit issued pursuant to KRS 151.250.

2. All holding pits shall be constructed with an impermeable liner.

(b) Operating requirements.

1. No holding pit may be used for the final disposition of produced water.

2. No holding pit may discharge produced water into waters of the Commonwealth as defined in the KPDES regulation 401 KAR 5:050 except in accordance with a KPDES permit.

3. All surface water shall be diverted away from the holding pit by berms so that the holding pit shall have no additional drainage area.

4. All wastes shall be removed from the holding pit when the design storage volume has filled. Disposal of wastes shall be in accordance with Kentucky laws and regulations.

(c) Closure requirements.

1. Any holding pit no longer used for the purpose for which it was intended shall be backfilled, graded, and revegetated. The vegetative cover shall be capable of stabilizing the soil surface from erosion. This closure shall be conducted within the time period specified in the permit issued pursuant to subsection (3) of this section.

2. A holding pit may remain as a permanent structure upon written approval from the division director.

3. Disposal of all wastes shall be in accordance with Kentucky laws and regulations.

Section 8. Disposal Wells. (1) Applicability. The provisions of this section apply to owners or operators of disposal wells. This section does not apply to wells used to inject water, gas, produced water, or other fluids into an oil producing zone to enhance the recovery of oil.

(2) General requirements. Owners or operators of disposal wells shall supplement to the registration form required under Section 4 of this regulation with information regarding the construction and operation of any disposal well and any other information deemed necessary by the division director. This information shall be submitted to the division director on forms provided by the division director.

(3) Permits. The division director will issue permits to owners or operators of disposal wells to contain any condition necessary to satisfy any requirement of this regulation notwithstanding any less stringent provision of law to the

contrary.

(4) Conditions applicable to all disposal wells. Disposal wells shall be operated to reinject all produced waters into or below the level of a known production zone in that geographical oil or gas field provided that the known production zone contains more than 10,000 mg/l of total dissolved solids.

Section 9. Inspection and Enforcement. The cabinet may inspect any facility pursuant to KRS 224.033 and may provide written notification of any violation to the owner or operator. Following the determination of any violation of any applicable provision of law, the cabinet may initiate any enforcement action including an order to abate and alleviate such condition or activity pursuant to KRS 224.071 and any other applicable remedy including civil penalties pursuant to KRS 224.994.

Section 10. Spills and Leaks. (1) General provision. Owners or operators of facilities shall develop and implement Spill Prevention Control and Countermeasure (SPCC) Plans when required under 40 CFR Part 112.

(2) Reporting.

(a) Owners or operators shall report to the division all spills and bypasses of oil and produced water from facilities in accordance with 401 KAR 5:015.

(b) Owners or operators shall report all spills, discharges and bypasses of oil from a facility in accordance with the procedures in 40 CFR Part 110.

JACKIE SWIGART, Secretary

ADOPTED: February 15, 1983

RECEIVED BY LRC: February 15, 1983 at 4:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: T. Michael Taimi, Commissioner, Department for  
Environmental Protection, 18 Reilly Road, Frankfort,  
Kentucky 40601.

#### NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department of Surface Mining Reclamation and Enforcement

#### 405 KAR 30:360. Waste management provisions.

RELATES TO: KRS 350.600

PURSUANT TO: KRS 13.082, 151.125, 224.033,  
350.028, 350.050, 350.600

NECESSITY AND FUNCTION: KRS 350.600 requires the Natural Resources and Environmental Protection Cabinet to develop regulations for oil shale operations to minimize and prevent their adverse effects on the citizens and the environment of the Commonwealth. This regulation sets forth the requirements for the handling and disposal of wastes other than excess spoil and spent shale.

Section 1. General Requirements. (1) Mining waste not disposed in the mine workings shall be transported and placed in designated disposal areas within the permit area in a manner approved by the cabinet. The mining waste shall be placed in a controlled manner to ensure:

(a) That leachate and surface runoff from the disposal site will not degrade surface or groundwater or exceed the effluent limitations as specified in 405 KAR 30:320;

(b) That the area designated as the disposal site is suitable for reclamation and revegetation compatible with the natural surroundings; and

(c) That the waste is compacted and covered to prevent combustion and becoming windborne.

(2) At a minimum, the permit applicant shall conduct tests to determine the active and potential acid levels from disposal of mining wastes and an EP toxicity test. The cabinet will use the results of these tests to determine if the proposed disposal methods will fulfill the requirements of Section 1(1) of this regulation. The cabinet may require additional tests as necessary to make this determination.

(3) The permit applicant shall determine if the mining waste streams are hazardous as regulated in 401 KAR Chapters 30 through 47. If a mining waste stream exhibits the characteristics of a hazardous waste or is a listed hazardous waste as described in 401 KAR Chapter 31, then the mining waste must be handled and disposed of in accordance with KRS Chapter 224 and regulations promulgated pursuant thereto.

Section 2. Acid-forming and Toxic-forming Mining Wastes. Drainage from acid-forming and toxic-forming materials in soil, overburden, spoil, spent shale, mining waste, and in other materials, shall be controlled in accordance with 405 KAR 30:340, or shall be prevented from entering ground water and surface water. Methods of prevention may include but shall not be limited to:

(1) Identifying, burying, and treating, where necessary, spoil or other materials that, in the judgment of the cabinet, will be toxic to vegetation or that will adversely affect water quality if not treated or buried.

(2) Preventing or removing water from contact with acid-producing or toxic-producing deposits.

(3) Burying or otherwise treating all toxic or harmful materials within thirty (30) days, if such materials are subject to wind and water erosion, or within a lesser period designated by the cabinet. If storage of such materials is approved, the materials shall be placed on impermeable material and protected from erosion and contact with surface water.

(4) Acid-forming or toxic-forming material shall not be buried or stored in proximity to a drainage course so as to cause or pose a threat of water pollution or otherwise violate the provisions of these regulations.

(5) All acid-forming or toxic-forming materials that are exposed, used, or produced during oil shale operations shall be covered with a minimum of four (4) feet of non-toxic and non-acid forming material. Covering the material with an impermeable liner(s) may be required by the cabinet. If necessary, such materials shall be treated in order to prevent water pollution or sustained combustion and to minimize adverse effects on plant growth and land uses. Where necessary to protect against upward migration of salts or exposure to erosion, to provide an adequate depth for plant growth, or to otherwise meet local conditions, the cabinet shall specify greater depths of cover using nontoxic material.

(6) All methods of material placement and compaction pursuant to this section shall be approved by the cabinet.

Section 3. Other Mining Wastes. (1) Wastes including, but not limited to, grease, lubricants, paints, flammable liquids, garbage, abandoned machinery, lumber and other combustibles generated during the mining operation shall be placed and stored in a controlled manner in a designated portion of the permit area. If any of these other mining wastes are hazardous wastes, then these other mining wastes shall be managed in accordance with KRS Chapter 224 and the regulations promulgated pursuant thereto. Placement and storage shall ensure that leachate and sur-

face runoff do not degrade surface or ground water as specified in 405 KAR 30:320, fires are prevented, and that the area remains stable and suitable for reclamation and revegetation compatible with the natural surroundings.

(2) Final disposal of such other mining wastes shall be in a designated disposal site in the permit area or other appropriate disposal areas approved by the cabinet. Disposal sites shall be designed and constructed with appropriate water barriers on the bottom and sides of the designated site. Appropriate water barriers shall include but not be limited to impervious liners, impermeable liners or sub-drainage systems as specified in Section 3(2) of 405 KAR 30:370. Other mining wastes shall be routinely compacted and covered to prevent combustion and becoming windborne. When the disposal is completed a minimum of four (4) feet of nontoxic and non-acid forming material shall be placed over the site. Soil material shall be replaced as specified in 405 KAR 30:290, slopes shall be stabilized consistent with 405 KAR 30:390, and the revegetation accomplished in accordance with 405 KAR 30:400. Operation of the disposal site shall be conducted in accordance with all local, state, and federal requirements concerning the permit area.

Section 4. All processing wastes shall be disposed of in accordance with the requirements set forth in KRS Chapter 224 and regulations promulgated pursuant thereto.

JACKIE SWIGART, Secretary

ADOPTED: February 15, 1983

RECEIVED BY LRC: February 15, 1983 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Steven D. Taylor, Environmental Engineer Chief,  
Division of Reclamation Services, Department for Surface  
Mining Reclamation and Enforcement, Natural Resources  
and Environmental Protection Cabinet, 3rd Floor, Capital  
Plaza Tower, Frankfort, Kentucky 40601.

#### CORRECTIONS CABINET Office of Community Services

501 KAR 3:070. Safety; emergency procedures.

RELATES TO: KRS 441.011(6)

PURSUANT TO: KRS 13.082, 441.011(6)

NECESSITY AND FUNCTION: KRS 441.011 requires the Corrections Cabinet to promulgate regulations establishing minimum standards for jails. This regulation sets forth safety and emergency procedures to be followed in local jails.

Section 1. Policy and Procedure. (1) Each jail shall have a written policy and procedure which specify fire prevention regulations and practices to ensure the safety of inmates, visitors, and staff. These shall include but not be limited to:

(a) Provision for fire emergency drills for staff and inmates at least quarterly.

(b) Written documentation of fire drills.

(c) A fire safety inspection by the Corrections Cabinet at least semi-annually.

(d) Inspection and testing of fire protection equipment by qualified persons at least annually with visual inspections by staff monthly.

(e) Smoking restrictions and regulations.

(f) Written evacuation plan coordinated with local fire officials.

(2) Each jail shall have written policies and procedures for emergency situations including but not limited to:

- (a) Escapes.
- (b) Taking of hostages.
- (c) Riots.
- (d) Food poisoning.
- (e) Civil disturbances in the community.
- (f) Natural disasters.
- (g) Suicides.
- (h) Other deaths and disorder.

Section 2. Physical Plant. (1) Each jail shall have exits which are distinctly and permanently marked, visible at all times, kept clear, and maintained in usable condition.

(2) Each jail shall have equipment necessary to maintain essential lights, power, and communications in an emergency situation.

(3) In all areas where an inmate may be confined, each jail shall be provided with an emergency smoke evacuation system activated by smoke detectors and be operated by emergency power, if necessary.

(4) Each jail shall have an approved fire alarm and smoke detection system which meets the National Fire Safety Code (1981 edition, Chapters 14 and 15).

(5) Each jail shall comply with the National Fire Safety Code (1981 edition, Chapters 14 and 15).

Section 3. The provisions of this regulation shall be effective as of January 1, 1983.

GEORGE W. WILSON, Secretary

ADOPTED: October 1, 1982

RECEIVED BY LRC: February 7, 1983 at 4:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Doug Sapp/Cheryl Roberts, Corrections Cabinet,  
Room 514, State Office Building, Frankfort, Kentucky  
40601.

#### CORRECTIONS CABINET Office of Community Services

501 KAR 3:120. Admission; release.

RELATES TO: KRS 441.011(6)

PURSUANT TO: KRS 13.082, 441.011(6)

NECESSITY AND FUNCTION: KRS 441.011 requires the Corrections Cabinet to promulgate regulations establishing minimum standards for jails. This regulation sets forth admission and release procedures.

Section 1. Policy and Procedure. (1) Each jail shall develop written admission, orientation, and release procedures to be included in the jail's policy and procedure manual.

(2) The provisions of this section shall be effective as of July 1, 1983.

Section 2. Admission. (1) Any seriously injured, seriously ill, or unconscious persons (as determined by the jailer or his designee) shall not be admitted to the jail until a medical examination has been conducted by a licensed physician. A denial of admission form shall be completed which lists the reasons for the denial and shall be signed by the arresting officer and the jail staff member on duty. The

provisions of this subsection shall be effective as of January 1, 1983.

(2) The jail staff shall assure that each inmate is committed under proper legal authority by a duly authorized officer. The provisions of this subsection shall be effective as of January 1, 1983.

(3) An intake form shall be completed on every new inmate admission and shall include but not be limited to the following:

- (a) Time and date of commitment;
- (b) Name, alias, nickname;
- (c) Official charge—cite eight (8) digit KRS number;
- (d) Authority ordering commitment;
- (e) Unit of government to be billed;
- (f) Signature and title of arresting or committing officer;
- (g) Date of birth;
- (h) Race;
- (i) Sex;
- (j) Height and weight;
- (k) Current or last known address;
- (l) Telephone number;
- (m) Marital status;
- (n) Spouse or next of kin;
- (o) Emergency contact (name, relation, address, telephone number);
- (p) Employer, place of employment, telephone number;
- (q) Social Security number;
- (r) Health status (including current medications, known allergies, diet or other special medical needs);
- (s) Blood type, if known;
- (t) The name of any known person in the jail who might be a threat to the arrestee; and
- (u) Mental health history (including past hospitalizations, comprehensive care treatment, current treatment, and medication).

The provisions of this subsection shall be effective as of July 1, 1983.

(4) The jail staff shall conduct a search of inmates and their possessions.

(a) Each inmate shall be searched for contraband in such a manner as responsible staff reasonably determine is necessary to protect the safety of fellow inmates, staff, and institutional security. Such search shall be conducted in a private area and in a manner which protects the inmate's dignity to such extent as possible in that particular jail.

(b) When a strip search is conducted, it shall be performed by a staff person of the same sex as the inmate.

(c) When a strip search of an inmate is conducted, it shall include a thorough visual check for birthmarks, wounds, sores, cuts, bruises, scars, and injuries, "health tags," and body vermin. A less complete search shall include the same checks to the extent determined reasonably necessary.

(d) The probing of body cavities shall not be done except where there is reasonable suspicion to believe that the inmate is carrying contraband there and such search shall only be conducted by medically trained persons (physician, emergency medical technician, registered nurse, licensed practical nurse) in a private location and under sanitary conditions.

(e) The provisions of this subsection shall be effective as of January 1, 1983.

(5) Each jail shall develop written policies and procedures, specifying the personal property that inmates may retain in their possession.

(a) Any cash or personal property shall be taken from

the inmate upon admission, listed by complete description on a receipt form in duplicate, and securely stored pending the inmate's release. The receipt shall be signed by the receiving officer and the inmate, the duplicate shall be stored with the inmate's personal property and the original kept for the jail record.

(b) If the inmate is in an inebriated state, is a mental inquest detainee, or is mentally ill or mentally retarded, there shall be at least one (1) witness to verify this transaction. As soon as the inmate is able to understand and account for his actions, he shall sign the receipt and his copy stored with his personal property.

(c) Personal property released to a third party must have the inmate's signature of approval and the signature receipt of the third party.

(d) The provisions of this subsection shall be effective as of July 1, 1983.

Section 3. Orientation. (1) As soon after assignment as possible, each inmate shall receive an oral and written orientation.

(2) The orientation shall provide the inmate with information regarding his confinement including but not limited to the following:

(a) Information pertaining to rising and retiring, meals, mail procedures, work assignments, telephone privileges, visitation, correspondence, commissary, medical care, and other matters related to the conditions of the inmate's confinement;

(b) Rules of inmate conduct;

(c) Disciplinary procedures;

(d) Information regarding programs (work, educational and vocational training, counseling, and other social services); and

(e) Procedures for making requests or registering complaints with the jail staff, judiciary, or Corrections Cabinet personnel.

(3) Special assistance shall be given to illiterate and non-English speaking inmates.

(4) The provisions of this section shall be effective as of July 1, 1983.

Section 4. Release. (1) Written legal authorization shall be required prior to the release or removal of any inmate from confinement.

(2) When an inmate is released or removed for any legal purpose to the custody of another, the identity of receiving authority shall be verified.

(3) A written record shall be kept of the time, purpose, date, and authority for release or removal from confinement, and into whose custody the inmate is released or removed.

(4) Prior to the release or removal of an inmate, the receiving authority shall sign an authorized release form.

(5) Before the jailer releases an inmate to an out-of-state jurisdiction, he shall consult with the appropriate prosecutorial office in the county.

(6) Any property, not legally confiscated or retained, receipted from the inmate upon admission shall be returned to the inmate at the time of release.

(7) Each inmate shall sign a receipt for property returned at the time of release.

(8) Any complaint regarding property returned must be submitted in writing with specific details within twenty-four (24) hours.

(9) The provisions of this section shall be effective as of January 1, 1983.

GEORGE W. WILSON, Secretary

ADOPTED: October 1, 1982

RECEIVED BY LRC: February 3, 1983 at 4:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Doug Sapp/Cheryl Roberts, Corrections Cabinet,  
Room 514, State Office Building, Frankfort, Kentucky  
40601.

## PUBLIC PROTECTION AND REGULATION CABINET Public Service Commission

807 KAR 5:008. Winter hardship reconnection of electric and gas service.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.280(2)

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 a reconnection rule which applies to electric and gas utility service during the winter months in hardship situations.

Section 1. Notwithstanding the provision of 807 KAR 5:006, Section 11(5) to the contrary, an electric or gas utility shall reconnect service to a customer who has been previously disconnected for nonpayment of bills during the previous fifteen (15) months pursuant to 807 KAR 5:006, Section 11(2)(a) and who applies for such reconnection of service during the months from November through March when the customer or his or her agent:

(1) Presents a certificate of need from the Department for Social Insurance including a certification that a referral for weatherization services has been made in accordance with Section 3 of this regulation;

(2) Pays one-third ( $\frac{1}{3}$ ) of his or her outstanding bill or \$200, whichever is less; and

(3) Agrees to a repayment schedule which would permit the customer to become current in the payment of his or her electric or gas bill as soon as possible but no later than October 15 provided, however, that if, at the time of application for reconnection, the customer has an outstanding bill in excess of \$600 and agrees to a repayment plan that would pay current charges and makes a good faith reduction in the outstanding bill consistent with his or her ability to pay, then such plan shall be accepted.

Section 2. Certificate of Need for Reconnection. Federal and statewide energy assistance programs are administered by the Kentucky Cabinet for Human Resources, Department for Social Insurance. A customer who is eligible for energy assistance under the department's guidelines or is certified as being in genuine financial need, defined as any household with gross income at or below 130 percent of the poverty level, may obtain a certificate of need from the department to be used in obtaining a service reconnection from the utility.

Section 3. Weatherization Program. Customers obtaining a certificate of need under this regulation shall agree to accept referral to and utilize weatherization services which are administered by the Department for Manpower Services. The provision and acceptance of weatherization services is contingent on the availability of funds and other program guidelines. Weatherization services include, but are not limited to, weather-stripping, insulation and caulking.

Section 4. Customers who are current in their payment plans under Section 1(3) of this regulation shall not be disconnected.

LAURA MURRELL, Chairman

ADOPTED: February 4, 1983

APPROVED: NEIL J. WELCH, Secretary

RECEIVED BY LRC: February 7, 1983 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Richard Heman, Secretary of Commission, Public Service Commission, 730 Schenkel Lane, Frankfort, Kentucky 40601.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Public Service Commission**  
**Division of Utility Engineering and Services**

**807 KAR 5:064. Telephone depreciation filing procedure.**

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.280(2)

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 telephone utilities.

Section 1. General. It is the purpose of this regulation to provide the method for determining the appropriateness of telephone utility depreciation rates and methods. It is also the purpose of this regulation to provide for frequent reviews of depreciation rates to avoid under- and over-accruals.

Section 2. Definitions. (1) "Commission" means the Kentucky Public Service Commission.

(2) "Accumulated provision for depreciation" or "depreciation reserve" means an account containing the net balance of the accumulated depreciation accruals less the retirements from the depreciable plant accounts, plus the gross salvage realized from the disposition of retired plant, less the cost of removal associated with the disposition of retired plant, when using net salvage, less adjustments/entries permitted by the Federal Communications Commission's Uniform System of Accounts.

(3) "Annual provision for depreciation accrual" means the annual amount of depreciation charged to expenses and/or clearing accounts.

(4) "Cost of removal" means the cost of demolishing, dismantling, removing, tearing down or abandoning of physical assets, including the cost of transportation and handling incidental thereto.

(5) "Depreciation," as applied to depreciable utility plant, means the loss in service value not restored by current maintenance, incurred in connection with the consumption or prospective retirement of utility plant in the

course of service from causes which are known to be in current operation and against which the utility is not protected by insurance. Among the causes to be given consideration are wear and tear, decay, action of the elements, inadequacy, obsolescence, changes in the art, changes in demand and requirements of public authorities.

(6) "Future net salvage" means an estimate of the net salvage realized from the future retirement of property now in service.

(7) "Net salvage" means salvage of property retired less the cost of removal.

(8) "Original cost" means the actual money cost of property at the time it was first dedicated to the public use whether by the accounting utility or by predecessors.

(9) "Remaining life" means the future expected service in years of the survivors at a given age.

(10) "Remaining life technique" means the technique of calculating a depreciation rate based on the unrecovered plant balance less average future net salvage over the average remaining life. The formula for calculating a remaining life rate is:

$$\text{Remaining life rate} = \frac{100\% - \text{reserve \%} - \text{average future net salvage \%}}{\text{average remaining life in years}}$$

(11) "Gross salvage" means the amount received for property retired, if sold, or if retained for reuse, the amount at which the materials recovered are chargeable to materials and supplies, or other appropriate accounts.

(12) "Straight-line average service life method" means the method which seeks to recover the original cost of depreciable property, minus net salvage, over the average service life of the property.

(13) "Straight-line remaining life method" means the method which seeks to recover the undepreciated original cost of depreciable property, minus any future net salvage, over the remaining life of the property.

(14) "Service value" means the difference between original cost and net salvage value of utility plant.

(15) "Average service life" means the average expected life of all units of a group when new and is determined as the weighted dollar average of the lives of the units. It is equal to the area under the survivor curve divided by original placements.

(16) "Whole life technique" means the technique of calculating a depreciation rate based on the average service life and the average net salvage. Both life and salvage components are the estimated or calculated composite of realized experience and expected activity. The formula for calculating a whole life rate is:

$$\text{Whole life rate} = \frac{100\% - \text{average net salvage \%}}{\text{average service life in years}}$$

(17) "Vintage group procedure" means the procedure which treats the same type of property placed in service during the same year as a distinct group for depreciation purposes.

(18) "Equal life group procedure" means the procedure in which vintage groups are divided into sub-groups for depreciation purposes, each of which is expected to live an equal life.

Section 3. Applicability. This regulation shall apply to all telephone utilities subject to the jurisdiction of the commission, except for telephone utilities also subject to Federal Communications Commission jurisdiction.



Section 4. General Provisions. (1) All telephone utilities shall maintain, and have available for inspection by the commission upon request, adequate records related to the depreciation practices as defined herein, except for those utilities utilizing Section 8 of this regulation.

(2) Each utility has the responsibility of proposing the depreciation rates and methods that will be used. This regulation contemplates the use of straight-line, whole life rates and straight-line, remaining life rates. All rates and methods shall be proposed to be effective on the January 1st following the utility's application as specified in Section 5 of this regulation.

(3) Certified rates and methods are binding on all future rate proceedings and will remain in effect until the next certification, except upon special request, to be determined by the commission.

(4) Depreciation certification studies shall be made and all depreciable plant accounts shall have been reviewed not less than every three (3) years.

Section 5. Filing Requirements: Depreciation Certification Studies. (1) Initially and not less than every three (3) years thereafter each telephone utility may file an application for depreciation certification and the data described in the following paragraphs on or before the July 1st prior to the January 1st effective date.

(2) Each application shall contain the following:

(a) A schedule showing for each class and subclass of plant (whether or not the depreciation rate is proposed to be changed) an appropriate designation therefor, the depreciation rate currently in effect, the proposed rate, and the service-life and net-salvage estimates underlying both the current and proposed depreciation rates. If the utility proposes to use the remaining life technique, the schedule shall also contain remaining service-life and future net-salvage estimates, reserve percentage, and remaining life rates derived therefrom.

(b) An additional schedule showing for each class and subclass, as well as the totals for all depreciable plant:

1. The book cost of plant at the most recent date available;

2. The estimated amount of depreciation accruals determined by applying the currently effective rate to the amount of such book cost;

3. The estimated amount of depreciation accruals determined by applying the rate proposed to be used to the amount of such book cost; and

4. The difference between the amounts determined in subparagraphs 2 and 3 of this paragraph;

(c) A statement giving the reasons for the proposed change in each rate;

(d) A statement describing the method or methods employed in the development of the service life and salvage estimates underlying each proposed change in a depreciation rate; and

(e) The date as of which the revised rates are proposed to be made effective in the accounts.

(f) When the change in the depreciation rate proposed for any class or subclass of plant (other than one (1) occasioned solely by a shift in the relative investment in the several subclasses of the class of plant) amounts to twenty (20) percent or more of the rate currently applied thereto, or when the proposed change will produce an increase or decrease of one (1) percent or more of the aggregate depreciation charges for all depreciable plant (based on the amounts determined in compliance with paragraph (b) of this subsection), the data required by paragraphs (a), (b),

(c), (d), and (e) of this subsection shall be supplemented by copies of the underlying studies, including calculations and charts, developed by the utility to support service-life and net-salvage estimates (remaining service-life and future net-salvage estimates if applicable); provided, however, that if compliance with this requirement involves submission of a large volume of data of a repetitive nature, only a fully illustrative portion thereof need be filed.

(g) Each report shall be filed in duplicate and the original shall be signed by the responsible official to whom correspondence related thereto shall be addressed.

(h) In no event shall a utility for which the commission has prescribed depreciation rates make any changes in such rates unless the changes are prescribed by the commission.

(i) Any changes in depreciation rates that are made under the provisions of Section 4 of this regulation shall not be construed as having been approved by the commission unless the utility has been specifically so informed.

Section 6. Prescribed Methods: Depreciation Certification Studies. (1) The commission prescribes the straight-line method and the whole life technique or remaining life technique utilizing the vintage group or equal life group procedures for calculating depreciation accruals.

(2) No specific methods are prescribed by the commission for estimating service lives and salvage values, including remaining life and future net salvage values.

(3) Any exceptions to these methods will require specific justification and approval by the commission.

Section 7. Filing Procedures. (1) Telephone utilities may apply not less than every three (3) years to the commission for changes in depreciation rates and methods in accordance with this regulation, except for those utilities which may use the average schedule as defined in Section 8 of this regulation. Utilities may propose interim studies of particular accounts prior to the minimum three (3) year period prescribed by this regulation; however, the commission shall have binding discretion as to whether the studies will be considered.

(2) The commission shall schedule conferences with the utilities to review the utilities' proposed rates and methods. In the event that a disagreement concerning a proposed depreciation rate (or rates) and underlying studies cannot be agreed to by both the utility and the commission, the prior rate (or rates) shall remain in effect until the next certification or until the commission shall determine otherwise.

(3) After review by the commission as outlined in subsection (2) of this section, and prior to certification by the commission, a public notice will be issued by the utility allowing twenty (20) days for comments by any interested parties.

(4) In the event the commission has not issued a certification order by December 1 following the application, the commission may issue a letter to the utility authorizing interim booking effective on the following January 1, of the rates agreed upon until the commission issues its final order.

Section 8. Average Schedule. For those telephone utilities not having adequate records or staff to perform the studies specified in this regulation, the commission will issue a proposed average schedule each year. Utilities may either elect to accept the proposed schedule, to be effective January 1 following its issuance, or may reject it, in which case their existing depreciation rates will remain in effect



until the next average schedule is proposed. The average schedule for a particular utility will remain in effect for three (3) years upon acceptance by that utility. In the event that a utility elects to utilize a proposed average schedule but because circumstances unique to that utility require a deviation for a particular account (or accounts), the utility may file studies as outlined in Section 5 of this regulation for that account (or accounts).

Section 9. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviation from these rules.

LAURA L. MURRELL, Chairman

ADOPTED: February 15, 1983

APPROVED: NEIL J. WELCH, Secretary

RECEIVED BY LRC: February 15, 1983 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Richard Heman, Secretary, Public Service Commission, 730 Schenkel Lane, Frankfort, Kentucky 40601.

**CABINET FOR HUMAN RESOURCES**  
**Department for Health Services**  
**Certificate of Need and Licensure Board**

**902 KAR 20:160. Chemical dependency treatment services and facility specifications.**

RELATES TO: KRS 216B.010 to 216B.131, 216B.990  
(1)(2)

PURSUANT TO: KRS 13.082, 216B.040(2), 216B.105  
NECESSITY AND FUNCTION: KRS 216.040 and 216B.105 mandate that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services. This regulation provides the licensure requirements for the operation and services and facility specifications of chemical dependency treatment programs.

Section 1. Scope of Operation and Services. A chemical dependency treatment service has a structured inpatient program which provides medical, social, diagnostic and treatment services to persons who suffer from illness related to the misuse or abuse of alcohol and other drugs. Chemical dependency treatment services last generally for a duration of less than thirty (30) days, are hospital based or free-standing with eight (8) or more patient beds and under the medical direction of a physician with continuous nursing services.

Section 2. Definitions. (1) "Aftercare" means the process of providing continued contact following primary chemical dependency treatment which will support and increase the gains made in the treatment process.

(2) "Governing authority" means the individual, agency, partnership or corporation in which the ultimate responsibility and authority for the operation of the facility is vested.

(3) "Interdisciplinary team" means a group of professionals including a physician, psychologist, registered nurse, social worker and other individuals with experience in a chemical dependency program.

(4) "Qualified dietitian" means:

(a) A person who has a Bachelor of Science degree in foods and nutrition, food service management, institutional management or related services and has successfully

completed a dietetic internship or coordinated undergraduate program accredited by the American Dietetic Association (ADA) and is a member of the ADA or is registered as a dietitian by ADA; or

(b) A person who has a Masters Degree in nutrition and is a member of ADA or is eligible for registration by ADA; or

(c) A person who has a Bachelor of Science degree in home economics and three (3) years of work experience with a registered dietitian.

(5) "Restraint" means any physical or mechanical device used to restrict the movement of the patient or the movement of a portion of the patient's body.

Section 3. Administration and Operation. (1) Governing authority/licensee.

(a) The program shall have a recognized governing authority that has overall responsibility for the management and operation of the program and for compliance with federal, state and local laws and regulations pertaining to its operation.

(b) The governing authority shall appoint a program administrator who has a Bachelor's degree in a health or human services field or a Bachelor's degree in another field supplemented with one (1) year of work experience in the field of chemical dependency.

(c) The governing authority shall develop goals and objectives for the program and establish a written evaluation plan to assess the attainment of these goals and objectives on an annual basis.

(2) Program administrator.

(a) The program administrator shall be responsible for the daily management of the facility and provide liaison between the governing authority and staff members.

(b) The program administrator shall keep the governing authority fully informed of the operations of the facility through periodic reports and attendance at meetings of the governing authority.

(3) Administrative records and reports.

(a) Administrative reports shall be established, maintained and utilized as necessary to guide the operation, measure productivity and reflect the programs of the facility.

(b) A written report of any incident or accident involving a patient (including medication errors and drug reactions), visitor or staff shall be made and signed by the program administrator and any staff member who witnessed the incident. The report shall be placed in an incident file.

(c) Licensure inspection reports, plans of correction and program evaluations shall be available to the public upon request at the facility.

(4) Policies.

(a) Administrative policies. The program shall have written administrative policies covering all aspects of the facility's operation to include:

1. A description of the organizational structure, staffing and allocation of responsibility and accountability;

2. A description of referral linkages with other facilities and providers;

3. A description of the services included in the program;

4. A policy for an expense and revenue accounting system following generally accepted accounting procedures;

5. A policy describing the use of volunteers in program activities; and

6. A policy for conducting program evaluation and

quality assurance review.

(b) Patient care policies. Patient care policies shall be developed for all aspects of the program and include:

1. Actions to be taken when a patient is determined to be lost, unaccounted for or on other unauthorized absence;
2. A policy which specifies provisions for patient visitation and use of telephones;
3. A policy to specify the provision of emergency medical services; and
4. Admission and discharge policies including the categories of individuals accepted and not accepted by the program.

(c) Patient rights policies. There shall be written policies designed to enhance the dignity of all patients and to protect their rights as human beings. These policies shall assure that each patient:

1. Is informed of all rules and regulations governing patient conduct and responsibilities, including a procedure for handling grievances;
2. Is informed, prior to admission for rehabilitation, of the services available at the facility and of charges for treatment including any charges not covered under Medicare, Medicaid, or other third-party payor arrangements;
3. Is encouraged and assisted to understand and exercise patient rights, voice grievances and recommend changes in policies and services. Upon the patient's request the grievances and recommendations shall be conveyed within a reasonable time to an appropriate decision making level within the organization which has authority to take corrective action;
4. Is afforded the opportunity to participate in the planning of his/her treatment and to refuse to participate in experimental research;
5. Is assured confidential treatment of records and is afforded the opportunity to approve or refuse their release to any individual not involved in his care except as required by Kentucky law or third party payment contract; and
6. Is treated with consideration, respect and full recognition of personal dignity and individuality including privacy in treatment and in the care of personal health needs.

#### (5) Personnel.

(a) The licensee shall establish personnel policies for the program which shall be reviewed, revised, approved and updated on an annual basis.

(b) There shall be an individual personnel record for each person employed by the facility which shall include the following:

1. All employees shall have a test for tuberculosis either prior to or within the first week of employment and annually thereafter;
2. Evidence of education, training and experience of the individual along with a copy of the current license or certification credentials, if applicable;
3. Evidence that employees have received orientation to the facility's written policies within the first week of employment; and
4. Evidence of regular in-service training which corresponds with job duties and includes a list of training and dates completed.

(6) Staffing requirements. The program shall have adequate personnel to meet the needs of patients on a twenty-four (24) hour basis. The number and classification of personnel required shall be based on the number of patients and the individual treatment plans. If the staff/patient ratio does not meet the needs of the patients, the Division

for Licensing and Regulation shall determine and inform the program administrator in writing how many additional personnel are to be added and of what job classification, and shall give the basis for this determination.

(a) Medical director. There shall be a medical director who is a physician having responsibility for the medical direction of the program including admission of individuals, approving individual treatment plans and participating in the quality assurance review. The medical director or a physician designated by the medical director shall be available twenty-four (24) hours a day on at least an on-call basis.

(b) Interdisciplinary team. There shall be an interdisciplinary team responsible for developing the individual treatment plans, aftercare plans and conducting the quality assurance reviews.

(c) Treatment coordinator. The program shall have a full time treatment director whose qualifications are defined in writing and approved by the governing authority. The treatment director shall be responsible for:

1. Coordinating the interdisciplinary team in developing the individual treatment plans;
2. Initiating a periodic review of each patient's treatment plan for necessary changes;
3. Supervising the proper maintenance of patient records; and
4. Coordinating the interdisciplinary team in developing an aftercare plan for each patient which assures continuity of care.

(d) Nursing services. Nursing services shall be available on a twenty-four (24) hour basis. The program shall have at least one (1) full-time registered nurse. When a registered nurse is not on duty there shall be a licensed practical nurse present who is responsible for the nursing care of patients during her tour of duty. When a licensed practical nurse is on duty, a registered nurse shall be on call.

(e) Medical supervision. A physician, or registered nurse under the direction of a physician, shall supervise implementation of the medical aspects of the treatment plan and all staff directly involved in patient medical care.

(f) In-service training. All personnel shall participate in ongoing in-service training programs relating to their respective job activities. These programs shall include thorough job orientation for new personnel and regular in-service training programs emphasizing professional competence and the human relationship necessary for effective health care.

#### (7) Patient records.

(a) An individual record shall be maintained for all patients with entries signed and dated by the person making the entry.

(b) At the time of admission the following information shall be entered into the patient's record:

1. Name, date of admission, birth date and place, marital status and social security number;
2. Person to contact in case of emergency;
3. Next of kin; and
4. Type and place of employment.

(c) The record shall contain documentation of all medical services provided during detoxification and rehabilitation including the results of physical examinations.

(d) The record shall contain the patient's treatment plan outlining goals and objectives for the individual during treatment. The record shall also contain documentation of how the plan was implemented and of patient progress in

meeting the goals and objectives outlined in the treatment plan.

(e) The record shall contain notation of all medication administered including date, time, dosage, frequency of administration and the name of the person administering each dose.

(f) The record shall contain a discharge summary and a plan for aftercare.

(g) The discharge summary shall be entered in the patient's record within seven (7) days after discharge and include:

1. The course and progress of the patient with regard to the individual treatment plan;

2. The general observations of the patient's condition initially, during treatment and at discharge; and

3. The recommendations and arrangements for further treatment including prescribed medications and aftercare.

(h) If the patient is referred to other service providers after discharge, a copy of the discharge summary shall be promptly sent to the provider with the patient's permission.

(i) After a patient's death or discharge the completed record shall be placed in an inactive file and retained for five (5) years or in case of a minor, three (3) years after the patient reaches the age of majority under state law, whichever is longest.

(8) Linkage agreements. The program shall have linkages through written agreements with providers of other levels of care which may be medically indicated to supplement the services available in the program. These linkages shall include a hospital and an emergency medical transportation service in the area.

(9) Quality assurance. In order to determine the appropriateness and the quality of the services delivered the service shall have a quality assurance program that includes effective mechanisms for reviewing and evaluating patient care on a regular basis by the interdisciplinary team.

#### (10) Medications.

(a) All prescription and nonprescription medications administered to patients shall be noted in writing with the date, time and dosage and signed by the person administering the medication.

(b) All prescription medications shall be plainly labeled with the patient's name, the name of the drug, strength, name of pharmacy, date, physician name, caution statement and directions for use.

(c) Prescription and nonprescription medication shall not be administered to any patient except on the written order of a physician. All medications shall be administered by licensed personnel.

(d) All medicines shall be kept in a locked storage area which shall be well lighted and of sufficient size to permit storage without crowding. Medications requiring refrigeration shall be kept in a separate locked box in a refrigerator. Drugs for external use shall be stored separately from those administered by mouth or injection.

(e) Medication errors and drug reactions shall be reported immediately to the medical director and treatment coordinator and an entry made in the patient's record.

(f) An emergency medical kit, with contents approved by a physician, shall be maintained at the facility. It shall be inspected after use or at least monthly to remove deteriorated and outdated drugs and ensure completeness of content.

(11) Restraints. Requirements for the use of restraints shall be met pursuant to the Kentucky mental patients bill of rights, 902 KAR 12:020.

(12) Activities schedule. A daily schedule of program activities shall be posted in the facility.

Section 4. Provision of Services. (1) Detoxification. Medical detoxification services pursuant to the requirements of 902 KAR 20:111 shall be available directly or through another licensed provider for patients who require detoxification.

(2) Rehabilitation. The program shall provide at least the following services:

(a) Medical services as needed, provided under the supervision of a physician;

(b) Scheduled individual, group, and family counseling;

(c) Psychological testing and evaluation as needed;

(d) Education of patients on the subject of chemical dependency and related lifestyle issues including nutrition and communication skills;

(e) Recreational activities with facilities and equipment shall be available consistent with the patient's needs and the therapeutic program;

(f) Referral to other rehabilitative or community service agencies providing services not available through the program; and

(g) Aftercare services provided directly or through arrangement with other agencies.

(3) Physical examinations. Within ten (10) days prior to or three (3) days after admission for rehabilitation all patients shall have a physical examination with tests ordered by physician.

(4) Psycho-social history. All patients shall have a psycho-social history and assessment interview within seventy-two (72) hours after admission for rehabilitation entered into the patient record which includes:

(a) Drinking and drug use history;

(b) A determination of current emotional state;

(c) Vocational history;

(d) Familial relationships; and

(e) Educational background.

(5) Treatment plan. The interdisciplinary team, with the participation of the patient, shall develop an individual treatment plan within four (4) days after admission for rehabilitation based on the patient's medical evaluation and psycho-social history and assessment. The treatment plan shall:

(a) Specify the services required for meeting the patient's needs;

(b) Identify goals necessary for the patient to achieve, maintain or re-establish physical health and adaptive capabilities;

(c) Establish goals with both long-term and short-term objectives and the anticipated time expected to meet these goals; and

(d) Identify the locations and frequency of treatment procedures including referrals for any required services which are not provided by the program.

(6) The treatment plan shall be reviewed and updated at least weekly for the duration of the inpatient treatment.

(7) The patient's family or significant others shall be involved in the treatment process, if approved by the patient. Documentation shall be included in the medical record which establishes that an attempt was made to involve family members or significant others.

#### (8) Aftercare plan.

(a) There shall be a written individual aftercare plan developed by the interdisciplinary team, the patient and, with the patient's permission, the patient's family or significant others prior to the completion of treatment.

The individual aftercare plan shall be designed to establish continued contact for the support of the patient.

(b) The aftercare plan shall include the methods and procedures whereby the needs of the individual are met by the aftercare personnel through direct patient contact or assistance from other community human services organizations.

(c) When aftercare services are provided directly, a periodic review and updating of the aftercare plan shall be conducted with the frequency of review determined by the interdisciplinary team, the patient, and with the patient's permission, the patient's family or significant others. If the patient is referred to another agency for aftercare services, follow-up shall be conducted to determine if services are being provided.

Section 5. Compliance with Building Codes, Ordinances and Regulations. (1) Nothing stated herein shall relieve the licensee from compliance with building codes, ordinances, and regulations which are enforced by city, county, or state jurisdictions.

(2) 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 through 20:191, as amended;

(c) Requirements for making buildings and facilities accessible to and useable by the physically handicapped pursuant to KRS 198B.260 and regulations promulgated thereunder.

(3) The facility shall be currently approved by the Fire Marshal's office before licensing and relicensure is granted by the licensure agency.

(4) All facilities shall receive any necessary approval from appropriate agencies prior to occupancy and licensure.

(5) Physical and sanitary environment.

(a) The condition of the physical plant and overall facility environment shall be maintained in such a manner that the safety and well-being of patients, personnel and visitors are assured.

(b) A person shall be designated responsible for services and for the establishment of practices and procedures in each of the following areas: plant maintenance, laundry operations (on site or off site) and housekeeping.

(c) The facility buildings, equipment, and surroundings shall be kept in good repair, neat, clean, free from all accumulations of dirt and rubbish and free from foul, stale or musty odors.

1. An adequate number of housekeeping and maintenance personnel shall be provided.

2. Written housekeeping procedures shall be established for the cleaning of all areas and copies shall be made available to personnel.

3. Equipment and supplies shall be provided for cleaning of all surfaces. Such equipment shall be maintained in a safe, sanitary condition.

4. Hazardous cleaning solutions, compounds, and substances shall be labeled, stored in approved containers and kept separate from other cleaning materials.

5. The facility shall be kept free from insects and rodents with harborages for these eliminated.

6. Garbage and trash shall be stored in closed containers in areas separate from those used for the preparation and storage of food and shall be cleaned regularly and in good repair.

(d) The facility shall have available at all times a quantity of linen essential to the proper care and comfort of residents.

1. Clean linen and clothing shall be stored in clean, dry, dust-free areas designated exclusively for this purpose.

2. Soiled linen and clothing shall be placed in suitable bags or closed containers and stored in separate areas ventilated to the exterior of the building.

Section 6. Facility Requirements and Special Conditions. (1) Patient rooms. Each patient room shall meet the following requirements:

(a) The maximum room capacity shall be six (6) patients.

(b) The minimum room areas exclusive of toilet rooms, closets, lockers, wardrobes or vestibules shall be 100 square feet in one (1) bed room and eighty (80) square feet per bed in multibed rooms.

(c) In multiperson rooms partitioning, cubicle curtains or placement of furniture shall be used to provide privacy. An ample closet and drawer space shall be provided for the storage of patient's personal property.

(d) The placement of patients in multibed rooms shall be appropriate to the ages and program needs of the patients.

(2) Lavatory. In single and multibed rooms with a private toilet room, the lavatory may be located in the toilet room. Where two (2) or more patients share a common toilet a lavatory shall be provided in each patient room.

(3) Centralized toilet area. Where a centralized toilet area is used, the facility shall provide the following for each sex on every floor: One (1) toilet for each eight (8) residents or a major fraction thereof. Toilets must be separated by a permanent partition and at least one (1) toilet for each sex must be designed for wheelchair use.

(4) Patient baths. There shall be one (1) shower stall or one (1) bathtub for each fifteen (15) patients not individually served. Each bathtub or shower shall provide space for the private use of the fixture and for dressing.

(5) Patients shall be encouraged to take responsibility for maintaining their own living quarters and for other day-to-day housekeeping activities of the program, as appropriate to their clinical status.

(6) Dietary services.

(a) The facility shall have a dietary department, organized, directed and staffed to provide quality food service and optimal nutritional care.

1. The dietary department shall be directed on a full-time basis by an individual who by education or specialized training and experience is knowledgeable in food service management.

2. The dietary service shall have at least one (1) qualified dietitian to supervise the nutritional aspects of patient care and approve all menus on at least a consultative basis.

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

(b) Menus shall be planned, written and rotated to avoid repetition. Nutritional needs shall be met in accordance with recommended dietary allowances of the Food and Nutrition Board of the National Research Council of the National Academy of Sciences and in accordance with physician orders.

(c) Meals served shall correspond with the posted menu. When changes in the menu are necessary, substitution shall provide equal nutritive value and the changes shall be

recorded on the menu. Menus shall be kept on file for thirty (30) days.

(d) Food shall be prepared by methods that conserve nutritive value, flavor and appearance, and shall be served at the proper temperature.

(e) At least three (3) meals shall be served daily with not more than a fifteen (15) hour span between a substantial evening meal and breakfast. Meals shall be served at regular times with between-meal or bedtime snacks of nourishing quality offered.

(f) The facility shall comply with all applicable provisions of KRS 219.011 to KRS 219.081 and 902 KAR 45:005 (Kentucky's Food Service Establishment Act and Food Service Code). The Division for Licensing and Regulation, Office of the Inspector General, Cabinet for Human Resources, shall carry out the provisions of the Act as they relate to inspections, follow-up and recommendations for issuance or revocation of food service permits.

FRANK W. BURKE, SR., Chairman

ADOPTED: January 19, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: February 11, 1983 at 11:30 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.

#### CABINET FOR HUMAN RESOURCES Department for Social Insurance

##### 904 KAR 1:110. Recoupment of overpayments.

RELATES TO: KRS 205.520, 205.560

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance under Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, 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. KRS 205.560 requires that the scope of medical care for which the cabinet undertakes to pay shall be designated and limited by regulation promulgated by the cabinet. This regulation sets forth provisions relating to recoupment of overpayments made to providers of medical services under the Medical Assistance Program.

Section 1. Scope. This regulation applies to all providers of medical assistance services where payments are made from Medical Assistance Program funds.

Section 2. Recoupment of Overpayments. When it is determined that a provider has been overpaid, a letter will be mailed to the provider requesting payment in full within thirty (30) days. If a provider demonstrates to the program within the thirty (30) day time limit that full payment would create an undue hardship, a payment plan not to exceed six (6) months from the notification date will be established. If the full payment or payment plan request is not received within thirty (30) days of notification, the amount due will be deducted from current payments until the full amount is recouped. Once the payment plan has

been established and a payment is not received by the agreed to date, the amount will be deducted from current payments.

JOHN CUBINE, Commissioner

ADOPTED: February 10, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: February 11, 1983 at 11:30 a.m.

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

#### CABINET FOR HUMAN RESOURCES Department for Social Insurance

##### 904 KAR 1:140. Alternative home and community based services for the mentally retarded.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Cabinet 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 cabinet, 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 coverage provisions applicable to home and community based services provided to the mentally retarded as an alternative to intermediate care facility services for the mentally retarded.

Section 1. General Coverage Provisions. The home and community based services described in this regulation may be provided only to those individuals eligible for medical assistance who meet intermediate care for the mentally retarded patient status criteria as set forth in 904 KAR 1:024. These services described herein are designed to prevent or reduce institutionalization at the intermediate care level and may therefore be provided only to individuals in community residence living situations (which may include personal care facilities). These services are termed alternative intermediate services/mental retardation (AIS/MR), and are henceforth referred to as AIS/MR services.

Section 2. Provider Participation. Any qualified provider may provide AIS/MR services, upon application to the cabinet for a provider participation agreement accompanied by data sufficient in the opinion of the cabinet to show that the provider is qualified under applicable law to provide the services and has the capability to do so. Community mental health/mental retardation centers, which are required by law and Kentucky administrative regulations to provide services to the mentally retarded, need only to be licensed by the cabinet to be considered qualified to enter into the appropriate AIS/MR provider participation agreement. Participating providers shall be required to provide, or arrange for the provision of, all services described in this regulation, and to operate the AIS/MR program as described herein.

Section 3. The Cluster Concept. The cluster concept shall be used in the provision of AIS/MR services. Each cluster shall consist of one (1) core residence and several alternative residences that are administratively attached to



the core, in which specified residential services as shown in Section 4 of this regulation are provided. The cluster will also include those eligible individuals living in their own homes who are being provided specified covered services under the direction of core personnel. Within the cluster, the core residence personnel will perform five (5) major functions: client evaluation, program administration, program support, emergency backup, and respite care.

Section 4. Covered Services. The following services are covered as AIS/MR services:

(1) Cluster residential services, including the core residence and alternative living units, providing residential (home) training, homemaker/home health aide support, personal care, and respite care. Room and board are excluded.

(a) "Residential (home) training" means services designed to facilitate the acquisition of communication, sensory-motor, independent living, and social skills.

(b) As part of the residential service residential staff may provide homemaker/home health aide support, including the provision of minor home physical adaptation, laundry services, meal planning and preparation, shopping and light housekeeping.

(c) "Personal care" means services to assist and train in ambulation, grooming, feeding, etc.

(d) "Respite care" means short-term care (more than one (1) hour, less than thirty (30) days) provided to AIS/MR residential clients for the temporary relief of residential alternative living unit staff. Respite care for the residential client may not exceed forty (40) total days per year, except that extended respite exceeding this limit may be provided when preauthorized in writing by the cabinet's AIS/MR project manager (or his/her designee) based on a crisis situation.

(2) Case management/client evaluation, including case coordination, client evaluation, and plan of care preparation and implementation, provided by core staff to all cluster service recipients.

(3) In-home support, including in-home training, homemaker/home health aide services, and personal care services provided to persons living in nonspecialized residential settings (family homes, apartments, etc.) other than alternative living units (which are under more direct supervision by core personnel).

(a) "In-home training" means services designed to facilitate the acquisition of language and communication, sensory-motor, social and self-help skills.

(b) "Homemaker/home health aide support" means services to clients in their family homes including the provision of minor physical adaptations, laundry services, meal planning and preparation, shopping and housecleaning.

(c) "Personal care" means services to assist and train in ambulation, grooming, feeding, etc.

(4) Habilitation services, including behavior management, psychological services, medical services, occupational therapy, physical therapy, speech therapy, expressive therapies and leisure time services. Services are available to both adults and children when not required to be provided by the local schools and when directed at the resolution of problems not associated with mental illness.

(5) Adult day habilitation services (limited to adults only) may be provided for a minimum of four (4) hours per day, five (5) days per week, twelve (12) months per year, in nonresidential non-inpatient settings that are designed to provide an employment oriented program of work training and development of basic work skills. Whenever possible, actual work will be used and clients will be reimbursed in

accordance with federal and state wage and hour regulations. Services must be age and vocationally appropriate. Transportation to facilitate participation is included. Adult means an individual not less than eighteen (18) years of age.

(6) Respite services, meaning short-term care (more than one (1) hour, less than thirty (30) days) provided to nonresidential AIS/MR clients in or out of their home residential environments for the temporary relief of the individual or the family. Respite care may be provided in a variety of settings. Respite service to the nonresidential client may not exceed thirty (30) consecutive days and sixty (60) total days per year, except that extended respite exceeding these limits may be provided when pre-authorized in writing by the cabinet's AIS/MR project manager (or his/her designee) based on a crisis situation.

Section 5. Patient Status Determinations. The cabinet shall make patient status determinations using the criteria specified in 904 KAR 1:024.

Section 6. Authorization for Services; Hearing Rights. The cabinet shall authorize AIS/MR services to insure that patient status is met, that AIS/MR services are adequate for the needs of the client, and that AIS/MR services are financially feasible (i.e., do not cost significantly more than would institutional services). A client found unsuitable due to failure to meet any of the specified reasons may be denied AIS/MR services. An individual, if eligible for AIS/MR services, will be given the choice of AIS/MR services or traditional intermediate care facility services for the mentally retarded. Any denial of service may be appealed in the manner provided for by 904 KAR 1:075 and/or 904 KAR 2:055.

Section 7. Subcontracting. A participating provider may subcontract for services. Such service must be provided in accordance with the provider participation agreement and the terms and conditions contained herein, and the subcontractor must meet applicable requirements of law and regulations governing the performance of the service. When subcontracting is used, the participating provider remains responsible for the provision of the service.

Section 8. Auditing and Reporting. All participating providers, including subcontract providers, shall be required to maintain fiscal and service records and to provide such reports as may be determined necessary by the cabinet for the effective functioning and administration of the program. Providers, including subcontract providers, shall be required to make available upon request all service and financial records to representatives of the Cabinet for Human Resources; the federal Department of Health and Human Services, Comptroller General and Health Care Financing Administration; and the General Accounting Office, and/or their designees, for auditing and/or monitoring purposes.

Section 9. Implementation. Participating providers may provide service pursuant to the terms and conditions of Sections 1 through 8 of this regulation beginning on April 1, 1983.

JOHN CUBINE, Commissioner

ADOPTED: February 10, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: February 11, 1983 at 11:30 a.m.

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



**CABINET FOR HUMAN RESOURCES  
Department for Social Insurance**

**904 KAR 1:150. Payments for alternative home and community based services for the mentally retarded.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

**NECESSITY AND FUNCTION:** The Cabinet 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 cabinet, 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 payment provisions relating to home and community based services provided to the mentally retarded as an alternative to intermediate care facility services for the mentally retarded.

**Section 1. Coverage.** The Cabinet for Human Resources shall reimburse participating providers of alternative intermediate services for the mentally retarded (AIS/MR) for services rendered to eligible medical assistance recipients who meet patient status criteria for intermediate care for the mentally retarded, and who are authorized for the AIS/MR service by the cabinet. The covered service elements are described and defined in 904 KAR 1:140, Alternative home and community based services for the mentally retarded, and services must be provided in accordance with the terms and conditions described therein. Payments may not exceed the limits specified in Section 3 of this regulation.

**Section 2. Payment Amounts.** (1) Residential services, including residential (home) training, personal care, and homemaker/home health aide, shall be paid for at the rate of forty dollars (\$40) per day.

(2) Case management services shall be paid for at the rate of forty dollars (\$40) per hour.

(3) Habilitation services shall be paid for at the rate of forty dollars (\$40) per hour.

(4) Adult day habilitation services shall be paid for at the rate of five dollars (\$5) per hour.

(5) In-home support services shall be paid for at the following rates:

(a) In-home training services shall be paid for at the rate of forty dollars (\$40) per hour.

(b) Homemaker/home health aide support services shall be paid for at the rate of twenty dollars (\$20) per hour.

(c) Personal care services shall be paid for at the rate of twenty dollars (\$20) per hour.

(6) Respite care (twenty-four (24) hours or more) shall be paid for at the rate of thirty-two dollars (\$32) per day. Respite care (less than twenty-four (24) hours) shall be paid for at the rate of three dollars and fifty cents (\$3.50) per hour, with the total not to exceed the upper limit of thirty-two dollars (\$32) for one (1) full day of care.

**Section 3. Payment limits.** (1) Payments shall be made on the above stated rate basis not to exceed the AIS/MR cluster annualized upper limit on payment.

(2) Under this system, an AIS/MR cluster will receive a total of Title XIX payments during the year in the amount of the established rates for services rendered Title XIX eligible recipients, so long as such payments (on a cumulative basis) do not exceed the annualized upper limits (total payment amount) which has been set for the cluster. Each cluster will also be required to maintain average expenditures per recipient (on a cumulative basis) as described by the Health Care Financing Administration, 42 CFR 441.303(d)(1), and interpreted for the AIS/MR cluster by the Cabinet for Human Resources.

(3) Utilizing the formula described in 42 CFR 441.303(d)(1) as a guideline and applying accumulated statistical data, the cabinet will set effective July 1 each year the annualized upper limits and averages to be applied to the AIS/MR cluster services from July 1 to June 30 each year.

(4) The cabinet may reduce payment by the percentage amount which will assure that the payments to the cluster do not exceed the annualized upper limit or average expenditures. Reduction factors shall (to the extent possible) be applied in such a manner as to ensure as even flow of reimbursement to the AIS/MR cluster through the year, i.e., generally so as to ensure that the payments for any one (1) month do not exceed by a substantial amount the prorated annual amount.

(5) Any overpayment due the program at the end of the period as a result of exceeding the upper limit shall be recouped by settlement or by withholding payment.

**Section 4. Implementation.** Payments may be made for covered services provided beginning on April 1, 1983.

JOHN CUBINE, Commissioner

ADOPTED: February 10, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: February 11, 1983 at 11:30 a.m.

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

# Reprint

**COMPILER'S NOTE:** This regulation is hereby reprinted due to an omission of brackets in Section 8 when first printed. A public hearing on this regulation has been requested and will be held in March, 1983. For further information, contact General Counsel's Office, Cabinet for Human Resources.

## CABINET FOR HUMAN RESOURCES (Proposed Amendment)

### 900 KAR 2:010. Access and hours of visitation.

RELATES TO: KRS 216.537, 216.540

PURSUANT TO: KRS 194.050, 216.540, 216.545

**NECESSITY AND FUNCTION:** The Cabinet for Human Resources must set forth criteria pertaining to the ability of the administrator of a long term care facility to terminate visitation to that facility. This regulation is designed to give guidance to administrators under the provisions of KRS 216.540(4) and to comply with the requirements of KRS 216.537 [216.545(1)] concerning hours of visitation.

Section 1. Definitions. (1) "Administrator" means the administrator of a long term care facility subject to the provisions of the nursing home reform act, KRS 216.535 [216.540] et seq.

(2) "Cabinet" means Cabinet for Human Resources.

(3) "Designated representative" means an individual association or corporation authorized in writing to act as agent for certain specified purposes in behalf of a designating entity.

(4) "Long term care facility" means those health care facilities in the Commonwealth which are defined by the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board to be family care homes, personal care homes, intermediate care facilities, skilled nursing facilities, nursing homes and intermediate care facilities for the mentally retarded and developmentally disabled.

(5) "Resident" means any person admitted to a long term care facility.

Section 2. The administrator of a long term care facility or his designated representative may request those groups or individuals assured access during visiting hours under the provisions of KRS 216.540(1)(a) through (c) and those groups or individuals assured access under KRS 216.540(5) to terminate visitation upon the occurrence of any one (1) of the following:

(1) A resident of the facility is physically or verbally abused by the individual or group;

(2) Any individual carries a firearm or other deadly weapon into the facility who is not a peace officer. For the purpose of this regulation, "deadly weapon" is defined as including, but not limited to, any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, gravity knife, billy, blackjack, or metal knuckles;

(3) Any individual or group commits a felony or misde-

meanor while on the facility's premises; or

(4) Any individual or group is visibly under the influence of alcohol or controlled substances.

Section 3. With respect to those groups or individuals assured access during visiting hours under the provisions of KRS 216.540(1)(a) through (c), the administrator of a long term care facility or his designated representative may request the termination of visitation upon the unwarranted interference with an employee of a facility during the performance of his duties within the scope of his employment.

Section 4. Those individuals assured access during visiting hours under the provisions of KRS 216.540(1)(b) and (c) have assured access to only the residents' dining area, living area, recreation area, lounge and areas open to the general public. Access to other areas within the facility may be gained after having received the permission of the administrator or his designated representative to enter the area in question.

Section 5. Those groups or individuals assured access during visiting hours under the provisions of KRS 216.540(1)(a) through (c), except for family and legal guardians, including employees of agencies within the Cabinet duly appointed legal guardian by a court of law, and KRS 216.540(5) are:

(1) Upon entering the facility, to promptly advise the administrator or his designated representative of their presence; and

(2) Not to enter the living area of any resident without identifying themselves to the resident.

Failure to comply with the requirements of this section [regulation] may be grounds for requesting termination of visitation.

Section 6. In order to satisfy the requirements for licensure by the state, a long term care facility shall establish daily visiting hours which, at a minimum, shall consist of six (6) hours between the hours of 8:00 a.m. and 5:00 p.m. local time, and two (2) hours between the hours of 5:00 p.m. and 8:00 p.m. local time. All visiting hours are to be posted in a conspicuous place in the lobby, in the entrance way, or at the front door of the long term care facility.

Section 7. Administrators of long term care facilities may establish visiting hours in addition to those required pursuant to KRS 216.537.

Section 8. Representatives or employees of the Cabinet for Human Resources, including the long term care ombudsman or his designated representative [in the process of complaint resolution], any representative or employee of any local government entity having responsibility regarding residents of long term care facilities, and the family or legal guardian(s) of any individual resident shall have unrestricted access to and in all long term care facilities.

Section 9. Nothing in this regulation shall be deemed to

prohibit or restrain the right of a resident of a long term care facility to deny visitation or to terminate a visit by any individual or group.

Section 10. Each administrator of a long term care facility shall appoint a member of the facility's existing staff to act as his designated representative present at the facility and authorized to act in the absence of the administrator.

*Section 11. This regulation shall become part of the statement required by KRS 216.545(1) to be posted in the long term care facility.*

BUDDY H. ADAMS, Secretary

ADOPTED: January 14, 1983

RECEIVED BY LRC: January 14, 1983 at 4:15 p.m.

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

## ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

### Minutes of the January 26, 1983 Meeting

(Subject to subcommittee approval at the February 23 meeting.)

The Administrative Regulation Review Subcommittee held its monthly meeting on Wednesday, January 26, 1983, at 10 a.m., in Room 103 of the Capitol Annex. Present were:

**Members:** Representative William T. Brinkley, Chairman; Senators James Bunning, Pat McCuiston and Bill Quinlan; Representatives Albert Robinson and James Bruce.

**Guests:** Tom Fitzgerald, Appalachian Research & Defense Fund; Steve Frank, Attorney General's office; Susan Winans, Edu-Care School; Larry E. Warren and Nicky Triplett, Kentucky Head Start Assoc.; Joyce Feck, Greg Lawther, Diane Simmons, Clifford Jennings, Ked Fitzpatrick, Terry Morrison, Suzanne Turner and Donna K. Smith, Cabinet for Human Resources; James S. Judy, KAHCF; R. Hughes Walker, Dept. of Agriculture; Ron Sanders, Dept. of Energy; Carl Van Cleve and Judy Walden, Dept. of Housing, Buildings and Construction; Tom Edwards and Mike Salyers, Dept. of Labor; Julia Bell, Allstate Insurance Co.; Bernard Leachman, Jr., Midwest Mutual Insurance Co.; Elizabeth Wright and Patrick Watts, Dept. of Insurance; Dee Maynard, Dept. of Personnel; Arthur Hatterick, Jr., Personnel Board; Jim Thompson, Tenure Club; Paul P. Borden, Kentucky Higher Education Student Loan Corp.; Susan Stopher and Neal Turner, Kentucky Real Estate Commission; Dr. Ted Little and J. M. Dodson, State Board for Proprietary Education; David Mansen, Jefferson County Environmental Policy office; Bob Benson and Paul Allgeier, Jefferson County Refuse Haulers Assoc.; Robert Schindler, Evelyn Waldrop and Bonnie Biemer, City of Louisville; Fred Creasey, KACO; Ed Logsdon, Kentucky County Judge/Executive Assoc.; L. R. Gordon, Kentucky Central Life; David Beck, Kentucky Farm Bureau Federation; Phil Weisenberger, Kentucky Feed & Grain Assoc.; Ron Scott, Kentucky Municipal League; Josh Santana, Lawrence Grash, Laura Keller, Ken Hahn and Alex Barber, Natural Resources and Environmental Protection Cabinet.

**Staff:** Susan Harding, Joe Hood, Dan Risch, June Mabry, Carla Arnold, Shirley Hart, Paula Payne, Larry Hayes, Mary Helen Miller, Jim Curtis, Rick Sparks, and Debbie McGuffey.

**Press:** Herb Sparrow, Associated Press; Gil Lawson, State Journal.

Chairman Brinkley announced that a quorum was present and called the meeting to order. On motion of Representative Bruce, seconded by Senator Bunning, the minutes of the December 20-21, 1982, meeting were approved.

The following regulations were recommended for deferral by the subcommittee until the February 23 meeting:

#### FINANCE AND ADMINISTRATION CABINET

##### Division of Occupations and Professions

##### Real Estate Commission

201 KAR 11:147. Procedure for license retention when salesman released by broker.

#### NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

##### Department for Environmental Protection

##### Waste Management

401 KAR 2:180. General planning and management provision for solid waste.

401 KAR 2:185. Submission of area plan.

401 KAR 2:190. Designation as a solid waste management area.

#### PUBLIC PROTECTION AND REGULATION CABINET

##### Department of Housing, Buildings and Construction

##### Plumbing

815 KAR 20:050. Installation permits.

The subcommittee recommended that no action be taken on the following emergency regulations:

#### CABINET FOR HUMAN RESOURCES

##### Department for Social Insurance

##### Medical Assistance

904 KAR 1:036E. Amounts payable for skilled nursing and intermediate care facility services.

##### Public Assistance

904 KAR 2:115E. Eligibility, criteria for home energy assistance program.

The subcommittee recommended that the following regulations be approved for filing:

#### LEGISLATIVE RESEARCH COMMISSION

##### Personal Service Contracts

1 KAR 2:010. Personal Service Contract Review Subcommittee; procedure; records.

#### KENTUCKY HIGHER EDUCATION STUDENT LOAN CORPORATION

##### Guaranteed Student Loans and Loans to Parents

15 KAR 1:020. Purchasing policies. (As Amended)

#### DEPARTMENT OF PERSONNEL

##### Personnel Rules

101 KAR 1:080. Certification and selection of eligibles.

101 KAR 1:120. Separations and disciplinary actions.

101 KAR 1:210. Appeals for employees in the unclassified service.

#### KENTUCKY ENERGY CABINET

##### Department of Energy Production and Utilization

##### Alternate Energy Development

115 KAR 2:010. Alternate energy development fund.

#### FINANCE AND ADMINISTRATION CABINET

##### Division of Occupations and Professions

##### Real Estate Commission

201 KAR 11:170. Private school approval.

##### Board for Proprietary Education

201 KAR 24:030. Standards for associate degree award.

#### DEPARTMENT OF AGRICULTURE

##### Grain Storage

302 KAR 35:060. Contracts.

302 KAR 35:070. Bookkeeping.

#### NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

##### Department for Surface Mining and Reclamation

##### General Provisions

405 KAR 7:030. Applicability.

The subcommittee agreed to request that the LRC establish a task force involving members of the subcommittee and the Cabinet for Natural Resources and En-

vironmental Protection to study and discuss the 16 2/3 percent maximum of coal that can be extracted when mining for other minerals.

#### PUBLIC PROTECTION AND REGULATION CABINET

##### Department of Labor

##### Occupational Safety and Health

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

##### Department of Insurance

##### Trade Practices and Frauds

806 KAR 12:080. Life insurance; replacement of. (As Amended)

##### Health Maintenance Organization

806 KAR 38:070. Health Maintenance Organization subscriber fee filings.

##### Department of Housing, Buildings and Construction Plumbing

815 KAR 20:010. Definitions.

815 KAR 20:070. Plumbing fixtures.

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

815 KAR 20:191. Minimum fixture requirements.

#### CABINET FOR HUMAN RESOURCES

##### Department for Health Services

##### Certificate of Need and Licensure Board

902 KAR 20:155. Air ambulance services.

##### Department for Social Insurance

##### Medical Assistance

904 KAR 1:036. Amounts payable for skilled nursing and intermediate care facility services.

##### Public Assistance

904 KAR 2:115. Eligibility, criteria for home energy assistance program.

##### Department for Social Services

##### Day Care

905 KAR 2:010. Standards for all child day care facilities. (As Amended)

The subcommittee recommended that the following regulation be rejected:

#### PUBLIC PROTECTION AND REGULATION CABINET

##### Department of Insurance

##### Motor Vehicle Reparations (No-Fault)

806 KAR 39:030. Kentucky no-fault rejection form. (Senator Bunning opposed rejection.)

The meeting was adjourned at 2:00 p.m. until February 23, 1983.





# *Administrative Register* <sup>of</sup> *kentucky*

## Cumulative Supplement

Locator Index—Effective Dates ..... J 2

KRS Index ..... J 8

Subject Index to Volume 9 ..... J 12

# Locator Index—Effective Dates

NOTE: Emergency regulations expire upon being repealed or replaced.

## Volume 8

Regulation	8 Ky.R. Page No.	Effective Date	Regulation	8 Ky.R. Page No.	Effective Date	Regulation	8 Ky.R. Page No.	Effective Date
401 KAR 2:170	1110		405 KAR 7:080	1472	1-6-83	405 KAR 16:250	1557	1-6-83
Withdrawn		8-2-82	405 KAR 7:090	1475	1-6-83	405 KAR 18:010	1557	1-6-83
401 KAR 6:050			405 KAR 7:095	1480	1-6-83	405 KAR 18:020	1558	1-6-83
Repealed	1197	7-28-82	405 KAR 7:100	1482	1-6-83	405 KAR 18:030	1558	1-6-83
401 KAR 6:060	1197	7-28-82	405 KAR 7:110	1482	1-6-83	405 KAR 18:040	1559	1-6-83
401 KAR 50:055			405 KAR 8:010	1483	1-6-83	405 KAR 18:050	1560	1-6-83
Amended	1041	9-22-82	405 KAR 8:020	1492	1-6-83	405 KAR 18:070	1563	1-6-83
401 KAR 51:010			405 KAR 8:030	1494	1-6-83	405 KAR 18:080	1564	1-6-83
Amended	1044	9-22-82	405 KAR 8:040	1503	1-6-83	405 KAR 18:100	1566	1-6-83
401 KAR 59:005			405 KAR 8:050	1511	1-6-83	405 KAR 18:120	1568	1-6-83
Amended	1422	12-1-82	405 KAR 10:010	1515	1-6-83	405 KAR 18:150	1576	1-6-83
401 KAR 59:175			405 KAR 10:020	1517	1-6-83	405 KAR 18:160	1576	1-6-83
Amended	1050		405 KAR 10:030	1518	1-6-83	405 KAR 18:170	1577	1-6-83
Withdrawn		8-2-82	405 KAR 10:040	1519	1-6-83	405 KAR 18:180	1577	1-6-83
401 KAR 59:210			405 KAR 10:050	1521	1-6-83	405 KAR 18:190	1578	1-6-83
Amended	910	9-22-82	405 KAR 12:020	1523	1-6-83	405 KAR 18:200	1579	1-6-83
401 KAR 61:005			405 KAR 12:030	1526	1-6-83	405 KAR 18:210	1582	1-6-83
Amended	1427	12-1-82	405 KAR 16:010	1527	1-6-83	405 KAR 18:220	1583	1-6-83
401 KAR 61:075			405 KAR 16:020	1528	1-6-83	405 KAR 18:260	1586	1-6-83
Amended	1438	12-1-82	405 KAR 16:030	1529	1-6-83	405 KAR 20:010	1587	1-6-83
401 KAR 61:085			405 KAR 16:040	1529	1-6-83	405 KAR 20:020	1588	1-6-83
Amended	1054		405 KAR 16:050	1530	1-6-83	405 KAR 20:030	1589	1-6-83
Withdrawn		8-2-82	405 KAR 16:070	1533	1-6-83	405 KAR 20:040	1590	1-6-83
401 KAR 61:120			405 KAR 16:080	1534	1-6-83	405 KAR 20:050	1591	1-6-83
Amended	913	9-22-82	405 KAR 16:100	1537	1-6-83	405 KAR 20:060	1591	1-6-83
401 KAR 63:010			405 KAR 16:120	1538	1-6-83	405 KAR 20:070	1592	1-6-83
Amended	1443		405 KAR 16:150	1546	1-6-83	405 KAR 20:080	1593	1-6-83
Withdrawn		9-29-82	405 KAR 16:160	1547	1-6-83	405 KAR 24:020	1594	1-6-83
405 KAR 1:005	1460	1-6-83	405 KAR 16:170	1547	1-6-83	405 KAR 24:040	1597	1-6-83
405 KAR 3:005	1461	1-6-83	405 KAR 16:180	1548	1-6-83	723 KAR 1:005		
405 KAR 7:030	1468	2-2-83	405 KAR 16:190	1549	1-6-83	Amended	522	
405 KAR 7:040	1469	1-6-83	405 KAR 16:200	1551	1-6-83	904 KAR 1:011		
405 KAR 7:060	1471	1-6-83	405 KAR 16:210	1553	1-6-83	Amended	1184	7-28-82



## Volume 9

Emergency Regulation	9 Ky.R. Page No.	Effective Date	Emergency Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date
31 KAR 2:010E	534	10-14-82	902 KAR 6:050E	330	7-16-82	102 KAR 1:038		
Replaced	771	12-1-82	Replaced	262	9-8-82	Amended	241	9-8-82
101 KAR 1:030E	305	7-16-82	902 KAR 10:060E	332	7-16-82	102 KAR 1:050		
Replaced	225	12-1-82	Replaced	300	9-8-82	Amended	242	9-8-82
101 KAR 1:055E	306	7-16-82	904 KAR 1:013E	908	1-3-83	102 KAR 1:060		
Amended	766	12-15-82	904 KAR 1:036E	333	7-16-82	Amended	1025	
101 KAR 1:110E	310	7-16-82	Replaced	263	9-8-82	102 KAR 1:110		
Replaced	561	12-1-82	Resubmitted	909	1-3-83	Amended	242	9-8-82
101 KAR 1:130E	311	7-16-82	Replaced	842	2-2-83	102 KAR 1:122		
Resubmitted	395	9-7-82	904 KAR 1:045E	337	7-16-82	Amended	243	9-8-82
Replaced	562	12-1-82	Replaced	268	9-8-82	102 KAR 1:125		
101 KAR 1:140E	314	7-16-82	904 KAR 2:050E	552	9-28-82	Amended	244	9-8-82
Replaced	564	12-1-82	904 KAR 2:105E	108	6-16-82	102 KAR 1:200	284	9-8-82
101 KAR 1:150E	318	7-16-82	Replaced	100	8-11-82	102 KAR 1:210	284	
Replaced	283	12-1-82	904 KAR 2:115E	914	1-3-83	Amended	400	9-8-82
101 KAR 1:200E	318	7-16-82	Replaced	887	2-2-83	103 KAR 18:110		
Replaced	569	12-1-82	Resubmitted	1000	2-15-83	Amended	10	8-11-82
103 KAR 18:110E	107	6-23-82	904 KAR 3:045E	110	6-16-82	103 KAR 40:030		
Replaced	10	8-11-82	Replaced	67	8-11-82	Repealed	387	10-6-82
103 KAR 40:035E	322	7-30-82	905 KAR 3:010E	112	6-16-82	103 KAR 40:035	387	10-6-81
Replaced	387	10-6-82	Replaced	101	8-11-82	106 KAR 1:030		
200 KAR 5:307E	995	1-27-83	905 KAR 3:020E	112	6-16-82	Amended	244	
201 KAR 9:020E	323	7-16-82	Replaced	102	8-11-82	Amended	553	10-6-82
Replaced	248	9-8-82	905 KAR 3:030E	113	6-16-82	108 KAR 1:010		
301 KAR 2:044E	324	7-30-82	Replaced	103	8-11-82	Amended	246	
Replaced	387	10-6-82				Withdrawn		9-17-82
301 KAR 2:087E	541	9-17-82	Regulation	9 Ky.R. Page No.	Effective Date	Amended	730	1-6-83
Replaced	510	11-3-82				115 KAR 2:010	847	2-2-83
301 KAR 2:113E	544	10-6-82	1 KAR 1:010	9		200 KAR 5:307		
Replaced	633	12-1-82	Amended	339	8-11-82	Amended	1025	
302 KAR 20:130E	673	11-4-82	Amended			200 KAR 8:020		
Replaced	747	1-6-83	1 KAR 2:010			Amended	10	8-11-82
302 KAR 35:060E	398	8-24-82	Amended	793		200 KAR 14:010	982	
Replaced	780	2-2-83	Reprint	988	2-2-83	200 KAR 14:020	983	
302 KAR 35:070E	399	8-24-82	1 KAR 3:005			201 KAR 1:045		
Replaced	781	2-2-83	Amended	377	10-6-82	Amended	593	12-1-82
302 KAR 45:010E	325	7-16-82	1 KAR 4:005	280	9-8-82	201 KAR 1:050		
Replaced	572	1-6-83	1 KAR 4:010	75		Amended	594	12-1-82
405 KAR 7:050E	545	9-21-82	Withdrawn		7-7-82	201 KAR 1:065		
405 KAR 26:001E	2	5-24-82	Resubmitted	283	9-8-82	Amended	1026	
501 KAR 3:010E	893	1-3-83	11 KAR 5:010			201 KAR 1:095		
501 KAR 3:020E	894	1-3-83	Amended	10	8-11-82	Amended	247	10-6-82
501 KAR 3:030E	895	1-3-83	15 KAR 1:010	75		201 KAR 2:020		
501 KAR 3:040E	896	1-3-83	Amended	686	1-6-83	Amended	11	8-11-82
501 KAR 3:050E	897	1-3-83	15 KAR 1:020	76		201 KAR 2:040		
501 KAR 3:060E	900	1-3-83	Amended	687		Amended	247	9-8-82
501 KAR 3:070E	901	1-3-83	Amended	1003	2-2-83	201 KAR 2:050		
Withdrawn		2-7-83	30 KAR 1:030	386		Amended	12	8-11-82
Resubmitted	997	2-7-83	Withdrawn		10-27-82	Amended	1027	
501 KAR 3:080E	902	1-3-83	31 KAR 1:030	386		201 KAR 2:055		
501 KAR 3:090E	902	1-3-83	Amended	553	10-6-82	Repealed	285	9-8-82
501 KAR 3:100E	903	1-3-83	31 KAR 2:010	626		201 KAR 2:056	285	9-8-82
501 KAR 3:110E	904	1-3-83	Amended	771	12-1-82	201 KAR 2:060		
501 KAR 3:120E	904	1-3-83	101 KAR 1:030			Repealed	285	9-8-82
Withdrawn		2-7-83	Amended	225	12-1-82	201 KAR 2:105	77	8-11-82
Resubmitted	998	2-7-83	101 KAR 1:055	225		201 KAR 2:110	285	
501 KAR 3:130E	906	1-3-83	Amended	556		Amended	688	1-6-83
501 KAR 3:140E	906	1-3-83	Amended			201 KAR 2:115	285	
601 KAR 9:072E	326	7-26-82	101 KAR 1:080			Amended	688	1-6-83
601 KAR 21:010E	546	10-15-82	Amended	794	2-2-83	201 KAR 2:120	285	
Replaced	650	12-1-82	101 KAR 1:110			Amended	689	1-6-83
601 KAR 21:030E	547	10-15-82	Amended	230		201 KAR 2:125	286	1-6-83
Replaced	650	12-1-82	Amended	561	12-1-82	201 KAR 2:130	286	1-6-83
601 KAR 21:050E	548	10-15-82	101 KAR 1:120			201 KAR 2:135	286	
Replaced	651	12-1-82	Amended	796	2-2-83	Amended	689	1-6-83
601 KAR 21:070E	548	10-15-82	101 KAR 1:130			201 KAR 2:140	286	1-6-83
Replaced	651	12-1-82	Amended	231		201 KAR 2:145	287	
601 KAR 21:090E	548	10-15-82	Amended	562	12-1-82	Amended	689	1-6-83
Replaced	652	12-1-82	101 KAR 1:140			201 KAR 2:150	287	
601 KAR 21:110E	549	10-15-82	Amended	233		Amended	690	1-6-83
Replaced	652	12-1-82	Amended	564	12-1-82	201 KAR 2:155	288	1-6-83
601 KAR 21:130E	549	10-15-82	101 KAR 1:150	283		201 KAR 2:160	633	
Replaced	652	12-1-82	101 KAR 1:200			Amended	778	12-1-82
601 KAR 21:140E	551	10-15-82	Amended	238		201 KAR 9:020		
Replaced	654	12-1-82	Amended	569	12-1-82	Amended	248	9-8-82
807 KAR 5:008E	999	2-8-83	101 KAR 1:210	847	2-2-83	201 KAR 9:040		
						Amended	594	12-1-82

actioned  
postponed  
by RC



Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date
201 KAR 9:050 Amended	731	1-6-83	201 KAR 20:215 Amended	596	12-1-82	401 KAR 2:050 Amended	126	
201 KAR 11:005 Repealed	746	1-6-83	201 KAR 20:220 Amended	597	12-1-82	401 KAR 2:060 Amended	401	8-25-82
201 KAR 11:006	746	1-6-83	201 KAR 20:225 Amended	598	12-1-82	401 KAR 2:063 Amended	132	
201 KAR 11:010 Repealed	288	9-8-82	201 KAR 20:230 Amended	289		401 KAR 2:070 Amended	407	8-24-82
201 KAR 11:030 Amended	249	9-8-82	201 KAR 20:240 Amended	400	9-8-82	401 KAR 2:073 Amended	150	
201 KAR 11:035 Repealed	288	9-8-82	201 KAR 22:031 Amended	290	9-8-82	401 KAR 2:075 Amended	425	8-24-82
201 KAR 11:037 Repealed	288	9-8-82	201 KAR 22:130 Amended	731	1-6-83	401 KAR 2:180 Amended	195	8-24-82
201 KAR 11:050 Repealed	288	9-8-82	201 KAR 23:020 Amended	746	1-6-83	401 KAR 2:185 Amended	201	
201 KAR 11:055 Repealed	288	9-8-82	201 KAR 23:070 Amended	933		401 KAR 2:190 Amended	471	8-24-82
201 KAR 11:060 Repealed	288	9-8-82	201 KAR 23:080 Amended	1028		401 KAR 2:190 Amended	203	8-24-82
201 KAR 11:065 Repealed	288	9-8-82	201 KAR 23:110 Amended	732	1-6-83	401 KAR 2:185 Amended	512	
201 KAR 11:070 Amended	288	9-8-82	201 KAR 24:020 Repealed	747	1-6-83	401 KAR 2:190 Amended	782	
201 KAR 11:075 Repealed	288	9-8-82	201 KAR 24:030 Amended	850	2-2-83	401 KAR 2:190 Amended	514	
201 KAR 11:085 Repealed	288	9-8-82	201 KAR 25:011 Amended	850	2-2-83	401 KAR 2:190 Amended	784	
201 KAR 11:095 Amended	250	9-8-82	201 KAR 25:012 Amended	12	8-11-82	401 KAR 2:190 Amended	516	
201 KAR 11:110 Amended	250	9-8-82	201 KAR 25:031 Amended	77	8-11-82	401 KAR 2:190 Amended	786	
201 KAR 11:120 Repealed	288	9-8-82	201 KAR 25:051 Amended	13	8-11-82	401 KAR 2:190 Amended	852	
201 KAR 11:125 Repealed	288	9-8-82	201 KAR 25:061 Amended	78	8-11-82	401 KAR 2:190 Amended	854	
201 KAR 11:130 Repealed	288	9-8-82	201 KAR 25:071 Amended	80	8-11-82	401 KAR 2:190 Amended	858	
201 KAR 11:135 Amended	250	9-8-82	201 KAR 26:120 Amended	80	8-11-82	401 KAR 2:190 Amended	866	
201 KAR 11:140 Repealed	288	9-8-82	201 KAR 26:120 Amended	291	9-8-82	401 KAR 2:190 Amended	872	
201 KAR 11:147 Amended	797	2-14-83	301 KAR 1:015 Amended	495	11-3-82	401 KAR 2:190 Amended	874	
201 KAR 11:165 Amended	288	9-8-82	301 KAR 1:055 Amended	14	8-11-82	401 KAR 2:190 Amended	879	
201 KAR 11:170 Amended	850	2-2-83	301 KAR 1:075 Amended	495	11-3-82	401 KAR 2:190 Amended	885	
201 KAR 12:030 Amended	12	8-11-82	301 KAR 1:145 Amended	933		401 KAR 2:190 Amended	1070	
201 KAR 12:083 Amended	932		301 KAR 1:150 Amended	252	9-8-82	401 KAR 2:190 Amended	797	
201 KAR 18:140 Amended	288	9-8-82	301 KAR 1:150 Amended	934		401 KAR 2:190 Amended	573	12-1-82
201 KAR 19:025 Amended	490		301 KAR 2:044 Amended	387	10-6-82	401 KAR 2:190 Amended	345	9-22-82
201 KAR 19:030 Amended	674	11-3-82	301 KAR 2:055 Amended	598	12-1-82	401 KAR 2:190 Amended	935	
201 KAR 19:035 Amended	491		301 KAR 2:060 Repealed	14	8-11-82	401 KAR 2:190 Amended	347	9-22-82
201 KAR 19:040 Amended	674	11-3-82	301 KAR 2:080 Amended	14	8-11-82	401 KAR 2:190 Amended	350	9-22-82
201 KAR 19:050 Amended	491		301 KAR 2:086 Repealed	510	11-3-82	401 KAR 2:190 Amended	358	9-22-82
201 KAR 19:085 Amended	675	11-3-82	301 KAR 2:087 Amended	510	11-3-82	401 KAR 2:190 Amended	363	9-22-82
201 KAR 19:090 Amended	492		301 KAR 2:113 Amended	633	12-1-82	401 KAR 2:190 Amended	576	12-1-82
201 KAR 19:095 Amended	676		301 KAR 2:140 Amended	600	12-1-82	401 KAR 2:190 Amended	368	9-22-82
201 KAR 20:056 Amended	1027		301 KAR 4:040 Amended	16	8-11-82	401 KAR 2:190 Amended	208	8-24-82
201 KAR 20:070 Amended	251	9-8-82	302 KAR 15:010 Amended	1031		401 KAR 2:190 Amended	371	9-22-82
201 KAR 20:080 Repealed	289	9-8-82	302 KAR 20:130 Amended	747	1-6-83	401 KAR 2:190 Amended	390	
201 KAR 20:085 Amended	289	9-8-82	302 KAR 25:045 Amended	496		401 KAR 2:190 Amended	577	12-1-82
201 KAR 20:095 Amended	595	12-1-82	302 KAR 35:060 Amended	668	11-3-82	401 KAR 2:190 Amended	935	
201 KAR 20:205 Amended	596	12-1-82	302 KAR 35:070 Amended	780	2-2-83	401 KAR 2:190 Amended	583	12-1-82
			302 KAR 45:010 Amended	389	2-2-83	401 KAR 2:190 Amended	210	8-24-82
			306 KAR 1:010 Amended	781	2-2-83	401 KAR 2:190 Amended	211	8-24-82
			306 KAR 1:020 Amended	292		401 KAR 2:190 Amended	380	
			306 KAR 1:030 Amended	572		401 KAR 2:190 Amended	922	
			306 KAR 1:040 Amended	917	1-6-83	401 KAR 2:190 Amended	373	9-22-82
			306 KAR 1:050 Amended	748	1-6-83	401 KAR 2:190 Amended	584	12-1-82
			306 KAR 1:060 Amended	749	1-6-83	401 KAR 2:190 Amended	390	
			306 KAR 1:070 Amended	750	1-6-83	401 KAR 2:190 Amended	923	
			306 KAR 1:080 Amended	751	1-6-83	401 KAR 2:190 Amended	212	8-24-82
			306 KAR 1:090 Amended	751	1-6-83	401 KAR 2:190 Amended	81	8-11-82
				752	1-6-83	405 KAR 2:010 Amended	690	1-6-83
				752	1-6-83	405 KAR 7:020 Amended	634	



## ADMINISTRATIVE REGISTER

J5

Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date
405 KAR 12:010			501 KAR 3:030	637		603 KAR 4:035	518	
Amended	697	1-6-83	501 KAR 3:040	637		Amended	678	11-3-82
405 KAR 16:060			501 KAR 3:050	639		603 KAR 5:075		
Amended	698	1-6-83	501 KAR 3:060	642		Amended	1033	
405 KAR 16:090			Amended	925		603 KAR 5:096		
Amended	700	1-6-83	501 KAR 3:070	643		Amended	253	9-8-82
405 KAR 16:110			Withdrawn		2-7-83	603 KAR 5:100		
Amended	702	1-6-83	Resubmitted	1073		Amended	1034	
405 KAR 16:130			501 KAR 3:080	644		603 KAR 5:110		
Amended	703	1-6-83	501 KAR 3:090	644		Amended	1034	
405 KAR 16:140			Amended	927		701 KAR 1:020		
Amended	706	1-6-83	501 KAR 3:100	645		Amended	253	9-8-82
405 KAR 16:220			501 KAR 3:110	646		702 KAR 1:005		
Amended	707	1-6-83	Amended	927		Amended	36	8-11-82
405 KAR 18:060			501 KAR 3:120	646		702 KAR 1:020		
Amended	709	1-6-83	Amended	928		Repealed	487	6-20-83
405 KAR 18:090			Withdrawn		2-7-83	702 KAR 1:025	87	
Amended	711	1-6-83	Resubmitted	1074		Amended	487	
405 KAR 18:110			501 KAR 3:130	647		Amended	681	11-9-82
Amended	713	1-6-83	501 KAR 3:140	648		702 KAR 1:110	296	9-8-82
405 KAR 18:130			Amended	929		702 KAR 2:020		
Amended	714	1-6-83	601 KAR 9:070			Amended	253	9-8-82
405 KAR 18:140			Repealed	326	7-26-82	702 KAR 3:030		
Amended	718	1-6-83	601 KAR 9:071			Amended	254	
405 KAR 18:230			Repealed	326	7-26-82	Amended	488	
Amended	718	1-6-83	601 KAR 9:072	293		Amended	779	12-1-82
405 KAR 24:030			Amended	587		Amended	1036	
Amended	721	1-6-83	Rejected		1-6-83	702 KAR 5:120		
405 KAR 26:001	81	1-6-83	601 KAR 20:010			Amended	733	1-6-83
405 KAR 30:010			Repealed	551	10-15-82	703 KAR 2:010		
Amended	17		601 KAR 20:030			Amended	1036	
Withdrawn		10-19-82	Repealed	551	10-15-82	704 KAR 3:010		
Amended	941		601 KAR 20:040			Amended	255	9-8-82
405 KAR 30:020			Repealed	551	10-15-82	704 KAR 3:285		
Amended	21		601 KAR 20:050			Amended	40	8-11-82
Withdrawn		10-19-82	Repealed	551	10-15-82	704 KAR 3:304		
Amended	945		601 KAR 20:070			Amended	256	9-8-82
405 KAR 30:025			Repealed	551	10-15-82	Amended	1037	
Amended	947		601 KAR 20:080			704 KAR 3:305		
405 KAR 30:070			Repealed	551	10-15-82	Amended	1037	
Amended	948		601 KAR 20:090			704 KAR 3:312		
405 KAR 30:121			Repealed	551	10-15-82	Repealed	88	8-11-82
Amended	949		601 KAR 20:110			704 KAR 3:314	88	8-11-82
405 KAR 30:130			Repealed	551	10-15-82	704 KAR 5:010		
Amended	23		601 KAR 20:130			Repealed	88	8-11-82
Withdrawn		10-19-82	Repealed	551	10-15-82	704 KAR 5:011	88	8-11-82
Amended	951		601 KAR 21:010	650	12-1-82	704 KAR 5:050		
405 KAR 30:160			601 KAR 21:030	650	12-1-82	Amended	41	8-11-82
Withdrawn		10-19-82	601 KAR 21:050	651	12-1-82	Amended	256	9-8-82
Resubmitted	983		601 KAR 21:070	651	12-1-82	704 KAR 10:022		
405 KAR 30:190			601 KAR 21:090	652	12-1-82	Amended	257	9-8-82
Amended	28		601 KAR 21:110	652	12-1-82	Amended	1038	
Withdrawn		10-19-82	601 KAR 21:130	652	12-1-82	704 KAR 20:005		
405 KAR 30:200			601 KAR 21:140	654	12-1-82	Amended	734	1-6-83
Amended	30		602 KAR 50:010			704 KAR 20:135		
Withdrawn		10-19-82	Amended	601		Amended	734	1-6-83
405 KAR 30:201			602 KAR 50:020			704 KAR 20:205		
405 KAR 30:250			Amended	602		Repealed	753	1-6-83
Amended	31		602 KAR 50:030			704 KAR 20:206	753	1-6-83
Withdrawn		10-19-82	Amended	603		704 KAR 20:275	753	1-6-83
Amended	957		602 KAR 50:040			705 KAR 1:010		
405 KAR 30:280			Amended	603		Amended	42	8-11-82
Amended	960		602 KAR 50:050			705 KAR 2:030		
405 KAR 30:320			Amended	604		Amended	257	9-8-82
Amended	34		602 KAR 50:060			705 KAR 4:010		
Withdrawn		10-19-82	Amended	605		Amended	259	9-8-82
Amended	962		602 KAR 50:070			705 KAR 4:020		
405 KAR 30:360			Amended	605		Repealed	297	9-8-82
Withdrawn		10-19-82	602 KAR 50:080			705 KAR 4:060		
Resubmitted	1072		Amended	605		Repealed	297	9-8-82
405 KAR 30:370			602 KAR 50:090			705 KAR 4:070		
Withdrawn	85		Amended	606		Repealed	297	9-8-82
Resubmitted	986		602 KAR 50:100			705 KAR 4:090		
405 KAR 30:390			Amended	607		Repealed	297	9-8-82
Amended	35		602 KAR 50:110			705 KAR 4:100		
Withdrawn		10-19-82	Amended	608		Repealed	297	9-8-82
Amended	964		602 KAR 50:115			705 KAR 4:105		
501 KAR 3:010	635		Amended	608		Repealed	297	9-8-82
501 KAR 3:020	636		602 KAR 50:120			705 KAR 4:110		
Amended	924		Amended	609		Repealed	297	9-8-82



## ADMINISTRATIVE REGISTER

Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date
705 KAR 4:120			806 KAR 13:011	656	12-1-82	815 KAR 20:050		
Repealed	297	9-8-82	806 KAR 13:015			Amended	832	
705 KAR 4:131			Repealed	91	9-8-82	815 KAR 20:070		
Repealed	297	9-8-82	806 KAR 13:016	91	9-8-82	Amended	46	8-11-82
705 KAR 4:140			806 KAR 13:030			Amended	833	2-2-83
Repealed	297	9-8-82	Repealed	91	9-8-82	815 KAR 20:072	657	12-1-82
705 KAR 4:151			806 KAR 13:031	91	9-8-82	815 KAR 20:073	658	12-1-82
Repealed	297	9-8-82	806 KAR 13:040			815 KAR 20:074	659	12-1-82
705 KAR 4:160			Amended	44	9-8-82	815 KAR 20:080		
Repealed	297	9-8-82	806 KAR 13:050			Amended	47	8-11-82
705 KAR 4:170			Repealed	92	9-8-82	815 KAR 20:090		
Repealed	297	9-8-82	806 KAR 13:051	92	9-8-82	Amended	834	2-2-83
705 KAR 4:180			806 KAR 13:060			815 KAR 20:100		
Repealed	297	9-8-82	Repealed	92	9-8-82	Amended	48	8-11-82
705 KAR 4:190			806 KAR 13:061	92	9-8-82	815 KAR 20:120		
Repealed	297	9-8-82	806 KAR 13:070			Amended	49	8-11-82
705 KAR 4:200			Amended	45	9-8-82	815 KAR 20:191		
705 KAR 7:050			806 KAR 13:080			Amended	837	2-2-83
Amended	261	9-8-82	Repealed	92	9-8-82	815 KAR 25:010		
706 KAR 1:010			806 KAR 13:081	92	9-8-82	Amended	615	12-1-82
Amended	610	12-1-82	806 KAR 14:005			815 KAR 35:010		
707 KAR 1:100			Amended	45	9-8-82	Amended	1050	
Amended	214	8-24-82	806 KAR 14:080			815 KAR 45:010		
707 KAR 1:110			Amended	383	10-6-82	Repealed	659	12-1-82
Amended	215	8-24-82	Amended	965		815 KAR 45:015	659	12-1-82
740 KAR 1:010	521	11-3-82	806 KAR 30:010			815 KAR 45:035		
740 KAR 1:020	522	11-3-82	Amended	612	12-1-82	Amended	51	8-11-82
740 KAR 1:030	522	11-3-82	806 KAR 30:080	656	12-1-82	Amended	1053	
740 KAR 1:040	523	11-3-82	806 KAR 38:020			900 KAR 2:010	299	12-1-82
740 KAR 1:050	523	11-3-82	Amended	496	12-1-82	Amended	975	
740 KAR 1:060	524	11-3-82	806 KAR 38:070	754	2-2-83	Reprint	1085	
740 KAR 1:070	524	11-3-82	806 KAR 39:030			900 KAR 2:020	527	
740 KAR 1:080	525	11-3-82	Amended	384		Amended	931	
740 KAR 1:090	525	11-3-82	Amended	790		900 KAR 2:030	661	
740 KAR 1:100	526	11-3-82	806 KAR 43:010	526	12-1-82	Amended	1012	
740 KAR 1:110	526	11-3-82	807 KAR 5:002	298	9-8-82	900 KAR 2:040	756	
803 KAR 1:050			807 KAR 5:006			Amended	1018	
Repealed	42	8-11-82	Amended	217		902 KAR 4:030		
803 KAR 1:075			Amended	473	8-24-82	Amended	386	
Amended	42	8-11-82	Amended	735		Amended	555	10-6-82
803 KAR 2:020			807 KAR 5:008	1075		902 KAR 6:050		
Amended	812	2-2-83	807 KAR 5:026			Amended	262	9-8-82
803 KAR 2:090			Amended	742		902 KAR 8:010		
Amended	43	8-11-82	Amended	917	1-6-83	Repealed	391	10-6-82
803 KAR 2:190	89	8-11-82	807 KAR 5:027	755		902 KAR 8:011	391	10-6-82
804 KAR 1:100			Amended	920	1-6-83	902 KAR 9:010		
Amended	261	9-8-82	807 KAR 5:064	1076		Amended	53	
804 KAR 4:230	297	9-8-82	808 KAR 1:090	391	10-6-82	Withdrawn		
804 KAR 11:010			808 KAR 3:010			902 KAR 10:060	300	8-24-82
Amended	381	10-6-82	Repealed	92	8-11-82	902 KAR 11:010		9-8-82
806 KAR 2:080			808 KAR 3:050	92		Amended	498	11-3-82
Amended	382	10-6-82	Amended	340	8-11-82	902 KAR 12:020		
806 KAR 2:090			808 KAR 5:040			Amended	499	
Amended	383	10-6-82	Amended	965		Amended	682	11-3-82
806 KAR 2:095			808 KAR 6:105			902 KAR 12:030		
Amended	383	10-6-82	Amended	966		Amended	501	11-3-82
806 KAR 7:090	89		808 KAR 10:010			902 KAR 12:040		
Amended	375	10-6-82	Amended	613	12-1-82	Amended	502	
806 KAR 9:030			808 KAR 10:090			Amended	685	11-3-82
Amended	610	12-1-82	Amended	46	8-11-82	902 KAR 12:050		
806 KAR 9:060			808 KAR 10:150			Amended	502	
Amended	611		Amended	613	12-1-82	Amended	685	11-3-82
Amended	779	12-1-82	810 KAR 1:013			902 KAR 14:010	94	
806 KAR 9:070			Amended	1038		Amended	341	8-11-82
Amended	611	12-1-82	811 KAR 1:020			902 KAR 14:020	94	8-11-82
806 KAR 9:160			Amended	967		902 KAR 20:006		
Repealed	91	9-8-82	811 KAR 1:055			Amended	55	
806 KAR 9:161	91	9-8-82	Amended	968		Amended	479	9-8-82
806 KAR 10:010			811 KAR 1:070			902 KAR 20:008		
Repealed	753	1-6-83	Amended	970		Amended	61	8-11-82
806 KAR 10:015	753	1-6-83	815 KAR 7:012			Amended	745	1-6-83
806 KAR 12:031			Amended	497	12-1-82	Amended	1055	
Repealed	1004	2-2-83	815 KAR 7:020			902 KAR 20:111		
806 KAR 12:080	655		Amended	971		Amended	1056	
Amended	789		815 KAR 7:060			902 KAR 20:115		
Amended	1004	2-2-83	Amended	815		Amended	976	
806 KAR 13:005			815 KAR 10:020			902 KAR 20:120		
Repealed	391	10-6-82	Amended	1041		Amended	1057	
806 KAR 13:006	391	10-6-82	815 KAR 20:010			902 KAR 20:126		
806 KAR 13:010			Amended	827	2-2-83	Amended	62	8-11-82
Repealed	656	12-1-82						



## ADMINISTRATIVE REGISTER

J7

Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date
902 KAR 20:127			904 KAR 1:110	1082		904 KAR 3:060		
Amended	63		904 KAR 1:140	1082		Amended	507	11-3-82
Amended	342	8-11-82	904 KAR 1:150	1084		904 KAR 5:100		
902 KAR 20:130			904 KAR 2:006			Amended	1069	
Repealed	95	8-11-82	Amended	504	11-3-82	904 KAR 5:120		
902 KAR 20:131	95	8-11-82	904 KAR 2:015			Repealed	301	9-8-82
902 KAR 20:150	95	8-11-82	Amended	269	9-8-82	904 KAR 5:121	301	9-8-82
902 KAR 20:155	886	2-2-83	Amended	624	12-1-82	904 KAR 5:240		
902 KAR 20:160	1078		904 KAR 2:016			Repealed	301	9-8-82
902 KAR 25:010			Amended	271	9-8-82	904 KAR 5:250	301	
Amended	590	12-1-82	904 KAR 2:050			Amended	555	10-6-82
902 KAR 45:110	300		Amended	506	11-3-82	905 KAR 1:140	667	12-1-82
Amended	593	12-1-82	904 KAR 2:100			905 KAR 2:010		
902 KAR 45:120	300	12-1-82	Repealed	100	8-11-82	Amended	68	
904 KAR 1:004			904 KAR 2:105	100	8-11-82	Amended	723	
Amended	6	7-28-82	904 KAR 2:110			Amended	1005	2-2-83
904 KAR 1:012			Amended	981		905 KAR 2:020		
Amended	223	8-24-82	904 KAR 2:115	887	2-2-83	Repealed	1005	2-2-83
904 KAR 1:013			Amended	1059		905 KAR 2:025		
Amended	489	10-27-82	904 KAR 3:010			Repealed	1005	2-2-83
Amended	978		Amended	275	9-8-82	905 KAR 2:030		
904 KAR 1:026			Amended	1061		Repealed	1005	2-2-83
Amended	503	11-3-82	904 KAR 3:020			905 KAR 2:035		
Amended	980		Amended	277	9-8-82	Repealed	1005	2-2-83
904 KAR 1:033			Amended	1063		905 KAR 2:040		
Amended	66	8-11-82	904 KAR 3:030			Repealed	1005	2-2-83
904 KAR 1:036			Amended	1066		905 KAR 2:060		
Amended	263	9-8-82	904 KAR 3:035			Repealed	1005	2-2-83
Amended	842	2-2-83	Amended	279	9-8-82	905 KAR 3:010	101	8-11-82
904 KAR 1:037	99	8-11-82	Amended	1067		905 KAR 3:020	102	8-11-82
904 KAR 1:042	99	8-11-82	904 KAR 3:045			905 KAR 3:030	103	8-11-82
904 KAR 1:045			Amended	67	8-11-82	905 KAR 3:040	761	1-6-83
Amended	268	9-8-82	Amended	1068		905 KAR 5:010	103	
904 KAR 1:095	666		904 KAR 3:050			Amended	485	9-8-82
904 KAR 1:100	667		Amended	507	11-3-82	905 KAR 5:020	761	
						Amended	1024	

## KRS Index

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
Chapter 13	1 KAR 1:010	108.160	31 KAR 2:010	150.330	301 KAR 2:044
17.210	815 KAR 45:015	109.011	401 KAR 2:180		301 KAR 2:080
18A.005	101 KAR 1:110	109.011 to 109.280	401 KAR 2:185		301 KAR 2:087
	101 KAR 1:120		401 KAR 2:190		301 KAR 2:113
18A.030	101 KAR 1:055	109.041	401 KAR 2:180		301 KAR 2:140
	101 KAR 1:080	109.071	401 KAR 2:180	150.340	301 KAR 2:044
	101 KAR 1:110	109.190	401 KAR 2:180		301 KAR 2:087
	101 KAR 1:140	116.025	31 KAR 2:010		301 KAR 2:113
18A.045	101 KAR 1:030	116.065	31 KAR 2:010	150.360	301 KAR 1:075
18A.070	101 KAR 1:030	117.075	31 KAR 1:030		301 KAR 2:044
18A.075	101 KAR 1:055	117.255	31 KAR 2:010		301 KAR 2:080
	101 KAR 1:080	117.375	31 KAR 2:010		301 KAR 2:087
	101 KAR 1:120	117.377	31 KAR 2:010		301 KAR 2:113
	101 KAR 1:130	117.379	31 KAR 2:010		301 KAR 2:140
	101 KAR 1:140	117.381	31 KAR 2:010	150.365	301 KAR 2:140
18A.095	101 KAR 1:110	117.383	31 KAR 2:010	150.370	301 KAR 2:080
	101 KAR 1:120	117.385	31 KAR 2:010		301 KAR 2:113
	101 KAR 1:130	117.387	31 KAR 2:010	150.390	301 KAR 2:113
18A.100	101 KAR 1:130	117.389	31 KAR 2:010		301 KAR 2:140
	101 KAR 1:210	117.391	31 KAR 2:010	150.411	301 KAR 4:040
18A.110	101 KAR 1:055	117.393	31 KAR 2:010	150.440	301 KAR 1:075
	101 KAR 1:080	118.015	31 KAR 2:010	150.445	301 KAR 1:075
	101 KAR 1:110	118A.010	31 KAR 2:010		301 KAR 1:145
	101 KAR 1:120	119.005	31 KAR 2:010		301 KAR 1:150
	101 KAR 1:140	132.120	31 KAR 2:010	150.450	301 KAR 1:145
18A.115	101 KAR 1:150	132.380	31 KAR 2:010		301 KAR 1:150
18A.155	101 KAR 1:110	136.392	815 KAR 45:015	150.470	301 KAR 1:055
	101 KAR 1:200	Chapter 138	601 KAR 9:072		301 KAR 1:075
18A.165	101 KAR 1:210	141.310	103 KAR 18:110	150.600	301 KAR 2:080
	101 KAR 1:055	141.370	103 KAR 18:110		301 KAR 2:055
	101 KAR 1:080	150.010	301 KAR 1:055	150.620	301 KAR 2:087
	101 KAR 1:120		301 KAR 1:075	150.625	301 KAR 1:015
18A.202	101 KAR 1:150		301 KAR 1:145	150.630	301 KAR 2:055
29A.180	200 KAR 8:020		301 KAR 1:150	150.990	301 KAR 1:055
39.400	106 KAR 1:030		301 KAR 2:087	Chapter 151	401 KAR 5:090
39.427	106 KAR 1:030	150.025	301 KAR 2:140	151.125	405 KAR 7:050
39.470	106 KAR 1:030		301 KAR 1:015	151.250	405 KAR 30:020
Chapter 42	200 KAR 14:010		301 KAR 1:055	151.297	405 KAR 7:050
44.070	200 KAR 14:020		301 KAR 1:075	152A.125	115 KAR 2:010
44.080	108 KAR 1:010		301 KAR 1:145	154.655	306 KAR 1:010
44.086	108 KAR 1:010	150.090	301 KAR 1:150	154.660	306 KAR 1:020
44.090	108 KAR 1:010	150.120	301 KAR 2:055	154.665	306 KAR 1:030
45.350 to 45.359	1 KAR 4:005		301 KAR 2:087	154.680	306 KAR 1:040
45.352	1 KAR 4:010		301 KAR 2:113		306 KAR 1:050
45.700	1 KAR 2:010		301 KAR 2:140	154.690	306 KAR 1:060
45.705	1 KAR 2:010		301 KAR 4:040	154.695	306 KAR 1:070
45.710	1 KAR 2:010	150.090	301 KAR 1:015	154.700	306 KAR 1:080
45.715	1 KAR 2:010	150.120	301 KAR 1:145	156.010	306 KAR 1:090
45.720	1 KAR 2:010		301 KAR 1:150	156.022	706 KAR 1:010
45.750 to 45.800	1 KAR 3:005	150.170	301 KAR 1:075	156.031	702 KAR 2:020
Chapter 45A	200 KAR 5:307		301 KAR 1:145		701 KAR 1:020
61.870 to 61.884	405 KAR 30:121		301 KAR 1:150	156.035	706 KAR 1:010
61.874	401 KAR 2:180		301 KAR 2:087		701 KAR 1:020
64.300	31 KAR 2:010	150.175	301 KAR 2:113	156.070	705 KAR 7:050
65.170	31 KAR 2:010		301 KAR 1:075		705 KAR 2:030
67.260	31 KAR 2:010		301 KAR 1:145		705 KAR 7:050
67A.020	31 KAR 2:010		301 KAR 1:150	156.112	706 KAR 1:010
68.540	31 KAR 2:010		301 KAR 2:087		705 KAR 1:010
81A.030	31 KAR 2:010		301 KAR 2:113		705 KAR 4:010
81A.420	31 KAR 2:010		301 KAR 2:140	156.160	705 KAR 7:050
81A.430	31 KAR 2:010		301 KAR 4:040		704 KAR 3:304
83A.100	31 KAR 2:010	150.176	301 KAR 2:140		704 KAR 3:305
83A.120	31 KAR 2:010	150.180	301 KAR 2:080	156.400 to 156.476	702 KAR 10:022
83A.170	31 KAR 2:010		301 KAR 4:040	157.100 to 157.190	702 KAR 1:005
91A.080	806 KAR 2:090	150.235	301 KAR 1:075	157.280	702 KAR 5:120
	806 KAR 2:095		301 KAR 2:087	157.312	704 KAR 5:050
Chapter 95A	806 KAR 14:080	150.240	301 KAR 2:055	157.315	704 KAR 5:050
96.183	815 KAR 45:035	150.280	301 KAR 2:080	157.360	702 KAR 1:110
96.360	31 KAR 2:010	150.290	301 KAR 2:080		704 KAR 3:010
96.540	31 KAR 2:010	150.300	301 KAR 2:044		704 KAR 5:050
96.543	31 KAR 2:010	150.305	301 KAR 2:080		705 KAR 2:030
96.640	31 KAR 2:010		301 KAR 2:087	157.390	702 KAR 1:025
96.860	31 KAR 2:010		301 KAR 2:113	158.030	704 KAR 5:050
96A.350	31 KAR 2:010		301 KAR 2:140	158.060	703 KAR 2:010
97.610	31 KAR 2:010	150.320	301 KAR 2:044	158.070	703 KAR 2:010
107.360	31 KAR 2:010		301 KAR 2:080	158.090	704 KAR 5:050
108.100	31 KAR 2:010		301 KAR 2:140	158.600 to 158.620	704 KAR 3:285



## ADMINISTRATIVE REGISTER

J9

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
160.105	702 KAR 3:030	190.010	601 KAR 21:050	216.550	900 KAR 2:030
160.220	31 KAR 2:010		601 KAR 21:110		900 KAR 2:040
160.230	31 KAR 2:010	190.030	601 KAR 21:030	216.555	900 KAR 2:040
160.250	31 KAR 2:010		601 KAR 21:050	216.557	900 KAR 2:040
160.260	31 KAR 2:010		601 KAR 21:070	216.560	900 KAR 2:040
160.470	31 KAR 2:010	190.035	601 KAR 21:050	216.563	900 KAR 2:040
160.597	31 KAR 2:010	190.040	601 KAR 21:090	216.565	900 KAR 2:040
161.020	704 KAR 20:005	190.058	601 KAR 21:010	216.567	900 KAR 2:020
	704 KAR 20:135		601 KAR 21:130	216.577	900 KAR 2:040
161.025	704 KAR 20:275	190.062	601 KAR 21:130	216B.010 to 216B.130	902 KAR 20:006
	704 KAR 20:005	194.025	902 KAR 25:010		902 KAR 20:008
	704 KAR 20:135	194.050	902 KAR 25:010		902 KAR 20:111
161.030	704 KAR 20:275		904 KAR 2:105		902 KAR 20:115
	704 KAR 20:005		904 KAR 2:110		902 KAR 20:120
	704 KAR 20:135		904 KAR 2:115		902 KAR 20:126
	704 KAR 20:275		904 KAR 3:010		902 KAR 20:127
161.470	102 KAR 1:060		904 KAR 3:020		902 KAR 20:150
161.515	102 KAR 1:050		904 KAR 3:030	216B.010 to 216B.131	902 KAR 20:155
161.545	102 KAR 1:038		904 KAR 3:035	216B.990	902 KAR 20:160
	102 KAR 1:110		904 KAR 3:045		902 KAR 20:006
161.560	102 KAR 1:125		904 KAR 3:050		902 KAR 20:008
	102 KAR 1:210		904 KAR 3:060		902 KAR 20:111
161.620	102 KAR 1:200	Chapter 198B	815 KAR 7:012		902 KAR 20:115
161.705	102 KAR 1:122		815 KAR 7:020		902 KAR 20:120
163.020	705 KAR 1:010	199.420	815 KAR 7:060		902 KAR 20:126
	705 KAR 2:030		905 KAR 3:010		902 KAR 20:127
163.030	705 KAR 4:010		905 KAR 3:020		902 KAR 20:150
	705 KAR 1:010		905 KAR 3:030		902 KAR 20:155
	705 KAR 2:030	199.467	905 KAR 1:140	Chapter 217	902 KAR 20:160
	705 KAR 4:010	199.892 to 199.896	905 KAR 2:010		201 KAR 2:110
163.140	706 KAR 1:010	Chapter 202A	902 KAR 12:020		201 KAR 2:115
163.160	706 KAR 1:010		902 KAR 12:050		201 KAR 2:120
164.410	740 KAR 1:040	202A.181	902 KAR 12:040		201 KAR 2:125
164.740 to 164.764	11 KAR 5:010	202A.196	902 KAR 12:020		201 KAR 2:130
164.780	11 KAR 5:010	202A.201	902 KAR 12:030		201 KAR 2:135
164.785	11 KAR 5:010	Chapter 202B	902 KAR 12:020		201 KAR 2:140
164A.060	15 KAR 1:010		902 KAR 12:050		201 KAR 2:145
	15 KAR 1:020	205.010	904 KAR 2:006		201 KAR 2:150
164A.560	740 KAR 1:010	205.200	904 KAR 2:006		201 KAR 2:155
	740 KAR 1:030		904 KAR 2:016	217.025	902 KAR 45:110
	740 KAR 1:110	205.204	905 KAR 3:010	217.035	902 KAR 45:110
164A.570	740 KAR 1:020		905 KAR 3:020	217.037	902 KAR 45:110
164A.580	740 KAR 1:050		905 KAR 3:030	217.125	902 KAR 45:110
164A.585	740 KAR 1:060	205.210	904 KAR 2:016	219.031	902 KAR 45:120
164A.590	740 KAR 1:070	205.220	904 KAR 2:050	219.041	902 KAR 45:120
164A.595	740 KAR 1:010	205.245	904 KAR 2:015	Chapter 224	401 KAR 5:050
	740 KAR 1:080	205.520	904 KAR 1:004		401 KAR 5:055
164A.600	740 KAR 1:090		904 KAR 1:012		401 KAR 5:060
164A.605	740 KAR 1:100		904 KAR 1:013		401 KAR 5:065
165.175	31 KAR 2:010		904 KAR 1:026		401 KAR 5:070
165A.310	201 KAR 24:030		904 KAR 1:033		401 KAR 5:080
165A.370	201 KAR 24:030		904 KAR 1:036		401 KAR 5:090
167.150	707 KAR 1:100		904 KAR 1:037		401 KAR 6:015
	707 KAR 1:110		904 KAR 1:042		401 KAR 50:010
173.470	31 KAR 2:010		904 KAR 1:045		401 KAR 50:015
173.610	31 KAR 2:010		904 KAR 1:095		401 KAR 50:025
173.620	31 KAR 2:010		904 KAR 1:100		401 KAR 50:035
173.630	31 KAR 2:010		904 KAR 1:110		401 KAR 51:017
177.830 to 177.890	603 KAR 4:035		904 KAR 1:140		401 KAR 51:052
183.861	602 KAR 50:030		904 KAR 1:150		401 KAR 51:055
183.861 to 183.890	602 KAR 50:060	205.560	904 KAR 1:095		401 KAR 59:010
183.861 to 183.990	602 KAR 50:010		904 KAR 1:110		401 KAR 59:018
	602 KAR 50:020	209.030	905 KAR 3:010		401 KAR 59:101
	602 KAR 50:100		905 KAR 3:020		401 KAR 59:212
	602 KAR 50:110		905 KAR 3:030		401 KAR 59:260
183.865	602 KAR 50:115		905 KAR 5:010		401 KAR 61:015
	602 KAR 50:030	209.160	905 KAR 5:010		401 KAR 61:020
	602 KAR 50:040		905 KAR 5:020		401 KAR 61:055
183.867	602 KAR 50:030	210.420	902 KAR 6:050		401 KAR 61:056
	602 KAR 50:050	210.440	902 KAR 6:050		401 KAR 61:080
183.869	602 KAR 50:080	211.350	902 KAR 10:060		401 KAR 61:122
	602 KAR 50:090	211.920 to 211.945	902 KAR 9:010		401 KAR 61:140
183.870	602 KAR 50:030	211.950 to 211.958	902 KAR 14:010		401 KAR 61:170
	602 KAR 50:070		902 KAR 14:020		401 KAR 63:031
	602 KAR 50:080	212.080	31 KAR 2:010	224.005	401 KAR 2:180
	602 KAR 50:090	212.720	31 KAR 2:010	224.020	401 KAR 5:085
183.871	602 KAR 50:080	214.155	902 KAR 4:030	224.033	401 KAR 2:050
	602 KAR 50:090	215.120	31 KAR 2:010		401 KAR 2:060
189.222	603 KAR 5:075	215.140	31 KAR 2:010		401 KAR 2:063
	603 KAR 5:096	216.317	31 KAR 2:010		401 KAR 2:073
	603 KAR 5:100	216.318	31 KAR 2:010		401 KAR 5:075
189.270	603 KAR 5:100	216.537	900 KAR 2:010	224.034	401 KAR 5:085
	603 KAR 5:110	216.540	900 KAR 2:010	224.036	401 KAR 2:060



## ADMINISTRATIVE REGISTER

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
224.060	401 KAR 5:085	247.487	31 KAR 2:010	314.042	201 KAR 20:056
224.071	401 KAR 2:060	247.560	31 KAR 2:010		201 KAR 20:240
	401 KAR 2:063	247.660	31 KAR 2:010	314.051	201 KAR 20:070
	401 KAR 2:070	247.760	31 KAR 2:010		201 KAR 20:085
224.073	405 KAR 7:050	247.860	31 KAR 2:010		201 KAR 20:095
224.087	401 KAR 5:085	251.480	302 KAR 35:060		201 KAR 20:230
224.255	401 KAR 2:060		302 KAR 35:070		201 KAR 20:240
	401 KAR 2:050	257.020	302 KAR 20:130	314.071	201 KAR 20:225
	401 KAR 2:060	260.675 to 260.760	302 KAR 25:045		201 KAR 20:230
	401 KAR 2:063	262.120	31 KAR 2:010	314.073	201 KAR 20:240
	401 KAR 2:070	262.130	31 KAR 2:010		201 KAR 20:085
	401 KAR 2:073	262.220	31 KAR 2:010		201 KAR 20:205
	401 KAR 2:180	262.370	31 KAR 2:010		201 KAR 20:215
	401 KAR 2:185	262.540	31 KAR 2:010		201 KAR 20:220
224.835	401 KAR 2:190	262.730	31 KAR 2:010		201 KAR 20:225
	401 KAR 2:180	262.735	31 KAR 2:010		201 KAR 20:230
	401 KAR 2:185	262.748	31 KAR 2:010		201 KAR 20:240
224.842	401 KAR 2:190	262.778	31 KAR 2:010	314.131	201 KAR 20:056
	401 KAR 2:180	273.446	31 KAR 2:010		201 KAR 20:240
	401 KAR 2:185	273.453 to 273.466	905 KAR 3:040	314.161	201 KAR 20:056
	401 KAR 2:190	273.458	1 KAR 4:005		201 KAR 20:240
224.855	401 KAR 2:060	Chapter 278	1 KAR 4:010	Chapter 315	201 KAR 2:020
	401 KAR 2:063		807 KAR 5:002		201 KAR 2:040
	401 KAR 2:073		807 KAR 5:006		201 KAR 2:050
224.855 to 224.884	401 KAR 2:050		807 KAR 5:008		201 KAR 2:105
224.860	401 KAR 2:060		807 KAR 5:026		201 KAR 2:160
	401 KAR 2:063		807 KAR 5:027	317A.010	201 KAR 12:030
	401 KAR 2:073	287.690	807 KAR 5:064	317A.020	201 KAR 12:030
224.862	401 KAR 2:060	Chapter 288	808 KAR 1:090	317A.050	201 KAR 12:083
224.864	401 KAR 2:060	290.020	808 KAR 6:105	317A.060	201 KAR 12:030
	401 KAR 2:070	290.030	808 KAR 3:050		201 KAR 12:083
224.866	401 KAR 2:075	290.040	808 KAR 3:050	317A.140	201 KAR 12:083
	401 KAR 2:060	290.050	808 KAR 3:050	317A.990	201 KAR 12:083
	401 KAR 2:063	Chapter 291	808 KAR 5:040	Chapter 318	815 KAR 20:010
	401 KAR 2:073	Chapter 292	808 KAR 10:010		815 KAR 20:050
224.868	401 KAR 2:060		808 KAR 10:090		815 KAR 20:070
	401 KAR 2:075	292.410	808 KAR 10:150		815 KAR 20:072
224.871	401 KAR 2:060	304.2-330	806 KAR 2:080		815 KAR 20:073
224.873	401 KAR 2:060	304.4-010	806 KAR 14:005		815 KAR 20:074
224.874	401 KAR 2:060	304.7-360	806 KAR 7:090		815 KAR 20:080
224.876	401 KAR 2:060	304.9-070	806 KAR 9:030		815 KAR 20:090
	401 KAR 2:075	304.9-160	806 KAR 9:070		815 KAR 20:100
224.877	401 KAR 2:060	304.9-190	806 KAR 9:070		815 KAR 20:120
224.880	401 KAR 2:060	304.9-320	806 KAR 9:070		815 KAR 20:191
	401 KAR 2:063	304.9-390	806 KAR 9:060	319.040	201 KAR 26:120
	401 KAR 2:073	304.9-430	806 KAR 9:030	319.055	201 KAR 26:120
	401 KAR 2:180		806 KAR 9:070	319.065	201 KAR 26:120
	401 KAR 2:185	304.12-030	806 KAR 12:080	322.050	201 KAR 18:140
224.887	401 KAR 2:190	304.12-080	806 KAR 14:080	322.180	201 KAR 18:140
	401 KAR 2:180	304.13-121	806 KAR 13:040	322.190	201 KAR 18:140
	401 KAR 2:185	304.13-151	806 KAR 13:070	322.200	201 KAR 18:140
	401 KAR 2:190	304.14-030	806 KAR 14:080	322.290	201 KAR 18:140
224.888	401 KAR 2:180	304.14-120	806 KAR 14:005	322.350	201 KAR 18:140
	401 KAR 2:185	304.14-190	806 KAR 14:005	322.430	201 KAR 18:140
	401 KAR 2:190	304.30-030	806 KAR 30:010	323.050	201 KAR 19:025
Chapter 227	815 KAR 10:020	304.30-040	806 KAR 30:080		201 KAR 19:035
	815 KAR 35:010	304.38-050	806 KAR 38:070		201 KAR 19:040
227.570	815 KAR 25:010	304.38-070	806 KAR 38:070	323.060	201 KAR 19:035
230.210 to 230.360	810 KAR 1:013	304.38-110	806 KAR 38:020	323.080	201 KAR 19:085
230.630	811 KAR 1:020	304.39-040	806 KAR 39:030	323.090	201 KAR 19:050
	811 KAR 1:055	304.39-060	806 KAR 39:030	323.110	201 KAR 19:085
	811 KAR 1:070	304.43-080	806 KAR 43:010	323.210	201 KAR 19:050
230.640	811 KAR 1:020	311.420	201 KAR 25:011	323.215	201 KAR 19:025
	811 KAR 1:055		201 KAR 25:012		201 KAR 19:040
	811 KAR 1:070		201 KAR 25:071	324.010	201 KAR 11:170
230.700	811 KAR 1:070	311.450	201 KAR 25:031	324.045	201 KAR 11:070
230.710	811 KAR 1:070	311.475	201 KAR 25:061		201 KAR 11:135
242.050	31 KAR 2:010	311.490	201 KAR 25:051	324.115	201 KAR 11:070
242.070	31 KAR 2:010	311.530 to 311.620	201 KAR 9:020	324.160	201 KAR 11:095
242.080	31 KAR 2:010		201 KAR 9:040		201 KAR 11:110
242.120	31 KAR 2:010		201 KAR 9:050	324.310	201 KAR 11:147
242.125	31 KAR 2:010	311.990	201 KAR 9:020	324.330	201 KAR 11:030
242.129	31 KAR 2:010		201 KAR 9:040		201 KAR 11:147
242.1292	31 KAR 2:010		201 KAR 9:050	325.261	201 KAR 1:050
242.1294	31 KAR 2:010	314.011	201 KAR 20:056	325.265	201 KAR 1:045
243.050	804 KAR 4:230		201 KAR 20:205	325.270	201 KAR 1:045
243.710	103 KAR 40:035		201 KAR 20:215	325.280	201 KAR 1:050
243.720	103 KAR 40:035		201 KAR 20:220	325.330	201 KAR 1:065
243.884	103 KAR 40:035	314.041	201 KAR 20:070	325.340	201 KAR 1:095
244.130	804 KAR 1:100		201 KAR 20:085	327.050	201 KAR 22:031
244.500	804 KAR 11:010		201 KAR 20:095	327.060	201 KAR 22:031
246.650	302 KAR 45:010		201 KAR 20:230	327.080	201 KAR 22:130
246.660	302 KAR 45:010		201 KAR 20:240		902 KAR 11:010
247.220	302 KAR 15:010				



## ADMINISTRATIVE REGISTER

J11

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
335.010 to 335.150	201 KAR 23:080	350.600	405 KAR 30:010		
335.010 to 335.160	201 KAR 23:110		405 KAR 30:020		
335.080	201 KAR 23:020		405 KAR 30:025		
335.090	201 KAR 23:070		405 KAR 30:070		
335.100	201 KAR 23:070		405 KAR 30:121		
335.990	201 KAR 23:070		405 KAR 30:130		
337.275	201 KAR 23:020		405 KAR 30:160		
337.285	803 KAR 1:075		405 KAR 30:190		
337.520	803 KAR 1:075		405 KAR 30:200		
Chapter 338	803 KAR 2:020		405 KAR 30:250		
338.121	803 KAR 2:090		405 KAR 30:280		
	803 KAR 2:190		405 KAR 30:320		
341.350	904 KAR 5:100		405 KAR 30:360		
341.380	904 KAR 5:100		405 KAR 30:370		
341.415	904 KAR 5:250		405 KAR 30:390		
Chapter 350	405 KAR 7:020	350.610	405 KAR 24:030		
	405 KAR 26:001	350.990	405 KAR 12:010		
350.020	405 KAR 7:050	424.290	31 KAR 2:010		
	405 KAR 12:010	436.165	31 KAR 2:010		
	405 KAR 16:090	441.011	501 KAR 3:010		
	405 KAR 16:220		501 KAR 3:020		
	405 KAR 18:090		501 KAR 3:030		
350.028	405 KAR 18:230		501 KAR 3:040		
	405 KAR 12:010		501 KAR 3:050		
	405 KAR 16:220		501 KAR 3:060		
350.050	405 KAR 18:230		501 KAR 3:070		
350.085	405 KAR 12:010		501 KAR 3:080		
	405 KAR 12:010		501 KAR 3:090		
	405 KAR 16:220		501 KAR 3:100		
	405 KAR 18:230		501 KAR 3:110		
305.090	405 KAR 16:130		501 KAR 3:120		
	405 KAR 18:130		501 KAR 3:130		
350.100	405 KAR 16:060	c. 109, 1980 Acts	501 KAR 3:140		
	405 KAR 16:090	c. 398, 1982 Acts	1 KAR 3:005		
	405 KAR 16:110		1 KAR 3:005		
	405 KAR 18:060		106 KAR 1:030		
	405 KAR 18:090		702 KAR 1:110		
	405 KAR 18:110		702 KAR 5:120		
305.113	405 KAR 12:010		704 KAR 5:050		
350.130	405 KAR 12:010	c. 444, 1982 Acts	905 KAR 5:010		
350.151	405 KAR 12:010		115 KAR 2:010		
	405 KAR 18:060				
	405 KAR 18:090				
	405 KAR 18:110				
	405 KAR 18:130				
	405 KAR 18:140				
350.405	405 KAR 18:230				
	405 KAR 16:110				
350.410	405 KAR 18:110				
	405 KAR 16:060				
	405 KAR 16:130				
	405 KAR 16:140				
	405 KAR 18:130				
	405 KAR 18:140				
350.420	405 KAR 16:060				
	405 KAR 16:090				
	405 KAR 16:110				
	405 KAR 16:140				
	405 KAR 18:060				
	405 KAR 18:090				
	405 KAR 18:110				
	405 KAR 18:140				
350.421	405 KAR 16:060				
	405 KAR 18:060				
350.440	405 KAR 16:060				
	405 KAR 16:130				
	405 KAR 18:060				
	405 KAR 18:130				
350.446	405 KAR 12:010				
	405 KAR 16:060				
	405 KAR 16:090				
	405 KAR 16:110				
	405 KAR 16:130				
	405 KAR 16:140				
	405 KAR 16:220				
	405 KAR 18:060				
	405 KAR 18:090				
	405 KAR 18:110				
	405 KAR 18:130				
	405 KAR 18:140				
	405 KAR 18:220				
	405 KAR 24:030				
350.575	405 KAR 2:010				



# Subject Index

## ACCOUNTANCY

Certificate application; 201 KAR 1:050  
Code of ethics; 201 KAR 1:095  
Examinations; subjects, grading; 201 KAR 1:045  
Fee, annual; 201 KAR 1:065

## ADMINISTRATIVE REGULATIONS (See Legislative Research)

## AERONAUTICS, AIRPORT ZONING

Airport Zoning Commission  
Administrator; 602 KAR 50:020  
Airport land uses; 602 KAR 50:040  
Airport zoning map; 602 KAR 50:050  
Alteration, construction; permit period; 602 KAR 50:110  
Application procedures; 602 KAR 50:090  
Commission jurisdiction; 602 KAR 50:030  
Construction; 602 KAR 50:060  
Definitions; 602 KAR 50:010  
Enforcement procedures; 602 KAR 50:115  
Hearing procedures; 602 KAR 50:120  
Navigable airspace; 602 KAR 50:070  
Obstructions; 602 KAR 50:100  
Permit application; 602 KAR 50:080

## AGRICULTURE

Fairs, shows; 302 KAR 15:010  
Grain Storage  
Bookkeeping; 302 KAR 35:070; 302 KAR 35:070E  
Contracts; 302 KAR 35:060; 302 KAR 35:060E  
Livestock Sanitation  
Contagious equine metritis; 302 KAR 20:130; 302 KAR 20:130E  
Marketing Services  
General provisions; 302 KAR 45:010; 302 KAR 45:010E  
Milk Marketing  
Stamps, coupons, redemption certificates; 302 KAR 25:045

## AIR POLLUTION

Administrative Procedures  
Counties, classification; 401 KAR 50:025  
Definitions, abbreviations; 401 KAR 50:010  
Permits, compliance schedules; 401 KAR 50:035  
Reference materials; 401 KAR 50:015  
Existing Source Standards  
Blast furnace casthouses; 401 KAR 61:170  
Bulk gasoline plants; 401 KAR 61:056  
By-product coke manufacturing plants; 401 KAR 61:140  
Existing process operations; 401 KAR 61:020  
Graphic arts facilities; 401 KAR 61:122  
Indirect heat exchangers; 401 KAR 61:015  
Loading facilities at bulk gasoline terminals; 401 KAR 61:055  
Oxygen process furnaces; 401 KAR 61:080  
New Source Requirements; Non Attainment Areas  
Emissions trading; 401 KAR 51:055  
Prevention of significant deterioration; 401 KAR 51:017  
Review; 401 KAR 51:052  
New Sources, Standards for  
Blast furnace casthouses; 401 KAR 59:260  
Bulk gasoline plants; 401 KAR 59:101  
Gas turbines, stationary; 401 KAR 59:018  
Graphic arts facilities; 401 KAR 59:212  
New process operations; 401 KAR 59:010  
Performance, General Standards  
Gasoline tank truck leaks; 401 KAR 63:031

## AIRPORT ZONING (See Aeronautics)

## ALCOHOLIC BEVERAGE CONTROL

Advertising Distilled Spirits, Wine  
General practices; 804 KAR 1:100  
Licensing  
Extended hours supplemental licenses; 804 KAR 4:230  
Malt Beverages  
Equipment, supplies; 804 KAR 11:010

## ARCHITECTS

Examination application; 201 KAR 19:025  
Examination, general; 201 KAR 19:030  
Examination qualifications; 201 KAR 19:035  
Examination types; 201 KAR 19:040  
Fees; 201 KAR 19:085  
Re-examinations; 201 KAR 19:050

## BANKING AND SECURITIES

Administration  
Stay, notice of intent to remove from office; 808 KAR 1:090  
Credit Unions  
Conduct; 808 KAR 3:050  
Loans, Industrial  
Records; retention, examination; 808 KAR 5:040  
Loans, Small  
Records required; 808 KAR 6:105  
Securities  
Forms; 808 KAR 10:010  
Issuers' reports; 808 KAR 10:090  
Registration exemptions; 808 KAR 10:150

## BUILDING CODE

New construction, physically disabled facilities; 815 KAR 7:060  
Plan review fee; 815 KAR 7:012  
Uniform code; 815 KAR 7:020

## CLAIMS, BOARD OF

Practice, Procedure  
Board, operation of; 108 KAR 1:010  
Claims, procedure for; 108 KAR 1:010

## COMMERCE

Economic Development  
Enterprise zones; 306 KAR 1:010 to 306 KAR 1:090  
Fish and Wildlife  
Fish; 301 KAR 1:015 to 301 KAR 1:150  
Game; 301 KAR 2:044 to 301 KAR 2:087  
Wildlife; 301 KAR 4:040

## CORPORATIONS

State Filing  
Business address; 30 KAR 1:030

## CORRECTIONS

Jails  
Administration, management; 501 KAR 3:020; 501 KAR 3:020E  
Admission, release; 501 KAR 3:120; 501 KAR 3:120E  
Classification; 501 KAR 3:110; 501 KAR 3:110E  
Definitions; 501 KAR 3:010; 501 KAR 3:010E  
Fiscal management; 501 KAR 3:030; 501 KAR 3:030E  
Food services; 501 KAR 3:100; 501 KAR 3:100E  
Inmate programs, services; 501 KAR 3:130; 501 KAR 3:130E  
Inmate rights; 501 KAR 3:140; 501 KAR 3:140E  
Medical services; 501 KAR 3:090; 501 KAR 3:090E  
Personnel; 501 KAR 3:040; 501 KAR 3:040E  
Physical plant; 501 KAR 3:050; 501 KAR 3:050E  
Safety, emergency procedures; 501 KAR 3:070; 501 KAR 3:070E

## CORRECTIONS (Cont'd)

Sanitation, hygiene; 501 KAR 3:080; 501 KAR 3:080E  
Security, control; 501 KAR 3:060; 501 KAR 3:060E

## ECONOMIC DEVELOPMENT

Enterprise Zones  
Application process; 306 KAR 1:020  
Authority, duties; 306 KAR 1:070  
Conflict of interest; 306 KAR 1:060  
Definitions; 306 KAR 1:010  
Eligibility requirements; 306 KAR 1:030  
Geographic neighborhood areas; 306 KAR 1:090  
Qualification; 306 KAR 1:040  
Regulation review; 306 KAR 1:080  
Removal of designation; 306 KAR 1:050

## EDUCATION

Administration, Finance  
Classroom, kindergarten units; allocation of funds; 702 KAR 1:110  
Extended employment; 702 KAR 1:025  
Textbook program; 702 KAR 1:005  
Exceptional  
Exceptional, handicapped; programs for; 707 KAR 1:100; 707 KAR 1:110  
Instruction  
Elementary, secondary; 704 KAR 10:022  
Instructional services; 704 KAR 3:285 to 704 KAR 3:314  
Kindergartens, nursery schools; 704 KAR 5:011; 704 KAR 5:050  
Teacher certification; 704 KAR 20:135 to 704 KAR 20:275  
Planning  
ECIA, 1981, plan for; 701 KAR 1:020  
Pupil Personnel Service  
Terms, attendance, operation; 703 KAR 2:010  
Pupil Transportation  
Blind, deaf; reimbursement; 702 KAR 5:120  
Rehabilitation  
Administration; 706 KAR 1:010  
School district finance; 702 KAR 3:030  
Surplus property; 702 KAR 2:020  
Vocational  
Administration; 705 KAR 1:010  
Adult education; 705 KAR 7:050  
Fiscal management; 705 KAR 2:030  
Instructional programs; 705 KAR 4:010; 705 KAR 4:200

## ELECTIONS

(See also Voting)  
Medical emergency special ballot; 31 KAR 1:030  
Voting systems, electronic; 31 KAR 2:010; 31 KAR 2:010E

## ELECTRICAL INSPECTORS

Certification; 815 KAR 35:010

## EMPLOYEES, STATE

Personnel Rules  
Appeal; 101 KAR 1:130; 101 KAR 1:130E  
Board procedure; 101 KAR 1:030; 101 KAR 1:030E  
Compensation plan, pay for performance; 101 KAR 1:055; 101 KAR 1:055E  
Eligibles; certification, selection; 101 KAR 1:080  
Incentive programs; 101 KAR 1:150; 101 KAR 1:150E  
Promotion, transfer, demotion, detail to special duty; 101 KAR 1:110; 101 KAR 1:110E  
Separations, disciplinary actions; 101 KAR 1:120  
Service; 101 KAR 1:140; 101 KAR 1:140E



**EMPLOYEES, STATE (Cont'd)**

Unclassified service; 101 KAR 1:200; 101 KAR 1:200E  
Unclassified service employees, appeals; 101 KAR 1:210

**ENERGY**

Energy Production and Utilization  
Alternate energy development fund; 115 KAR 2:010

**ENGINEERS, LAND SURVEYORS**

Code of professional practice, conduct; 201 KAR 18:140

**ENVIRONMENTAL PROTECTION**

(See Natural Resources)

**EXAMINERS OF PSYCHOLOGISTS**

Certificate of qualification, examinations, supervisions; 201 KAR 26:120

**EXCEPTIONAL, HANDICAPPED****EDUCATION**

Admission policy, School for Blind; 707 KAR 1:110  
Admission policy, School for Deaf; 707 KAR 1:100

**FAIRS, SHOWS**

Administration, state aid; 302 KAR 15:010

**FINANCE**

Administration  
Accounts; county, municipal; 200 KAR 8:020  
Occupations and professions, various; Title 201  
Purchasing; 200 KAR 5:307; 200 KAR 5:307E  
State Investment Commission  
General rules; 200 KAR 14:010  
Public depositories; 200 KAR 14:020

**FIRE DEPARTMENTS**

Aid; 815 KAR 45:015  
Education incentive; 815 KAR 45:035

**FISH AND WILDLIFE**

Fish  
Angling, limits, seasons; 301 KAR 1:055  
Boats, motors; sizes; 301 KAR 1:015  
Commercial fishing, gear; 301 KAR 1:145  
Commercial fishing, waters; 301 KAR 1:150  
Gigging, snagging, etc.; 301 KAR 1:025  
Game  
Deer hunting, Blue Grass Ordnance Depot; 301 KAR 2:113; 301 KAR 2:113E  
Migratory birds, limits; 301 KAR 2:087; 301 KAR 2:087E  
Migratory wildlife; 301 KAR 2:044; 301 KAR 2:044E  
Pets, permits for; 301 KAR 2:080  
Pits, blinds; restrictions; 301 KAR 2:055  
Wild turkey; 301 KAR 2:140  
Wildlife  
Taxidermists, sales by; 301 KAR 4:040

**GRAIN STORAGE**

(See Agriculture)

**HAIRDRESSERS, COSMETOLOGISTS**

Educational requirements; 201 KAR 12:083

**HARNESS RACING**

(See Racing)

**HEALTH SERVICES**

Certificate of Need, Licensure  
Air ambulance services; 902 KAR 20:155  
Alternative birth centers; 902 KAR 20:150  
Ambulance services; 902 KAR 20:115  
Certificate of need hearings; 902 KAR 20:127  
Certificate of need process; 902 KAR 20:006  
Chemical dependency treatment services; 902 KAR 20:160

**HEALTH SERVICES (Cont'd)**

Health transportation, non-emergency; 902 KAR 20:120  
License, fee schedule; 902 KAR 20:008  
Licensure hearings; 902 KAR 20:126  
Medical detoxification services; 902 KAR 20:111  
Repeal; 902 KAR 20:131  
Confinement Facilities  
Environmental health; 902 KAR 9:010  
Emergency Medical Services  
Equipment purchase; 902 KAR 14:020  
Personnel funding assistance; 902 KAR 14:010  
Food, Cosmetics  
Fees; food plants, markets, warehouses, distributors; 902 KAR 45:110  
Fees; food service establishments, hotels; 902 KAR 45:120  
Health Boards, District  
Repeal; 902 KAR 8:011  
Maternal, Child Health  
Metabolism, tests for errors; 902 KAR 4:030  
Medical Laboratories  
Licensure; application, fee; 902 KAR 11:010  
Mental Health, Mental Retardation Boards  
Allocation formula; 902 KAR 6:050  
Mentally Ill, Mentally Retarded, Hospitalization of  
Convalescent status; 902 KAR 12:040  
Patients' rights; 902 KAR 12:020  
Patient transfers; 902 KAR 12:050  
Penal institutions; 902 KAR 12:030  
Sanitation  
On-site sewage disposal; 902 KAR 10:060; 902 KAR 10:060E  
Social Security Act  
Section 1122 review; 902 KAR 25:010

**HIGHER EDUCATION ASSISTANCE AUTHORITY**

KHEAA Grant Program  
Authority, purpose; 11 KAR 5:010

**HIGHER EDUCATION STUDENT LOAN CORPORATION**

Guaranteed Student Loans,  
Loans to Parents  
Applicants' qualifications; 15 KAR 1:010  
Lending, purchasing policies; 15 KAR 1:020

**HIGHWAYS**

Right-of-Way  
Advertising devices, limited access roadways; 603 KAR 4:035  
Traffic  
Highway classifications; 603 KAR 5:096  
Permits; moving houses, buildings; 603 KAR 5:100  
Permits, moving mobile homes; 603 KAR 5:110  
Permits; overload, over-dimension; 603 KAR 5:075

**HOUSING, BUILDINGS, CONSTRUCTION**

Building code; 815 KAR 7:012 to 815 KAR 7:060  
Electrical inspectors; 815 KAR 35:010  
Fire departments; 815 KAR 45:015; 815 KAR 45:035  
Mobile homes, RV's; 815 KAR 25:010  
Plumbing; 815 KAR 20:010 to 815 KAR 20:191  
Safety standards; 815 KAR 10:020

**HUMAN RESOURCES**

Health Services  
Certificate of need, licensure; 902 KAR 20:006 to 902 KAR 20:160  
Confinement facilities; 902 KAR 9:010  
Emergency medical services; 902 KAR 14:010; 902 KAR 14:020  
Food, cosmetics; 902 KAR 45:110; 902 KAR 45:120  
Health boards, district; 902 KAR 8:011  
Maternal, child health; 902 KAR 4:030  
Medical laboratories; 902 KAR 11:010

**HUMAN RESOURCES (Cont'd)**

Mental health-mental retardation boards; 902 KAR 6:050  
Mentally ill, retarded, hospitalization of; 902 KAR 12:020 to 902 KAR 12:050  
Sanitation; 902 KAR 10:060; 902 KAR 10:060E  
Social Security Act; 902 KAR 25:010  
Long-term Care  
Access, hours of visitation; 900 KAR 2:010  
Appeals; 900 KAR 2:020  
Citations, violations; 900 KAR 2:040  
Rating systems; 900 KAR 2:030  
Social Insurance  
Food stamp program; 904 KAR 3:010 to 904 KAR 3:060  
Medical assistance; 904 KAR 1:004 to 904 KAR 1:150  
Public assistance; 904 KAR 2:006 to 904 KAR 2:115  
Unemployment insurance; 904 KAR 5:100 to 904 KAR 5:250  
Social Services  
Block grants; 905 KAR 3:010 to 905 KAR 3:040  
Child welfare; 905 KAR 1:140  
Day care; 905 KAR 2:010  
Spouse abuse; 905 KAR 5:010; 905 KAR 5:020

**INSTRUCTION, EDUCATION**

Elementary, Secondary  
Standards; 704 KAR 10:022  
Instructional Services  
Gifted, talented; programs for; 704 KAR 3:285  
High school graduation; 704 KAR 3:305  
Repeal; 704 KAR 3:314  
Required program of studies; 704 KAR 3:304  
Kindergarten  
Public programs; 704 KAR 5:050  
Repeal; 704 KAR 5:010  
Teacher Certification  
English; 704 KAR 20:275  
Kindergarten; 704 KAR 20:135  
Repeal; 704 KAR 20:206

**INSURANCE**

Administration  
Public hearings; 806 KAR 2:080  
Tax, accounting for; reporting of; 806 KAR 2:095  
Tax, fee for collecting; 806 KAR 2:090  
Agents, Consultants, Solicitors, Adjusters  
Examination retake limits; 806 KAR 9:070  
Examinations, licenses, restrictions; 806 KAR 9:030  
ID cards; 806 KAR 9:060  
Repeal; 806 KAR 9:161  
Contracts  
Municipal premium taxes; 806 KAR 14:080  
Rate, form filing; 806 KAR 14:005  
Health Maintenance Organizations  
Agents' licenses; 806 KAR 38:020; 806 KAR 38:070  
Subscriber fee filings; 806 KAR 38:070  
Investments  
Custodial accounts; 806 KAR 7:090  
Motor Vehicle Reparation (No-Fault)  
Rejection form; 806 KAR 39:030  
Premium Finance Companies  
Financial requirements; 806 KAR 30:080  
License procedures, application; 806 KAR 30:010  
Prepaid Dental Plan Organizations  
Agents' licenses; 806 KAR 43:010  
Rates, Rating Organizations  
Auto fleet, definition; 806 KAR 13:040  
Auto insurance, Ky. plan; 806 KAR 13:070  
Repeal; 806 KAR 13:006; 806 KAR 13:011; 806 KAR 13:016; 806 KAR 13:031; 806 KAR 13:051; 806 KAR 13:061; 806 KAR 13:081  
Surplus Lines  
Repeal; 806 KAR 10:015



**INSURANCE (Cont'd)**

Trade Practices, Frauds  
Life insurance replacement; 806 KAR 12:080

**JAILS**

(See Corrections)

**LABOR**

Occupational Safety, Health  
Dangerous conditions, refusal to work; 803 KAR 2:190  
29 CFR Part 1910; 803 KAR 2:020  
Unwarranted inspections, complaint; 803 KAR 2:090  
Standards, Wages, Hours  
Minimum wage, overtime; exclusions; 803 KAR 1:075

**LEGISLATIVE RESEARCH**

Block Grants  
Public hearing, statewide notice; 1 KAR 4:010  
Oversight procedures; 1 KAR 4:005  
Capital Construction  
Procedure, records; 1 KAR 3:005  
Personal Service Contracts  
Subcommittee; procedure, records; 1 KAR 2:010  
Regulations  
Form, codification, "Register;" 1 KAR 1:010

**LIVESTOCK SANITATION**

Contagious equine metritis; 302 KAR 20:130;  
302 KAR 20:130E

**MEDICAL LICENSURE**

Fee schedule; 201 KAR 9:040  
License renewal; 201 KAR 9:050  
Licensing qualifications, approved schools; 201 KAR 9:020; 201 KAR 9:020E

**MILITARY AFFAIRS**

Disaster, Emergency Services  
Rescue organizations; 106 KAR 1:030

**MILK MARKETING**

Stamps, coupons, redemption certificates; 302 KAR 25:045

**MOBILE HOMES, RECREATIONAL VEHICLES**

Mobile home standards; 815 KAR 25:010

**MOTOR VEHICLE COMMISSION**

Applications; 601 KAR 21:030; 601 KAR 21:030E  
Auction dealer; 601 KAR 21:110; 601 KAR 21:110E  
Dealer/salesperson; 601 KAR 21:050; 601 KAR 21:050E  
Meetings; 601 KAR 21:010; 601 KAR 21:010E  
Ownership, change in; 601 KAR 21:070; 601 KAR 21:070E  
Procedures; 601 KAR 21:130; 601 KAR 21:130E  
Repeal; 601 KAR 21:140; 601 KAR 21:140E  
Trade names; 601 KAR 21:090; 601 KAR 21:090E

**NATURAL RESOURCES, ENVIRONMENTAL PROTECTION**

Environmental Protection  
Air Pollution  
Administrative procedures; 401 KAR 50:010 to 401 KAR 50:035  
Existing source standards; 401 KAR 61:015 to 401 KAR 61:170  
New sources; non-attainment areas; 401 KAR 51:017 to 401 KAR 51:055  
New sources, standards for; 401 KAR 59:010 to 401 KAR 59:280  
Performance, general standards; 401 KAR 63:031  
Water; 401 KAR 5:050 to 401 KAR 5:085; 401 KAR 6:015

**NATURAL RESOURCES, ENVIRONMENTAL PROTECTION (Cont'd)**

Waste management; 401 KAR 2:050 to 401 KAR 2:190  
Natural Resources  
Reclamation  
General coal mining practices; 405 KAR 2:010  
Inspection, enforcement; 405 KAR 12:010  
Oil shale operations; 405 KAR 30:010 to 30:360  
Provisions, general; 405 KAR 7:020; 405 KAR 7:050; 405 KAR 7:050E  
Surface coal mining, two acres or less; 405 KAR 26:001; 405 KAR 26:001E  
Surface mining standards; 405 KAR 16:060 to 405 KAR 16:220  
Underground mining standards; 405 KAR 18:060 to 405 KAR 18:230  
Unsuitable areas; 405 KAR 24:030

**NURSING**

Advanced registered nurse practitioner; 201 KAR 20:056  
Contact hours; 201 KAR 20:215  
Continuing education; 201 KAR 20:205  
Fees; applications, services; 201 KAR 20:240  
Incentive licensure status; 201 KAR 20:095  
License reinstatement; 201 KAR 20:225  
License renewal; 201 KAR 20:230  
Licensure, examination; 201 KAR 20:070  
Licensure periods; 201 KAR 20:085  
Provider approval; 201 KAR 20:220

**OCCUPATIONAL SAFETY, HEALTH (See Labor)****OCCUPATIONS, PROFESSIONS**

Accountancy; 201 KAR 1:045 to 201 KAR 1:095  
Architects; 201 KAR 19:025 to 201 KAR 19:085  
Engineers, land surveyors; 201 KAR 18:140  
Examiners of psychologists; 201 KAR 26:120  
Hairdressers, cosmetologists; 201 KAR 12:083  
Medical licensure; 201 KAR 9:020 to 201 KAR 9:050  
Nursing; 201 KAR 20:056 to 201 KAR 20:240  
Pharmacy; 201 KAR 2:020 to 201 KAR 2:160  
Physical therapy; 201 KAR 22:031; 201 KAR 22:130  
Podiatry; 201 KAR 25:011 to 201 KAR 25:061  
Proprietary education; 201 KAR 24:030  
Real Estate Commission; 201 KAR 11:006 to 201 KAR 11:170  
Social workers; 201 KAR 23:020 to 201 KAR 23:110

**OIL SHALE OPERATIONS (See Reclamation)****PERSONAL SERVICE CONTRACTS (See Legislative Research Commission)****PERSONNEL, DEPT. OF**

(See also Employees, State)  
Personnel rules; 101 KAR 1:030 to 101 KAR 1:210; 101 KAR 1:030E to 101 KAR 1:200E

**PHARMACY**

Aerosol-nebulizer delivery systems; 201 KAR 2:125  
Bioequivalence problems; 201 KAR 2:135  
Controlled release tablets, capsules, injections; 201 KAR 2:115  
Controlled substances; Schedule I, II; 201 KAR 2:130  
Drug manufacturers, wholesalers; permits; 201 KAR 2:105  
Drug products, insufficient data; 201 KAR 2:110  
Drug standard deficiencies; 201 KAR 2:140  
Enteric coated oral dosage forms; 201 KAR 2:120  
Examinations; 201 KAR 2:020

**PHARMACY (Cont'd)**

Interns, registration of; 201 KAR 2:040  
Licenses, inactive status; 201 KAR 2:160  
Licenses, permits; fees; 201 KAR 2:050  
Repealer; 201 KAR 2:056  
Suppositories, enemas; 201 KAR 2:155  
Topical products; 201 KAR 2:150

**PHYSICAL THERAPY**

Board members per diem; 201 KAR 22:130  
Licensing procedures; 201 KAR 22:031

**PLUMBING**

Cast iron soil pipe, fittings; 815 KAR 20:072  
Definitions; 815 KAR 20:010  
Installation permits; 815 KAR 20:050  
Joints, connections; 815 KAR 20:100  
Minimum fixture requirements; 815 KAR 20:191  
Plumbing fixtures; 815 KAR 20:070  
Soil, waste, vent systems; 815 KAR 20:090  
Steel, wrought iron pipe; 815 KAR 20:074  
Waste pipe size; 815 KAR 20:080  
Water supply, distribution; 815 KAR 20:120  
Water, waste piping material; 815 KAR 20:073

**PODIATRY**

Continuing education; 201 KAR 25:031  
Examination; application, fees; 201 KAR 25:011  
Hearings; denial, suspension, nonrenewal, revocation; 201 KAR 25:051  
Licensing examination; 201 KAR 25:012  
Reciprocity; 201 KAR 25:061  
Residency, examination, results; 201 KAR 25:071

**PROPRIETARY EDUCATION**

Associate degree award standards; 201 KAR 24:030

**PSYCHOLOGISTS**

(See Examiners of Psychologists)

**PUBLIC PROTECTION**

Alcoholic Beverage Control  
Advertising distilled spirits, wine; 804 KAR 1:100  
Licensing; 804 KAR 4:230  
Malt beverages; 804 KAR 11:010  
Banking and Securities  
Administration; 808 KAR 1:090  
Credit unions; 808 KAR 3:050  
Loans, industrial; 808 KAR 5:040  
Loans, small; 808 KAR 6:105  
Securities; 808 KAR 10:010 to 808 KAR 10:150  
Housing, Buildings, Construction  
Building code; 815 KAR 7:012 to 815 KAR 7:060  
Electrical inspectors; 815 KAR 35:010  
Fire departments; 815 KAR 45:035  
Mobile homes, RV's; 815 KAR 25:010  
Plumbing; 815 KAR 20:070 to 815 KAR 20:120  
Safety standards; 815 KAR 10:020  
Insurance  
Administration; 806 KAR 2:080 to 806 KAR 2:095  
Agents, consultants, solicitors, adjusters; 806 KAR 9:030 to 806 KAR 9:161  
Contracts; 806 KAR 14:005; 806 KAR 14:080  
Health maintenance organizations; 806 KAR 38:020  
Investments; 806 KAR 7:090  
Motor vehicle reparation (no-fault); 806 KAR 39:030  
Premium finance companies; 806 KAR 30:010; 806 KAR 30:080  
Prepaid dental plan organizations; 806 KAR 43:010  
Rates, rating organizations; 806 KAR 13:006 to 806 KAR 13:081  
Surplus lines; 806 KAR 10:015



**PUBLIC PROTECTION (Cont'd)**

Trade practices, frauds; 806 KAR 12:080  
 Labor  
 Occupational safety, health; 803 KAR 2:020 to 803 KAR 2:190  
 Standards, wages, hours; 803 KAR 1:075  
 Public Service Commission; 807 KAR 5:002 to 807 KAR 5:027  
 Racing  
 Harness; 811 KAR 1:020 to 811 KAR 1:070  
 Thoroughbred; 810 KAR 1:013

**PUBLIC SERVICE COMMISSION**

Gas pipeline safety; 807 KAR 5:027  
 Gas service; 807 KAR 5:026  
 General rules; 807 KAR 5:006  
 Organization; 807 KAR 5:002  
 Reconnection, winter hardship; 807 KAR 5:008; 807 KAR 5:008E  
 Telephone depreciation; 807 KAR 5:064

**PUPIL PERSONNEL SERVICES**

Terms, Attendance, Operation  
 Terms, months; 703 KAR 2:010

**PURCHASING**

Model Procurement Code  
 Contracts, competitively negotiated; 200 KAR 5:307; 200 KAR 5:307E

**RACING**

Harness  
 Declaration to start, drawing; 811 KAR 1:055  
 Horses; registration, identification; 811 KAR 1:020  
 Licensing; 811 KAR 1:070  
 Thoroughbred  
 Entries, subscriptions, declarations; 810 KAR 1:013

**REAL ESTATE COMMISSION**

Authority, retention of; 201 KAR 11:110  
 Branch office; 201 KAR 11:070  
 Broker's license; 201 KAR 11:135  
 License cancellation; 201 KAR 11:030  
 License retention; 201 KAR 11:147  
 Private school approval; 201 KAR 11:170  
 Repealer; 201 KAR 11:006; 201 KAR 11:165  
 Statements, agreements; 201 KAR 11:095

**RECLAMATION**

General Coal Mining Practices  
 Privately-owned lands, liens; 405 KAR 2:010  
 Inspections, Enforcement  
 General provisions; 405 KAR 12:010  
 Oil Shale Operations  
 Backfilling, grading; 405 KAR 30:390  
 Data requirements; 405 KAR 30:160  
 Definitions; 405 KAR 30:010  
 Experimental practices; 405 KAR 30:025  
 Exploration; 405 KAR 30:121  
 Explosives; 405 KAR 30:250  
 General provisions; 405 KAR 30:020  
 Land unsuitable; 405 KAR 30:190  
 Performance bonds; 405 KAR 30:070  
 Permits; 405 KAR 30:130; 405 KAR 30:180  
 Petition requirements; 405 KAR 30:200  
 Prime farmland; 405 KAR 30:280  
 Repeal; 405 KAR 30:201  
 Spoil materials, spent shale; 405 KAR 30:370  
 Waste management; 405 KAR 30:360  
 Water quality; 405 KAR 30:320  
 Provisions, General  
 Definitions, abbreviations; 405 KAR 7:020  
 Disposal sites; 405 KAR 7:050; 405 KAR 7:050E  
 Surface Mining Standards  
 Coal processing waste, disposal; 405 KAR 16:140  
 Excess spoil, disposal; 405 KAR 16:130  
 Hydrologic requirements; 405 KAR 16:060  
 Roads; 405 KAR 16:220  
 Sedimentation ponds; 405 KAR 16:090  
 Surface, groundwater monitoring; 405 KAR 16:110

**RECLAMATION (Cont'd)**

Surface Mining, Two Acres or Less  
 Operations; 405 KAR 26:001; 405 KAR 26:001E  
 Underground Mining Standards  
 Coal processing waste, disposal; 405 KAR 18:140  
 Hydrologic requirements; 405 KAR 18:060  
 Roads; 405 KAR 18:230  
 Sedimentation ponds; 405 KAR 18:090  
 Surface, groundwater monitoring; 405 KAR 18:110  
 Underground waste, excess spoil; 405 KAR 18:130  
 Unsuitable Areas  
 Process, criteria for designating; 405 KAR 24:030

**REHABILITATION SERVICES, EDUCATION**

Plan, 3-year interim; 706 KAR 1:010

**RETIREMENT**

Teachers  
 Absence, leave of; 102 KAR 1:038  
 Contributions, omitted; 102 KAR 1:125  
 Contributions, voluntary, tax-sheltered; 102 KAR 1:122  
 Employer data; 102 KAR 1:210  
 Interest, out-of-state service; 102 KAR 1:050  
 Refunds; 102 KAR 1:060  
 Service year, fractional; 102 KAR 1:038  
 Value of service performed; 102 KAR 1:200

**REVENUE**

Excise Tax, Selective  
 Alcoholic beverages; 103 KAR 40:035; 103 KAR 40:035E  
 Income Tax  
 Withholding; 103 KAR 18:110; 103 KAR 18:110E

**SAFETY STANDARDS**

Fire safety; 815 KAR 10:020

**SANITARY ENGINEERING**

Water Supplies  
 Public, semi-public; 401 KAR 6:015

**SCHOOL DISTRICT FINANCE**

Insurance requirements; 702 KAR 3:030

**SOCIAL INSURANCE**

Food Stamp Program  
 Additional provisions; 904 KAR 3:050  
 Application process; 904 KAR 3:030  
 Certification process; 904 KAR 3:035  
 Coupon issuance procedures; 904 KAR 3:045; 904 KAR 3:045E  
 Definitions; 904 KAR 3:010  
 Eligibility requirements; 904 KAR 3:020  
 Fraud hearings; 904 KAR 3:060  
 Medical Assistance  
 Dental services; 904 KAR 1:026  
 Inpatient hospital services; 904 KAR 1:012  
 Intermediate care facility services; amounts payable; 904 KAR 1:036; 904 KAR 1:036E  
 Intermediate care, skilled nursing; facility services; 904 KAR 1:037; 904 KAR 1:042  
 Medically needy; 904 KAR 1:004  
 Mental health center services, payments; 904 KAR 1:045; 904 KAR 1:045E  
 Mentally retarded, alternative services; 904 KAR 1:140  
 Mentally retarded, payments for alternative services; 904 KAR 1:150  
 Nurse-midwife services; 904 KAR 1:100  
 Nurse-midwife services, payment; 904 KAR 1:095  
 Payments; 904 KAR 1:013; 904 KAR 1:013E  
 Pediatric services; 904 KAR 1:033  
 Recoupment of overpayments; 904 KAR 1:110  
 Public Assistance  
 AFDC, standards; 904 KAR 2:016

**SOCIAL INSURANCE (Cont'd)**

Aged, blind, disabled; supplemental programs; 904 KAR 2:015  
 HEAP, eligibility criteria; 904 KAR 2:115; 904 KAR 2:115E  
 Payments; 904 KAR 2:050; 904 KAR 2:050E  
 Refugee assistance; 904 KAR 2:110  
 Summer energy program; 904 KAR 2:105; 904 KAR 2:105E  
 Technical requirements; 904 KAR 2:006  
 Unemployment Insurance  
 Claimant reporting requirements; 904 KAR 5:100  
 Recoupment, recovery; 904 KAR 5:250  
 Repealer; 904 KAR 5:121

**SOCIAL SERVICES**

Block Grants  
 Allocation formula; 905 KAR 3:040  
 Limitations; 905 KAR 3:010; 905 KAR 3:010E  
 Matching requirements; 905 KAR 3:030; 905 KAR 3:030E  
 Technical eligibility; 905 KAR 3:020; 905 KAR 3:020E  
 Child Welfare  
 Foster care, adoption assistance; 905 KAR 1:140  
 Day Care  
 Facility standards; 905 KAR 2:010  
 Spouse Abuse Shelters, Crisis Centers  
 Standards; 905 KAR 5:010  
 Trust, agency funds; 905 KAR 5:020

**SOCIAL WORKERS**

Advertising; 201 KAR 23:110  
 Code of ethics; 201 KAR 23:080  
 Examination, fee; 201 KAR 23:020  
 Specialty certification; 201 KAR 23:070

**STATE, DEPT. OF**

Corporations; 30 KAR 1:030

**SURPLUS PROPERTY, EDUCATION**

Organizing, operating authority; 702 KAR 2:020

**TAXATION**

Excise, Selective; Alcoholic Beverages  
 Exemptions; 103 KAR 40:035; 103 KAR 40:035E  
 Income, Withholding  
 Methods; 103 KAR 18:110; 103 KAR 18:110E

**TEACHERS' RETIREMENT**

General retirement rules; 102 KAR 1:038 to 102 KAR 1:210

**THOROUGHBRED RACING**

(See Racing)

**TRANSPORTATION**

(See also Motor Vehicle Commission)  
 Aeronautics, Airport Zoning  
 Airport Zoning Commission; 602 KAR 50:010 to 602 KAR 50:120  
 Highways  
 Advertising devices; 603 KAR 4:035  
 Traffic; 603 KAR 5:075 to 603 KAR 5:110  
 Vehicle Regulation  
 Motor vehicle tax; 601 KAR 9:072; 601 KAR 9:072E

**UNIVERSITY OF LOUISVILLE**

Board of Trustees  
 Audit, annual; 740 KAR 1:020  
 Bond issuance; 740 KAR 1:100  
 Capital construction, carrying out; 740 KAR 1:080  
 Capital construction limitations; 740 KAR 1:090  
 Capital construction management; 740 KAR 1:050  
 Contracting; agricultural, engineering; 740 KAR 1:070  
 Contracting, capital construction; 740 KAR 1:060  
 Financial management; 740 KAR 1:110



**UNIVERSITY OF LOUISVILLE (Cont'd)**

Funds; acquisition, disbursement; 740 KAR 1:010  
Property proceeds, disposal of; 740 KAR 1:040  
Purchasing, inventory; 740 KAR 1:030

**VEHICLE REGULATION**

Motor Vehicle Tax  
Highway use license, taxes, records; 601 KAR 9:072; 601 KAR 9:072E

**VOCATIONAL EDUCATION**

Administration  
Annual program plan; 705 KAR 1:010  
Adult Education  
Adult plan; 705 KAR 7:050  
Fiscal Management  
Foundation Program units; 705 KAR 2:030

**VOCATIONAL EDUCATION (Cont'd)**

Instructional Programs  
General standards; 705 KAR 4:010  
Repealer; 705 KAR 4:200

**VOTING**

Absentee  
Medical emergency special ballot; 31 KAR 1:030  
Voting Systems  
Electronic; 31 KAR 2:010; 31 KAR 2:010E

**WASTE MANAGEMENT**

Area plan, submission of; 401 KAR 2:185  
Definitions, designation; 401 KAR 2:050  
General standards; 401 KAR 2:063  
Generator standards; 401 KAR 2:070  
Interim status standards; 401 KAR 2:073  
Permit process, application; 401 KAR 2:060

**WASTE MANAGEMENT (Cont'd)**

Solid waste designation; 401 KAR 2:190  
Solid waste, general provisions; 401 KAR 2:180  
Waste identification, listing; 401 KAR 2:075

**WATER**

KPDES Permitting Program  
Application requirements; 401 KAR 5:060  
Cabinet review procedures; 401 KAR 5:075  
Criteria, standards; 401 KAR 5:080  
Definitions, general provisions; 401 KAR 5:050  
Discharge permit, variance fees; 401 KAR 5:085  
Permit conditions; 401 KAR 5:065  
Permit provisions; 401 KAR 5:070  
Pollution control; oil, gas facilities; 401 KAR 5:090  
Scope, applicability; 401 KAR 5:055