

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 9, NUMBER 11
SUNDAY, MAY 1, 1983



IN THIS ISSUE

Emergency Regulation:	
Jail Standards.....	1191
Amended Regulations Now In Effect:	
Finance	1194
Agriculture — Shows and Fairs	1195
Public Service Commission.....	1198
Housing, Buildings and Construction	1200
Amended After Hearing:	
Airport Zoning Commission	1203
Education	1207
Public Service Commission.....	1210
Housing, Buildings and Construction	1217
Proposed Amendments:	
Board of Medical Licensure	1229
Fish and Wildlife.....	1230
Transportation	1235
Insurance	1236
Housing, Buildings and Construction	1237
Human Resources — Social Insurance	1243
Proposed Regulations Received Through April 15:	
Finance — Policy and Management	1264
Board of Pharmacy	1264
Development Finance Authority	1266
Natural Resources and Environmental Protection:	
Water.....	1268
Jail Standards.....	1270
Human Resources:	
Social Insurance.....	1273
Social Services.....	1274
Minutes of the Administrative Regulation Review Subcommittee.....	1276
CUMULATIVE SUPPLEMENT	
Locator Index — Effective Dates	L 2
KRS Index	L 9
Subject Index	L 15

NOTE: The May meeting of the Administrative Regulation Review Subcommittee will be a ONE-DAY meeting — Wednesday, May 25, 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

Emergency Regulation Now In Effect

(NOTE: Emergency regulations expire upon being repealed or replaced.)

JOHN Y. BROWN, JR., GOVERNOR

Executive Order 83-320

April 5, 1983

EMERGENCY REGULATION Corrections Cabinet

WHEREAS, Chapter 441 of the Kentucky Revised Statutes vests the Secretary of the Corrections Cabinet with the responsibility of enforcing minimum standards for county jails; and

WHEREAS, in accordance with KRS 441.011, 501 KAR 3:140E, providing for minimum standards for jails, was promulgated as an emergency order by the Secretary of the Corrections Cabinet; and

WHEREAS, in the event the Corrections Cabinet determines that a violation of the jail standard regulation has occurred, or that there has been a violation of a statute or regulation pertaining to the protection of persons or property in any jail, the Secretary is authorized to order a correction of violation; and

WHEREAS, KRS 441.013(3) provides in certain circumstances for the conduct of a public hearing; and

WHEREAS, in order to carry out the provisions of KRS 441.013 an additional regulation pertaining to the procedure for the conduct of such hearings is needed; and

WHEREAS, the Secretary of the Corrections Cabinet has approved a regulation for the conduct of such hearings, and in a letter dated March 29, 1983, has determined that an emergency exists with respect to the attached regulation:

NOW, THEREFORE, I, John Y. Brown, Jr., Governor of the Commonwealth of Kentucky, pursuant to the authority vested in me by KRS 13.088(1), do hereby acknowledge the finding of the Secretary of the Corrections Cabinet that an emergency exists and direct that the attached regulation shall become effective immediately upon being filed in 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 3:150E. Hearings, procedures, disposition.

RELATES TO: KRS Chapter 441

PURSUANT TO: KRS 441.013

EFFECTIVE: April 8, 1983

NECESSITY AND FUNCTION: The Secretary of the Kentucky Corrections Cabinet is authorized by KRS 441.013(3) to hear matters covered by the Order of the Cabinet requesting county jails, correctional or detention facilities to comply with the minimum standards for local jails pursuant to KRS 441.011 and to issue, modify or repeal the order at the conclusion of the hearing.

Section 1. Definitions. (1) "Secretary" means the Secretary of the Corrections Cabinet.

(2) "Cabinet" means the Kentucky Corrections Cabinet.

(3) "Standards" means the minimum jail standards for local jails.

(4) "Hearing officer" means a hearing officer appointed by the secretary pursuant to KRS 441.013.

(5) "Proceeding" means any proceeding before the secretary or before a hearing officer.

(6) "Day" means a calendar day.

(7) "Order" means the order of the secretary requiring the petitioner(s) to comply with the minimum jail standards for local jails as specified.

(8) "Petitioner" means the jailer or county/judge executive who requests a hearing for review of the secretary's order.

(9) "Jail" means county jails and correctional or detention facilities, including correctional facilities defined in KRS 67B.020 and juvenile detention facilities, operated by and under the supervision of any county, city or urban county government.

Section 2. Assignment of Hearing; Filings. (1) Pursuant to KRS 441.013(3), cases coming before the secretary may be assigned to a hearing officer within the discretion of the secretary for a hearing and a finding of facts, conclusions of law, and recommended order. Cases may be withdrawn by agreement, dismissed for cause, or otherwise disposed of before hearing in the discretion and judgment of the secretary.

(2) A recommended order or adjudication by the hearing officer or the initial order of the secretary, if dismissed or disposed of as provided in subsection (1) of this section, or any modification or repeal of the initial order, shall become the final order of the secretary under the provisions of KRS 441.013(3), appealable to the Franklin Circuit Court, thirty (30) days from the date of issue.

(3) Prior to the assignment of a case to a hearing officer, the county jailer or county judge/executive shall, within seventy-two (72) hours of receipt of notification of order, request in writing a public hearing before the secretary or his designee on the matters covered by said order to the Secretary of Corrections, State Office Building, Fifth Floor, Frankfort, Kentucky 40601. Subsequent to the assignment of the case to a hearing officer and prior to the issuance of his decision, all papers shall be filed with the hearing officer at the address given in the notice of hearing.

(4) All evidence and witnesses of both parties and intervenors and all proof must be presented at the time of hearing. No additional evidence will be permitted thereafter except in unusual circumstances and within the discretion of the secretary or the hearing officer. No subpoenas will be issued.

(5) All hearings shall be held in Frankfort, Kentucky unless otherwise ordered by the secretary.

(6) Unless otherwise ordered, all filing may be accomplished by first class mail.

(7) Filing is deemed effective at the time of mailing.

Section 3. Scope of Rules; Applicability of Kentucky Rules of Civil Procedure. (1) These rules shall govern all proceedings before the cabinet and its hearing officers.

(2) In the absence of a specific provision, procedure shall be in accordance with the Kentucky Rules of Civil Procedure.

Section 4. Computation of Time. (1) In computing any period of time prescribed or allowed in these rules, the day from which the designated period begins to run shall be included unless it is a Saturday, Sunday, or federal or state holiday, in which event the period begins to run on the next working day. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday in which event the period runs until the end of the next working day. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

(2) Where service of a pleading or documents is by mail pursuant to Section 2 of this regulation, three (3) days shall be added to the time allowed by these rules for the filing of a responsive pleading.

Section 5. Notice and Time of Hearing. (1) Notice of hearings shall be given to all parties and intervenors within forty-five (45) days from the receipt of the request for hearing unless otherwise ordered by the secretary or his designee. No hearing shall be held later than ninety (90) days from the date of request.

(2) The notice of hearing shall include:

(a) Statement of the time and place of the hearing.

(b) The name and address of the assigned hearing officer.

(c) Statement of the legal authority and jurisdiction under which the hearing is held.

Section 6. Continuance of Hearing. (1) Continuance of a hearing ordinarily will not be allowed.

(2) Except in the case of an extreme emergency or in unusual circumstances, no such request will be considered unless received in writing at least three (3) days in advance of the time set for the hearing. The request for continuance must include the reasons therefor.

(3) Continuance of hearing not in excess of fifteen (15) days may be granted in the discretion of the hearing officer. One (1) additional continuance not in excess of fifteen (15) days may be granted by the hearing officer in extreme emergency or under unusual circumstances. No additional continuance may be granted without approval of the secretary.

Section 7. Failure to Appear. (1) Subject to the provisions of subsection (3) of this section, the failure of a party to appear at a hearing shall be deemed to be a waiver of all rights except the rights to be served with a copy of the decision of the hearing officer.

(2) Requests for a newly scheduled hearing must be made in the absence of extraordinary circumstances within five (5) days after the scheduled hearing date.

(3) The secretary or the hearing officer, upon a showing of good cause, may excuse such failure to appear. In such event, the hearing will be rescheduled.

Section 8. Consolidation. Cases may be consolidated on the motion of any party, on the hearing officer's own motion, or on the secretary's own motion, where there exist common parties, common questions of law or fact, or

both, or in such other circumstances as justice and the administration of the Act require.

Section 9. Severance. Upon its own motion, or upon motion of any party or intervenor, the secretary or the hearing officer may, for good cause, order any proceeding severed with respect to some or all issues or parties.

Section 10. Intervention. (1) A petition for leave to intervene may be filed at any stage of a proceeding before commencement of the hearing, or in the event of a settlement or dismissal before issuance of a recommended order.

(2) The petition shall set forth the interest of the petitioner in the proceeding and show that participation of the petitioner will assist in the determination of the issues in question and that the intervention will not unnecessarily delay the proceeding.

(3) The secretary or the hearing officer may grant a petition for intervention to such an extent and upon such terms as the secretary or the hearing officer shall determine.

(4) The caption of all cases where intervention is allowed shall reflect such intervention by adding to the caption after the name of the respondent the name of the intervenor, followed by the designation "intervenor."

Section 11. Service. (1) At the time of filing pleadings or other documents a copy thereof shall be served by the filing party or intervenor on every other party or intervenor.

(2) Service upon a party or intervenor who has appeared through a representative shall be made only upon such representative.

(3) Unless otherwise ordered, service may be accomplished by postage prepaid first-class mail or by personal delivery. Service is deemed effected at the time of mailing (if by mail) or at the time of personal delivery (if by personal delivery).

(4) Proof of service shall be accomplished by a written statement of the same which sets forth the date and manner of service. Such statement shall be filed with the pleading or document.

(5) Where service is accomplished by posting, proof of such posting shall be filed not later than the first working day following the posting.

Section 12. Statement of Position. At any time prior to the commencement of the hearing before the hearing officer, any person entitled to appear as a party, or any person who has been granted leave to intervene, may file a statement of position with respect to any or all issues to be heard.

Section 13. Response to Motions. Any party or intervenor upon whom a motion is served shall have ten (10) days from service of the motion to file a response.

Section 14. Failure to File. Failure to file any pleading pursuant to these rules when due, may, in the discretion of the secretary or the hearing officer, constitute a waiver of right to further participation in the proceedings.

Section 15. Withdrawal of Notice of Hearing. At any stage of a proceeding, a party may withdraw his notice of hearing, subject to the approval of the secretary.

Section 16. Prehearing Conference. (1) At any time before a hearing, the secretary or the hearing officer, on their own motion or on motion of a party, may direct the

parties or their representatives to exchange information or to participate in a prehearing conference for the purpose of considering matters which will tend to simplify the issues or expedite the proceedings.

(2) The secretary or the hearing officer may issue a prehearing order which includes the agreements reached by the parties. Such order shall be served on all parties and shall be a part of the record.

Section 17. Requests for Admissions. (1) At any time after the filing of responsive pleadings, any party may request of any other party admissions of facts to be made under oath. Each admission requested shall be set forth separately. The matter shall be deemed admitted unless, within fifteen (15) days after service of the request, or within such shorter or longer time as the secretary or the hearing officer may prescribe, the party to whom the request is directed serves upon the party requesting the admission of a specific written response.

(2) Copies of all requests and responses shall be served on all parties in accordance with the provisions of these rules and filed with the secretary within the time allotted and shall be a part of the record.

Section 18. Discovery Depositions and Interrogatories. (1) Except by special order of the secretary or the hearing officer, discovery depositions of parties, intervenors, or witnesses, and interrogatories directed to parties, intervenors, or witnesses shall not be allowed.

(2) In the event the secretary or the hearing officer grants an application for the conduct of such discovery proceedings, the order granting the same shall set forth appropriate time limits governing the discovery.

Section 19. Failure to Comply with Orders for Discovery. If any party or intervenor fails to comply with an order of the secretary or the hearing officer to permit discovery in accordance with the provisions of these rules, the secretary or the hearing officer may issue appropriate orders.

Section 20. Reporter's Fees. Reporter's fees shall be equally shared by all parties. This shall include the reporter's per diem costs and the cost of the original transcript. All other copies will be paid by the requesting party.

Section 21. Transcript of Testimony. Hearings shall be transcribed verbatim. A copy of the transcript of testimony taken at the hearing, duly certified by the reporter, shall be filed with the hearing officer before whom the matter was heard. The hearing officer shall promptly serve notice upon each of the parties and intervenors of such filing. Participants desiring copies of such transcripts may obtain the same from the official reporter upon payment of fees fixed therefor.

Section 22. Duties and Powers of Hearing Officers. It shall be the duty of the hearing officer to conduct a fair and impartial hearing, to assure that the facts are fully elicited, to adjudicate all issues and avoid delay. The hearing officer shall have authority with respect to cases assigned to him, between the time he is designated and the time he issues his decision, subject to the rules and regulations of the cabinet; to:

- (1) Administer oaths and affirmations;
- (2) Rule upon offers of proof and receive relevant evidence;

(3) Regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper questions;

(4) Hold conferences for the settlement or simplification of the issues;

(5) Dispose of procedural requests or similar matters including motions referred to the hearing officer by the secretary and motions to amend pleadings; also to dismiss complaints or portions thereof, and to order hearings reopened or, upon motion, consolidated prior to issuance of this decision;

(6) Examine witnesses and to introduce into the record documentary or other evidence;

(7) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(8) Adjourn the hearing as the needs of justice and good administration require; and

(9) Take any other action necessary under the foregoing and authorized by the published rules and regulations of the cabinet.

Section 23. Exhibits. (1) All exhibits offered in evidence shall be numbered and marked with a designation identifying the party or intervenor by whom the exhibit is offered.

(2) In the absence of objection by another party or intervenor, exhibits shall be admitted into evidence as a part of the record, unless excluded by the hearing officer pursuant to Section 26 of this regulation.

(3) Unless the hearing officer finds it impractical, a copy of each such exhibit shall be given to the other parties and intervenors.

(4) All exhibits offered, but denied admission into evidence, shall be identified as in subsection (1) of this section and shall be placed in a separate file designed for rejected exhibits.

Section 24. Rules of Evidence. Hearings before the commission and its hearing officers insofar as practicable shall be governed by the rules of evidence applicable in the courts of the Commonwealth of Kentucky.

Section 25. Burden of Proof. In all proceedings commenced by the filing of a notice of hearing, the burden of proof shall rest with the cabinet.

Section 26. Objections. (1) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence or a ruling of the hearing officer, may be stated orally or in writing, accompanied by a short statement of the grounds for the objection, and shall be included in the record. No such objection shall be deemed waived by further participation in the hearing.

(2) Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the record of the proceeding.

Section 27. Decision of Hearing Officers; Final Order. (1) The decision of the hearing officer shall include findings of fact, conclusions of law, and a recommended order disposing of all issues before him.

(2) This shall become the final order of the cabinet on the date of issuance.

GEORGE W. WILSON, Secretary

ADOPTED: March 28, 1983

RECEIVED BY LRC: April 8, 1983 at 11 a.m.

Amended Regulations Now In Effect

FINANCE AND ADMINISTRATION CABINET Department for Administration As Amended

200 KAR 5:307. Competitively negotiated contracts.

RELATES TO: KRS Chapter 45A

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

EFFECTIVE: April 6, 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 resulting [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.

ENERGY AND AGRICULTURE CABINET
Kentucky Department of Agriculture
Division of Shows and Fairs
As Amended

302 KAR 15:010. Administration; state aid to local fairs.

RELATES TO: KRS 247.220

PURSUANT TO: KRS 13.082, 247.220

EFFECTIVE: April 6, 1983

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 and thereafter transmitted to the Commissioner of Agriculture with a recommendation by the Kentucky Fair Council that the Commissioner of Agriculture approved or rejected the local board's request.*

(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 passed.*

(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 FFA 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 shall [will] meet and recommend to the

Commissioner of Agriculture which [to decide what] payments shall [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 (¼) 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 (¼) 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 Conference 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 applications 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) [(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.

Section 8. [(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 recommended [determined] by the Fair Council and as determined by the Commissioner of Agriculture[, but in other premium payments].

ALBEN W. BARKLEY II, Commissioner

ADOPTED: February 10, 1983

RECEIVED BY LRC: February 10, 1983 at 2:30 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission
Division of Utility Engineering and Services
As Amended

807 KAR 5:064. Telephone depreciation filing procedure.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.280(2)

EFFECTIVE: April 6, 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 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 *periodically*. [and] All depreciable plant accounts shall have been reviewed *no more frequently* [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 *no more frequently* [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 *allowed* [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.

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

815 KAR 20:050. Installation permits.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.010, 318.134

EFFECTIVE: April 6, 1983

NECESSITY AND FUNCTION: The department is directed by KRS 318.134 to adopt a reasonable schedule of fees and charges to be paid for plumbing installation permits and the necessary inspections incident thereto. This regulation is to assure uniformity of fees and charges for plumbing installation permits throughout the state.

Section 1. Issuance of Permits. (1) Except as otherwise provided by subsection (3) of this section, permits to construct, install or alter plumbing, sewerage or drainage shall be issued only to licensed master plumbers.

(2) Journeyman plumbers shall not construct, install or alter plumbing, sewerage or drainage except when the work is done under the supervision of a licensed master plumber.

(3) Permits to construct, install or alter plumbing, sewerage or drainage may be issued to homeowners who desire to install plumbing in homes actually occupied by them *or in a home to be constructed by them for their own personal residential use*, provided:

(a) Application is made for the permit prior to the beginning of the work; and

(b) *The homeowner files with his application an affidavit stating that he will abide by the terms of this section; and*

(c) [(b)] All work is performed in compliance with the state plumbing law and code and the rules and regulations thereunder promulgated; and

[(c)] The work is not performed for monetary gain;

(d) All the work is personally performed by the owner; and [he does not employ any other person to assist him.]

(e) *Only one (1) homeowner permit for construction of a new home shall be issued to an individual in a five (5) year period. This requirement may be waived by the department for good cause shown.*

(4) No permit shall be required for the repairing of

leaks, cocks, valves, or for cleaning out waste or sewer pipes.

Section 2. When a Permit is Required. A plumbing construction permit shall be required for the following: (1) For all new plumbing installations.

(2) For all existing plumbing installations where a fixture or a soil waste opening is to be moved or relocated.

(3) For each individual unit of a multi-story building where there is more than one (1) unit.

(4) For each individual building. (Buildings shall be deemed separate if the connection between them is not a necessary part of the structure of either building, or if they are not under a continuous roof.)

(5) For a new house sewer and for a house sewer that is to be replaced.

(6) For a new water service and for a water service that is to be replaced.

(7) For a new water heater installation and for a water heater installation that is to be replaced.

(8) For any other installation which constitutes "plumbing" within the meaning of KRS Chapter 318 and the state plumbing code.

Section 3. Plumbing Installation Permit Fees. (1) The fee for each plumbing installation permit for residential, one (1) and two (2) family units, shall be fifteen dollars (\$15) plus:

(a) Four dollars (\$4) for each plumbing fixture or appliance or plumbing fixture opening or appliance opening left in the soil or waste pipe system including openings left for future fixtures or appliances;

(b) Four dollars (\$4) for each domestic water heater.

(2) The fee for each plumbing installation permit for other than residential, one (1) and two (2) family units, shall be fifteen dollars (\$15) plus;

(a) Five dollars (\$5) for each plumbing fixture or appliance or plumbing fixture opening or appliance opening left in the soil or waste pipe system including openings left for future fixtures or appliances;

(b) Five dollars (\$5) for each domestic water heater.

(3) In the event only a new domestic water heater is installed or replaced, the fee for the plumbing installation permit shall be ten dollars (\$10).

(4) In the event only a new water service is constructed or replaced the fee for the plumbing construction permit shall be fifteen dollars (\$15).

(5) In the event only a new house sewer is constructed or replaced the fee for a plumbing construction permit shall be fifteen dollars (\$15).

[(6) In the event only a new private sewage disposal system is constructed or replaced the fee for a plumbing construction permit shall be fifteen dollars (\$15).]

(6) [(7)] All persons securing plumbing permits shall be entitled to plumbing inspections at no additional cost; provided, however, that all inspections in excess of three (3) shall be charged at the rate of three dollars (\$3) per inspection.

(7) [(8)] All plumbing installation permits issued under this regulation shall expire one (1) year after date of issuance thereof; provided, however, if construction is begun within one (1) year after date of issuance the permit shall not expire until completion of the planned plumbing installation.

(8) [(9)] Plumbing fixtures may be replaced without procuring a plumbing installation permit provided the county plumbing inspector is notified of the installation.

Section 4. Plumbing Inspection Fees for Public Buildings. The schedule of fees for inspection of the construction, installation or alteration of plumbing in public buildings shall be the same as specified in Section 3 of this regulation.

CHARLES A. COTTON, Commissioner

ADOPTED: November 30, 1982

APPROVED: NEIL J. WELCH, Secretary

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

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

815 KAR 35:010. Electrical inspector's certification.

RELATES TO: KRS Chapter 227

PURSUANT TO: KRS13.082, 227.489

EFFECTIVE: April 6, 1983

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 Pro-

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 action 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 equip-

ment 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.

Amended After Hearing

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

TRANSPORTATION CABINET Kentucky Airport Zoning Commission Amended After Hearing

602 KAR 50:010. Definitions.

RELATES TO: KRS 183.861 to 183.990

PURSUANT TO: KRS 13.082, 183.861

NECESSITY AND FUNCTION: To define certain terms used in the regulations of the Kentucky Airport Zoning Commission.

Section 1. Administrative Terms. (1) "Administrator" means the Administrator of the Kentucky Airport Zoning Commission or any individual to whom he has delegated his authority in the matter concerned.

(2) "Commission" means the Kentucky Airport Zoning Commission created pursuant to KRS 183.861 to 183.990.

(3) "Local zoning body" means an independent, joint or regional planning commission or any local government which is a member of a planning unit created pursuant to KRS Chapter 100.

Section 2. Zoning Terms. (1) "Airport" as used in these regulations, means any area of land or water *used for landing and taking off of aircraft* operated or constructed by any person, an airport board or other governmental agency located within the Commonwealth which is *available for public use and is designed for the landing and taking-off of aircraft*, and any appurtenant areas used, or intended for use, for airport building, facilities, or rights of way, and all airport buildings and facilities located thereon; including,

but not limited to, runways, taxiways, aircraft ramps, terminal and cargo buildings, gates, hangars, shops, service buildings, automobile parking, motels, restaurants, retail and wholesale stores, banks, automobile service facilities and garages, and entrance and service roads used or useful in connection with or as a part of the airport.

(2) "Jurisdictional surface" means that surface extending from the periphery of the *runway [airport]* reference points as established on the zoning map and extending outward and upward therefrom at a slope and horizontal distance as defined in these regulations.

(3) "Zoned airspace" means that airspace *above the [within the] primary approach surface and above the [conical] surface created by a slope of 100:1 extending outward and upward from the peripheral of the reference points for each runway for a horizontal distance of 20,000 feet and thereafter at a slope of 30:1 for a horizontal distance of 24,000 feet* in which zoning jurisdiction is assumed by these regulations.

(4) "Reference point" for each runway means that point as depicted on the airport map at the end of each runway as presently exists or as depicted on the airport master plan or as proposed to be extended in a letter of intent on file with the Federal Aviation Administration, all of which shall have reasonable assurance of completion. The elevation of each reference point shall in all cases be its height above sea level.

(5) "Runway" means the surface of an airport used for landing and taking off of aircraft as depicted on the airport zoning map and airport master plan.

(6) "Obstruction" means any structure, object of natural growth, or use of land which protrudes into the

zoned airspace as herein defined or a height of over 200 feet above the ground level or *fifty (50) feet in height above the surface of open water of the Ohio River, Mississippi River, Kentucky Lake, Lake Barkley, Barren River Lake, Nolin Lake Reservoir, Rough River Lake, Dale Hollow Reservoir (Ky.), Lake Cumberland, Green River Lake, and Taylorsville Lake or 200 feet above the water level of all other waters within the Commonwealth of Kentucky.*

(7) "Navigable airspace" means air space above the minimum safe altitudes of flight prescribed by the regulations of the federal aviation administration FAR Part 91.79 or department consistent therewith, and includes the air space necessary for normal landing or taking off of aircraft.

(8) "Primary approach surface" means the area as depicted on Airport Zoning Maps with the horizontal distance beginning at the width of the primary surface and extending outward to a point where the prescribed approach slope intersects the horizontal surface.

(9) "Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of 4,000 feet.

(10) "Horizontal surface" means a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc referred to above is:

(a) 5,000 feet for all runways designated as utility or visual;

(b) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two (2) adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(11) "Aircraft" means a heavier than air fixed wing aircraft or rotorcraft that depends principally on its engine(s) for flight through the air.

Section 3. General Definitions. (1) "Person" means any individual, firm, partnership, corporation, company, association, or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

(2) "Structure" means any object constructed or installed by man, including, but not limited to, buildings, towers, smokestacks, and overhead transmission lines, and objects of natural growth whether temporary or permanent.

(3) "Body politic" means the Commonwealth of Kentucky and its agencies, or any instrumentality of the state government, county or city government.

(4) "Alter a structure" means to increase or decrease the height of a structure or change the visibility of a structure by painting, marking or lighting the structure in a manner different from the painting, marking, and lighting standards set forth in the regulations of the commission.

(5) "Natural flyway" means a valley or other suitable terrain conducive for air navigation by helicopter which ordinarily contains a highway, railway, or waterway which leads to a populated, industrial or commercial area.

Section 4. Airport Master Plan. As used in the regulations of the commission "Airport Master Plan" or "air-

port map" means the basic plan for the layout of a public use airport that shows as a minimum:

(1) The present boundaries of the airport and of the off-site area that the owner of a public use airport owns or controls for airport purposes, and of their proposed additions;

(2) The location and nature of existing and proposed airport facilities (such as runways, taxiways, aprons, terminal buildings, hangars, and roads) and of their proposed modification and extensions; and,

(3) The location of existing and proposed non-aviation areas, and of their existing improvements.

(4) An owner of an existing or proposed public airport may file a copy of its airport layout plan prepared under [Part 151 of] the Federal Aviation Regulations that has been approved by the FAA in lieu of an airport master plan or airport map.

Section 5. Definitions Relating to Permits. (1) "Permits" means the *written authorization* [approval of an Application for A Permit] to alter or construct a structure issued by the administrator of the commission pursuant to the regulations of the commission *or in accordance with findings and directions of the commission.*

(2) "Airport land use permit" means the *written authorization* [approval] by order of the commission [of a request by a public airport] to change a use or activity within an airport which is otherwise prohibited by the regulations of the commission.

Section 6. "Aeronautical study" means a *review or analysis* [that study] of the effect of the proposed construction or alteration of a structure upon the operation of air navigation facilities and the safe and efficient utilization of the navigable airspace.

CLAIR R. NICHOLS, Chairman

ADOPTED: March 16, 1983

APPROVED: JAMES F. RUNKE, Secretary

RECEIVED BY LRC: March 16, 1983 at 2:30 p.m.

TRANSPORTATION CABINET Kentucky Airport Zoning Commission Amended After Hearing

602 KAR 50:040. Airport land uses.

RELATES TO: KRS 183.865

PURSUANT TO: KRS 13.082, 183.861

NECESSITY AND FUNCTION: To regulate the use of land within airports of the Commonwealth within the jurisdiction and function of the commission.

Section 1. Notwithstanding the provisions of any ordinance of a city or county legislative body pursuant to the authority of KRS Chapters 100 or 147, the following uses shall be allowed on the land within an airport: runways; taxiway, aircraft ramps; navigational aids and signals; safety equipment; aircraft terminals; cargo and service buildings; ramps; gates; hangars, aircraft sales, leasing, repair, and storage; automobile parking, garage and service facilities; motels and restaurants.

Section 2. Notwithstanding the provisions of any ordinance of a city or county legislative body pursuant to the authority of KRS Chapters 100 or 147, the commission

may allow the following additional uses, which do not constitute a hazard to air navigation: any commercial, industrial or residential use, including but not limited to governmental agencies and operation, banks and financial institutions, retail and wholesale stores, warehouses and storage facilities; manufacturing facilities and operations; offices and service facilities upon the issuance of an airport land use permit by order of the commission.

Section 3. Any activity or structure which lawfully existed before the adoption or amendment of the zoning regulations of the commission, but does not conform to all of the regulations which pertain to the use of land within public airports may continue as a nonconforming use, *provided there is no alteration or change to the activity or structure which extends or enlarges the nonconformity.*

Section 4. (1) A request for an airport land use permit shall be filed with the administrator and it shall state: the petitioner's name, address, and telephone number; the name of the public airport concerned; a description of the dimensions of any structure proposed to be erected; and a statement or reasons why the proposed use and structure will not constitute a hazard to air navigation.

(2) The petitioner shall annex to the request a copy of the airport zoning map for the airport concerned with the site of the proposed use or structure located thereon.

(3) The petition shall be considered at the next meeting of the commission and *a copy of the commission's order, ruling or award [decision] shall be mailed to the petitioner [the commission shall issue its written order either granting the petition, denying the petition or it may grant the petitions upon conditions that would eliminate any hazard to air navigation].*

[(4) A copy of the order shall be mailed to the petitioner.]

[(5) The petitioner may request a hearing within thirty (30) days of an order denying a petition or granting a petition upon conditions.]

[(6) The petitioner who requests a hearing shall be notified of the time and place of the hearing to consider the petition.]

[(7) The hearing shall be conducted in accordance with the regulations of the commission.]

CLAIR R. NICHOLS, Chairman

ADOPTED: March 16, 1983

APPROVED: JAMES F. RUNKE, Secretary

RECEIVED BY LRC: March 16, 1983 at 2:30 p.m.

TRANSPORTATION CABINET
Kentucky Airport Zoning Commission
Amended After Hearing

602 KAR 50:050. Airport zoning map.

RELATES TO: KRS 183.867

PURSUANT TO: KRS 13.082, 183.861, 183.867(3)

NECESSITY AND FUNCTION: To outline the procedure for the adoption of the airport zoning regulations related to existing airports under the jurisdiction of the commission, and to provide for the procedures for revising airport zoning maps.

Section 1. Every owner of a public use airport in the state shall [may] file with the administrator of the Kentucky Airport Zoning Commission a map showing the airport and the area surrounding the airport used for approach and landing purposes or an airport master plan.

Section 2. If an owner of a public use airport fails to file a map as provided under Section 1 of this regulation, then the administrator shall cause an appropriate map to be prepared showing the airport and the area surrounding the airport used for approach and landing purposes.

Section 3. The administrator shall thereafter designate *the area of jurisdiction* on such map or airport master plan, prepared or filed under Sections 1 and 2 of this regulation, by reference to the regulations and advisory circulars of the Federal Aviation Administration concerning the area required for the safe maneuvering approach and landing of aircraft [, and designate the area over which jurisdiction is assumed for zoning purposes pursuant to regulations of the commission].

Section 4. Thereafter the airport zoning map prepared pursuant to Section 3 of this regulation shall be submitted to the commission for its adoption by order of the commission. If the airport zoning map is adopted by order of the commission, the date of its adoption shall be noted on the airport zoning map, and the original shall be kept in the office of the administrator pursuant to KRS 183.867(3) and the regulations of the commission.

Section 5. (1) Every public use airport for which an airport zoning map has been adopted by the commission shall inform the administrator of any changes in the boundaries, runways, and taxiways either by filing a revised map or furnishing the administrator with information sufficient to cause a revised map to be prepared.

(2) The administrator shall thereafter designate *the area of jurisdiction* on such revised map prepared or filed under subsection (1) of this section, by reference to the regulations and advisory circulars of the Federal Aviation Administration concerning the area required for the safe maneuvering approach and landing of aircraft [, and designate the area over which jurisdiction is to be assumed for zoning purposes pursuant to regulations of the commission].

(3) The revised map prepared under this section shall constitute the airport zoning map for the public use airport upon its adoption by order of the commission and shall supersede any airport zoning map heretofore adopted by the commission.

Section 6. The administrator shall notify any local zoning body, whose jurisdiction is limited by the zoning jurisdiction of the commission, by sending to the local zoning bodies a copy of the airport zoning map adopted by order of the commission.

Section 7. The local zoning bodies may retain jurisdiction of zoning in such areas as to all other matters; however, the local zoning bodies shall not adopt any ordinances or regulations that conflict with the jurisdiction of the commission in such areas as it pertains to the safe and proper use of the airport involved.

Section 8. Every airport zoning map heretofore adopted

by the commission shall remain in full force and effect until revised pursuant to the regulations of the commission.

CLAIR R. NICHOLS, Chairman
ADOPTED: March 16, 1983
APPROVED: JAMES F. RUNKE, Secretary
RECEIVED BY LRC: March 16, 1983 at 2:30 p.m.

TRANSPORTATION CABINET
Kentucky Airport Zoning Commission
Amended After Hearing

602 KAR 50:060. Construction within *jurisdictional airspace* [conical surface permit].

RELATES TO: KRS 183.861 to 183.890
PURSUANT TO: KRS 13.082, 183.861

NECESSITY AND FUNCTION: To regulate the construction and alteration of structures in the zoned airspace of the state which present an obstruction to safety of air navigation.

Section 1. No person shall *maintain*, construct or alter any structure which constitutes an obstruction as defined by the regulations of the commission, unless the person who intends to *maintain*, construct or alter such a structure obtains a permit from the commission in accordance with the procedures set forth in the regulations of the commission.

Section 2. The commission shall consider the factors set forth in KRS 183.868 and 183.870 in approving or disapproving an application for a permit under Section 1.

[Section 3. No person shall *maintain*, construct or alter any overhead transmission lines or wires that exceed 150 feet above ground level and exceed 1,000 feet span length across a natural flyway for which the commission has assumed jurisdiction unless the person who intends to *maintain*, construct or alter a structure files an application for a permit to construct or alter.]

CLAIR R. NICHOLS, Chairman
ADOPTED: March 16, 1983
APPROVED: JAMES F. RUNKE, Secretary
RECEIVED BY LRC: March 16, 1983 at 2:30 p.m.

TRANSPORTATION CABINET
Kentucky Airport Zoning Commission
Amended After Hearing

602 KAR 50:080. Permit application content.

RELATES TO: KRS 183.869, 183.870, 183.871
PURSUANT TO: KRS 13.082, 183.861

NECESSITY AND FUNCTION: To outline the information that is required of an applicant to *maintain*, alter or construct a structure which is necessary for the administrator and commission to make a determination whether a permit should be issued and to delegate the

responsibility for preparing the appropriate form to the administrator.

Section 1. Definitions. (1) "The person who intends to *maintain*, construct or alter a structure" and "applicant" means the person who will own or have control over the completed structure.

(2) "Certification by the applicant" means that the certification shall be made by the individual who is the: one who will own or control the structure when completed; or a partner in a partnership; or the president or authorized officer [agent] of a corporation, company or association, or authorized official [agent] of a body politic; or legally designated representative of a trustee, receiver, or assignee.

Section 2. The administrator shall cause to be prepared a form to be known as the "Application for Permit to Alter, *Maintain* or Construct a Structure" which shall require the following information of the applicant:

(1) The name and address and telephone number of the person who intends to construct or alter a structure.

(2) Whether structure is to be temporary or permanent.

(3) Whether the permit is to construct a new structure or alter an existing structure.

(4) The nature of the structure and a complete description of it.

(5) The location of the proposed or existing structure by its latitude and longitude in degrees, minutes, and seconds.

(6) The elevation of the ground level of the proposed or existing structure above sea level.

(7) The nearest city and post office to the site.

(8) The distance and direction from the nearest city, if the site is located outside the corporate limits of a city.

(9) *County in which structure is or will be located.*

(10) [(9)] Name of the nearest public airport or aircraft landing area.

(11) [(10)] Distance and direction from the boundary of the nearest public airport or aircraft landing area.

(12) [(11)] The date the proposed construction or alteration of a structure is to commence and the date that work will be completed.

(13) [(12)] The over-all height in feet of the completed structure above the ground level or the mean water level.

(14) *The over-all height in feet of the overhead transmission line or static wire above ground level or mean water level with span length 1000 feet and over shall be depicted on a blue print profile map.*

(15) [(14)] [(13)] The applicant should state whether the subject structure will be marked in accordance with the applicable provisions of 602 KAR 50:100, Section 1, and whether the subject structure will be lighted in accordance with the provisions of 602 KAR 50:100, Section 1.

(16) [(15)] [(14)] State whether "Notice of Proposed Construction or Alteration" (Form 7460-1) has been filed with the Federal Aviation Administration for airspace clearance and the date of filing.

(17) [(16)] [(15)] Certification by the applicant that all statements in the application are true, complete and correct to the best of the applicant's knowledge and belief.

(18) [(17)] [(16)] The signature and title of the applicant authorized to make the application and certification with the date of the signing thereof.

(19) [(18)] [(17)] The form prepared by the administrator shall also include a space for the use of the commission which indicates whether the application was approved or disapproved, date thereof, and the signature of the chairman.

Section 3. There shall be attached to the "Application for Permit to Alter, Maintain or Construct a Structure:"

(1) A 7.5 minute quadrangle topographical map prepared by the United States Geological Survey and the Kentucky Geological Survey with the location of the structure which is the subject of the application indicated thereon. (The 7.5 minute quadrangle map may be obtained from the Kentucky Geological Survey, Department of Mines and Minerals, Lexington, Kentucky 40506, or Kentucky Commerce Cabinet, Map Sales Office, 133 Holmes Street, Frankfort, Kentucky 40601.)

(2) Copies of Federal Aviation Administration Applications (FAA Form 7460-1) or any orders issued by and received from the Chief Air Traffic Division, FAA Regional Office [Traffic Branch, FAA area office].

(3) If the applicant has indicated on the application that the structure will not be marked or lighted in accordance with the regulations of the commission, the applicant shall attach a written request for a determination by the commission that the marking and lighting is not necessary. The applicant shall specifically state the reasons that absence of marking and lighting will not impair the safety of air navigation.

(4) If the structure to be constructed or altered is for the purpose of radio transmitting, then the applicant shall attach a true copy of the application for a license from the Federal Communications Commission.

CLAIR R. NICHOLS, Chairman

ADOPTED: March 16, 1983

APPROVED: JAMES F. RUNKE, Secretary

RECEIVED BY LRC: March 16, 1983 at 2:30 p.m.

TRANSPORTATION CABINET
Airport Zoning Commission
Amended After Hearing

602 KAR 50:100. Marking and lighting obstruction standards.

RELATES TO: KRS 183.861 to 183.990

PURSUANT TO: KRS 13.082, 183.861

NECESSITY AND FUNCTION: To describe the standards for the marking and lighting of obstructions as official policy of the Kentucky Airport Zoning Commission in order to provide the most effective means of indicating the presence of obstructions to pilots, in accordance with the commission's responsibility to promote the safety of air commerce.

Section 1. (1) The Advisory Circular No. 70/7460 latest revision, Obstruction Marking and Lighting, issued by the Federal Aviation Administration, is hereby adopted and incorporated by reference, except as otherwise provided in the regulations of the commission.

(2) The above mentioned material has been published by Federal Aviation Administration and may be obtained from the Administrator, Kentucky Airport Zoning Commission, Frankfort, Kentucky 40622 [40601].

Section 2. Every person who is issued a permit to alter or construct a structure, or who maintains an obstruction as defined in 602 KAR 50:010, is required to mark and

light the structure in accordance with the applicable standards described in Section 1 of this regulation, unless the commission determines that the absence of such marking and lighting will not impair the safety of air navigation.

Section 3. The determination that the absence of marking and lighting of a structure will not impair the safety of air navigation shall not be made by the commission unless the applicant for a permit to alter or construct a structure requests such a determination at the time of filing of an application. Otherwise, the marking and lighting standards described in Section 1 of this regulation shall be mandatory.

Section 4. Any structure that exceeds 200 feet above ground level is to [shall] be obstruction marked and lighted in accordance with the advisory circular listed under Section 1 of this regulation.

Section 5. Any holder of a commission variance permit that requires obstruction marking and lighting, as a condition for the approval of the application, may request a change in the obstruction marking and lighting requirements in order to maintain or improve the existing obstruction marking and lighting system based upon technological advances. Said request shall be in writing and approved by the commission prior to any changes or alterations being made to the previously approved obstruction marking and lighting system.

Section 6. In the event that an existing, standing facility is abandoned, the permit holder shall continue to maintain obstruction marking and lighting (if required by the commission) unless the facility is otherwise physically removed.

CLAIR R. NICHOLS, Chairman

ADOPTED: March 16, 1983

APPROVED: JAMES F. RUNKE, Secretary

RECEIVED BY LRC: March 16, 1983 at 2:30 p.m.

EDUCATION AND HUMANITIES CABINET
Department of Education
Bureau of Instruction
Amended After Hearing

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 State Board of Education [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: April 12, 1983

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

EDUCATION AND HUMANITIES CABINET
Department of Education
Bureau of Instruction
Amended After Hearing

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 April 12, 1983 [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: April 12, 1983

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

EDUCATION AND HUMANITIES CABINET
Department of Education
Bureau of Instruction
Amended After Hearing

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—2 (including one (1) credit in U.S. History and, one (1) credit in citizenship for students graduating in 1984-87, if a full-year citizenship course has not been successfully completed at the sixth, seventh, or

eighth grade level. [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 sixth, seventh, or eighth grade level shall not be substituted for either of the two (2) social studies credits required for high school graduation. *Any required citizenship credit at the high school level may be waived by the local board of education for students transferring into a school operated by that board, if a full-year citizenship course is no longer offered at the high school level by the pertinent school, but such a waiver shall not reduce the minimum number of total credit requirements for 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 after the 1982-83 school term [during the 1983-84 school year, and all students beginning the ninth grade thereafter], the following minimum credits shall be required for graduation in addition 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: April 12, 1983

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

EDUCATION AND HUMANITIES CABINET

Department of Education

Bureau of Instruction

Amended After Hearing

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 April 12, 1983 [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 adopted 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: April 12, 1983

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

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission
Division of Utility Engineering and Services
Amended After Hearing

807 KAR 5:006. General rules.

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 electric, gas, water, sewage and telephone utilities.

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

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

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

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

(2) "Utility" means a [an energy] utility as defined in KRS 278.010(3) [(4) or a combined energy-non-energy utility as provided in KRS 278.040(2)].

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

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

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

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

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

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

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

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

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

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

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

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

(a) By printing rate schedule on the bill.

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

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

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

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

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

upon which consumption is estimated.

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

Section 7. Deposits. (1) A utility may require from any customer or applicant for service a minimum cash deposit or other guaranty to secure payment of bills of an amount not to exceed two-twelfths (2/12) of the estimated annual bill of such customer or applicant, where bills are rendered monthly or an amount not to exceed three-twelfths (3/12) of the estimated annual bill of such customer or applicant, where bills are rendered bimonthly or an amount not to exceed four-twelfths (4/12) of the estimated bill of such customer or applicant where bills are rendered quarterly. *The utility may [segregate its service by class and] require an equal deposit from all applicants for the same class of service. If the utility retains a deposit for more than eighteen (18) months [one (1) year], it shall determine the actual annual bill of the customer. If the deposit differs by more than ten dollars (\$10) from the deposit which would be required based on the calculations above using the actual annual bill, the utility shall refund any excess and may collect any underpayment. No additional adjustment to the deposit may be made unless the customer's class of service changes.*

(2) *The refund provisions contained in subsection (1) of this section notwithstanding, a utility shall not be required to refund any excess deposit if the customer's bill is delinquent by more than one (1) billing period at the time of recalculation.*

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

Section 8. Complaints. Upon complaint to the utility by a customer either at its office or in writing, the utility shall make a prompt and complete investigation and advise the complainant thereof. It shall keep a record of all such complaints concerning its utility service which shall show the name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition thereof. *Such records shall be maintained for five (5) years from the date of the resolution of the complaint.*

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

(2) If the result of tests on a customer's meter shows an average error greater than two percent (2%) fast, then the customer's bills, for the period during which the meter error is known to have existed, shall be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill shall be recomputed for one-half (½) of the elapsed time since the last previous test but in no case to exceed twelve (12) months. (See exception in subsection (5) of this section.)

(3) If the result of tests on a customer's meter shows an

average error greater than two percent (2%) slow, then the customer's bill, for the period during which the meter error is known to have existed, may be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill may be recomputed for one-half (½) of the elapsed time since the last previous test but in no case to exceed twelve (12) months.

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

(5) The burden of maintaining measuring equipment so that it will register accurately is upon the utility; therefore, if meters are found upon test to register fast and if time for periodic test has passed, *the refund shall be for the twelve (12) months specified in subsection (2) of this section plus the time [overrun to the extent that one-half (½) of the time elapsed since the last previous test exceeds twelve (12) months, the refund shall be for the twelve (12) months as specified in subsection (2) of this section and in addition thereto, a like refund for those months] exceeding the periodic test period; provided, however, that the commission may relieve the utility from this requirement in any particular case in which it is shown that the failure to make the periodic test was due to causes beyond the utility's control.*

(6) Each utility shall make a reasonable attempt to determine *whether there is an unusual deviation in a customer's consumption [if the amount of consumption for the current billing period for each customer is unduly excessive]. If such a deviation is found and the cause of the deviation cannot be determined [a comparison of consumption indicates a necessity therefor], a test of the customer's meter shall be made, and if the meter registers more than two percent (2%) incorrectly [is found to register incorrectly to the customer's prejudice more than two percent (2%)], the utility shall recalculate the customer's bills in accordance with subsections (2), (3) or (5) of this section [the foregoing provisions]. Should the utility determine that a customer's usage is unduly high, as defined in a tariff approved by the commission, the utility shall make a reasonable attempt to promptly notify the customer in writing. In those instances in which the seriousness of the situation requires more immediate notice, the utility shall notify the customer by the most expedient means available. If a premises visit is required, the customer must be notified, either before or after the visit, of the visit and the reason for it.*

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

On _____, 19____, the meter bearing
identification No. _____ [installed in your building]
located at _____
(Street and Number)
in _____ was tested
(City)
at _____ and found to
(On premises or elsewhere)

register _____
 (Percent fast or slow)
 The meter was tested on _____
 (Periodic, Request, Complaint)
 test.
 Based upon this we herewith _____
 (Charge or Credit)
 you with the sum of \$ _____, which amount
 has been noted on your regular bill.

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

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

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

- (a) The actual average cost of making such reconnections; and
- (b) The effect of such charges on the utility's revenues.

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

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

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

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

(d) Except as provided in subsection (2) of this section, a utility shall not be required to furnish service to any applicant when such applicant is indebted to the utility for service furnished until such applicant shall have paid such indebtedness.

(e) A utility may refuse or discontinue service to a customer or applicant if the customer or applicant does not

comply with state, municipal or other codes, rules and regulations applying to such service.

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

(a) For nonpayment of bills—ten (10) day notice. However, no utility shall discontinue service to any customer for nonpayment of bills (including delayed charges) without first having made a reasonable effort to induce the customer to pay same. The customer shall be given at least ten (10) days' written notice, but the cut-off shall not be effected before twenty-seven (27) days after the mailing date of the original bill. Such termination notice shall be exclusive of and separate from the original bill. If prior to discontinuance of service, there is delivered to the utility office, payment of the amount in arrears, then discontinuance of service shall not be made, or where a written certificate is filed signed by a physician, a registered nurse or a public health officer stating that, in the opinion of the person making the certification discontinuance of service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until thirty (30) days elapse from the time of the utility's notification to the customer in writing of the existence of local, state and federal programs, providing for the payment of utility bills under certain conditions and of the offices to contact for such possible assistance. Service shall not be discontinued when the customer and the utility have reached agreement on a partial payment plan pursuant to *subparagraph 1 of this paragraph* [paragraph (b)] herein and the customer is meeting the requirements of the plan. The written notice for any discontinuance of service shall advise the customer of his or her rights under *this paragraph and subparagraph 1 of this subsection* [paragraphs (a) and (b)] herein and of his or her right to dispute the reasons for such discontinuance.

1. [(b)] Employee available to answer consumer questions and negotiate partial payment plan.

(i) Every gas and electric utility [subject to the jurisdiction of the commission] shall have an employee available [at the utility's office during the utility's established working hours, but not less than seven (7) hours per day, five (5) days per week excluding holidays. Said employee shall be available [] during regular working hours] to answer questions regarding a customer's bill and to resolve disputes over the amount of such bill. Such employee shall be authorized to negotiate partial payment plans of an outstanding bill and accept payments where the customer has shown good faith in attempting to meet his or her financial obligations to the utility. Said employee shall be authorized by the utility to consider and shall consider proposals by the customer for a partial payment plan and retention of service. [Each utility shall maintain a published local or toll-free telephone number so that all customers may contact said employee without charge.]

(ii) Each utility shall maintain a telephone, shall publish the telephone number in all service areas, and shall make the necessary provisions so that all customers may contact the utility employee without charge. Such provisions may include a policy allowing customers to make collect calls to the utility.

(iii) Each Class A or B utility (as defined by the Uniform System of Accounts) shall have at least one (1) employee available to answer consumer questions and negotiate partial payment plans at the utility's office during the utility's established working hours but not less than seven (7) hours per day, five (5) days per week excluding holidays.

(iv) Each Class C or D utility (as defined by the Uniform System of Accounts) shall have an employee available to answer consumer questions and negotiate partial payment plans at the utility's office during the utility's established office hours but not less than seven (7) hours per day, one (1) day per week.

2. [(c)] Certificate of need from Department for Social Insurance. Federal and statewide energy assistance programs are administered by the Kentucky Cabinet for Human Resources, Department for Social Insurance. Upon written certification from one (1) of its offices 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, and who has been [given a ten (10) day notice for nonpayment of a gas or electric bill for service billed or received [rendered] between December 1 and March 1,] issued a ten (10) day notice between November 20 and February 20 for nonpayment of a gas or electric bill and who presents such notice to the Department for Social Insurance, shall be allowed thirty (30) days in addition to such ten (10) day period in which to negotiate a partial payment plan with the utility provided such certification is delivered to the utility during the initial ten (10) day notice period by the applicant in person, by his or her agent, by mail, or by a telephone call from an employee of the Department for Social Insurance. The thirty (30) day period shall begin to run at the end of the tenth day of the ten (10) day period. When the customer exhibits good faith by offering to make a present payment commensurate with his or her ability to do so and by agreeing to a repayment schedule which would permit the customer to become current in the payment of his or her gas or electric bill as soon as possible but no later than August 1, the utility shall accept such partial payment plan. In addition to advising the customer of his or her rights under paragraph (a) and subparagraph 1 [paragraphs (a) and (b)] of this subsection, as required by paragraph (a) above, the ten (10) day notice or a bill insert sent with the ten (10) day notice shall inform the customer of the telephone number and address of the nearest office of the Kentucky Cabinet for Human Resources, Department for Social Insurance. [Information as to such limits may be obtained from the Department for Social Insurance.] Referral of such customer to such office of the department may be made by a church, by a charitable or social organization, by a unit of state or local government, or by any other person.

3. [(d)] Budget payment plan. Each jurisdictional gas and electric utility shall develop a budget payment plan whereby a customer may elect to pay a fixed amount each month on a yearly basis in lieu of monthly billings based on actual usage. The provisions of this section relating to partial payments and budget plans shall apply only to a utility's residential customers. It shall be the responsibility of the utility to disseminate information to its customers regarding the availability of such budget payment plan. If the commission finds, upon application, a budget plan for residential customers would materially impair or damage the utility's credit or operations, then it may grant the utility an exemption from the requirements of the budget plan. No exemption may extend beyond one (1) year without another application by the utility and a finding by the commission that said exemption should be allowed.

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

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

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

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

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

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

(5) Reconnection. For all cases of refusal or discontinuance of service as herein defined, *except as provided in 807 KAR 5:008*, where the cause for refusal or discontinuance has been corrected and all rules and regulations of the utility and the commission have been complied with, the utility shall promptly render service to the customer or applicant.

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

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

(a) To read a meter when the customer has failed to read the meter for three (3) consecutive billing periods. This per-

tains only to those utilities whose customers ordinarily read their own meters.

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

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

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

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

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

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

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

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

(6) A utility or agency may employ apprentices in training for certification as *meter testers*. The apprentice period shall be a minimum of six (6) months. All tests performed during this period by an apprentice shall be witnessed by a certified *meter tester*.

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

the utility, the same to be shown by him or her upon request.

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

(b) *The record of the prior periodical test of each meter shall be maintained for at least ninety (90) days after the current test has been made or until a refund or billing has been made or it is determined that a refund or billing is not to be made in accordance with Section 9 of this regulation.* [The complete record of tests of each meter shall be continuous at least two (2) periodic tests and in no case less than two (2) years.]

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

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

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

Section 16. Pole Identification. (1) Each utility owning poles or other structures supporting the company's wires, shall mark every pole or structure located within a built-up community with the initials or other distinguishing mark by which the owner of every such structure may be readily determined. For the purpose of this rule the term "built-up community" shall mean urban areas and those areas immediately adjacent thereto.

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

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

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

(5) Poles need not be marked if they are clearly and un-

mistakably identifiable as the property of the utility.

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

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

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

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

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

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

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

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

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

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

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

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

Amperes Rated Capacity	Fee
30 and under	\$ 6 [2]
Over 30 to 100	12 [4]
Each additional 50 amperes or factor thereof	3 [1]

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

Kilowatts Rated Capacity	Fee
5 KW and under	\$ 6 [2]
Over 5 to 25	12 [4]
Over 25 to 100	24 [8]
Over 100 to 500	48 [16]

Plus one-half ($\frac{1}{2}$) of the cost of transportation of the commission representative between the office of the commission and the point of test.

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

Capacity in Cu. Ft. Per Hour	Fee
1,000 cu. ft. per hour and under	\$ 12 [4]
Over 1,000 to 10,000	24 [8]
Over 10,000 to 100,000	36 [12]

Plus one-half ($\frac{1}{2}$) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(c) Water:

Size	Fee
Outlet 1 inch or less	\$ 12 [4]
Outlet over 1 inch to 2 inches	18 [6]
Outlet over 2 inch to 3 inches	24 [8]
Outlet over 3 inch to 4 inches	30 [10]

Plus one-half ($\frac{1}{2}$) of the cost of transportation of the commission representative between the office of the commission and the point of test.

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

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

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

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

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

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

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

below for various classes of facilities and types of inspection.

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

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

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

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

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

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

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

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

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

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

(d) Other facilities:

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

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

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

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

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

(3) Each gas utility shall make systematic inspections of its system for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is prescribed or recommended by the Department of Transportation, Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, for the various classes of facilities as defined in said standards, in accordance with the inspection procedures described therein.

(4) The following maximum time intervals are prescribed for [:] certain inspections provided for in [Department of Transportation,] 49 CFR Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, with respect to which intervals are not specified; and for certain additional inspections not provided for in such code.

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

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

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

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

(b) Other facilities:

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

2. Construction equipment *under the control of the utility* inspected for defects, wear and operational hazards at least quarterly.

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

(d) At intervals *not to exceed the periodic meter test intervals* [of meter change]: the curb box *and valve on the service line* shall be inspected for operable condition.

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

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

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

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

1. Source of supply:

a. Dams, physical and structural, annually.

b. Intake structures, physical and structural, annually.

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

2. Purification:

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

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

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

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

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

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

g. Mains and valves, leaks, annually.

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

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

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

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

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

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

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

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

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

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

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

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

Section 23. Reporting of Accidents. Each utility shall notify the commission of any *utility related* accident which results in death or serious injury to any person or substantial property damage. Prompt notice of fatal accidents shall be given to the commission by telephone or telegraph. *Natural gas utilities shall report accidents in accordance with the provisions of 807 KAR 5:027.*

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

LAURA MURRELL, Commissioner

ADOPTED: November 12, 1982

APPROVED: NEIL J. WELCH, Secretary

RECEIVED BY LRC: April 11, 1983 at 3:45 p.m.

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

815 KAR 7:060. Facilities for the physically disabled in new construction. *effective: 6/1/83*

RELATES TO: KRS Chapter 198B

PURSUANT TO: KRS 198B.260

NECESSITY AND FUNCTION: The Board of Housing, Buildings and Construction is required by KRS 198B.260 to issue regulations establishing the requirements necessary for making buildings accessible to and usable by physically disabled persons. This regulation has been designed after and selected from various nationally recognized codes and standards. This regulation establishes the minimum new construction requirements which shall apply to buildings and facilities to provide accessibility and usability by the elimination of architectural barriers in the environment. The terms of this regulation shall be incorporated into the Kentucky Building Code.

Section 1. Purpose and Scope. It is the express intention of this regulation to achieve uniformity in the technical design criteria necessary to establish a barrier-free environment thereby allowing a physically disabled person to get to, enter and use a building or facility, so that they may have access to education, employment, living and recreational opportunities and be as self sufficient as possible.

(1) New construction. This regulation shall be mandatory to and in all new buildings and facilities, including both rooms and spaces, site improvements, exterior facilities and public walks, as follows:

(a) Storage, miscellaneous and temporary occupancies in which the total occupant load is in excess of 100 persons or 20,000 square feet or three (3) stories.

(b) Factory and industrial occupancies in which the total occupant load is in excess of 100 persons or 20,000 square feet.

(c) Business occupancies in which the total occupant load is in excess of 100 persons or 10,000 square feet.

(d) Mercantile occupancies in which the total occupant load is in excess of 100 persons, 3,000 square feet of consumer area or 10,000 square feet of total floor area.

(e) Churches, parochial and private schools and other similar non-public assembly type occupancies in which the total occupant load is in excess of 250 persons or 3,200 square feet.

(f) Assembly occupancies (other than those in subsection (e)) in which the total occupant load is in excess of fifty (50) persons or 1,500 square feet total area.

(g) Residential occupancies, with the exception of single family dwellings, duplexes and multi-family housing projects of less than twenty-five (25) units. *The common areas of condominiums are required to be accessible, but not the interior of the condominium units.*

(h) Institutional occupancies, with the exception of child day care facilities providing care for less than thirteen (13) children.

(i) All buildings and facilities which are leased or owned by the state, county, city or other municipal corporation, regardless of type of use, occupant load or total square footage. *Only new leases will be treated as new facilities.*

(j) Any establishment which is physically located within any building or facility otherwise covered by this section or within the premises of which is physically located any such covered establishment; and which also holds itself out as serving patrons of such covered establishment.

(k) All gasoline service stations, regardless of size or occupant capacity.

(l) Any building of an occupant load, occupancy type or size not listed in this section shall be exempted from the requirements of this regulation as a "small business concern."

(2) Existing buildings. This regulation shall be mandatory for existing buildings, as follows:

(a) Alterations and repairs may be made to any structure without requiring other areas of the existing structure to comply with the accessibility requirement of this regulation provided such new work conforms to that of a new structure.

(b) Additions to an existing facility shall comply with the standards established by this regulation; however, the existing portion need not comply provided such addition does not result in decreased accessibility.

(c) Remodeling involving major structural changes to a building shall require full compliance with all applicable provisions of this regulation.

(d) The restoration or authentic reconstruction of buildings designated as historic properties by the Kentucky Heritage Commission or the National Register of Historic Places are exempt from the requirements of this regulation.

(3) Modifications of the technical provisions of this regulation may be allowed where such modification provides equal facilitation.

(4) Problem sites. It is not the intent of this regulation to discourage development of sites with extreme conditions, for example, where housing would be built on steep slopes or recreation facilities provided in natural terrain, and where full accessibility might prove impractical.

(5) Interpretive decisions. Where any provision of this regulation can be shown to be clearly unreasonable or impractical as applied to a particular building or use, or if full compliance would create a safety hazard, because of a particular use or condition, any person may request to appear before the Architectural Barriers Advisory Committee of the Department of Housing, Buildings and Construction. After advice from the committee, the department shall render its decision in the matter and said decision shall be appealable to the Board of Housing, Buildings and Construction.

(6) Enforcement. It shall be the duty of the local building official or the state building official having plan review and inspection responsibility under the Kentucky Building Code to enforce the provisions of this regulation.

(7) Distribution of accessible elements. Residential units accessible to the physically handicapped must not be segregated from other units. For example, in large apartment complexes, hotels or motels, all the units or rooms for the disabled may not be placed in one (1) building but must be dispersed throughout the complex.

(8) Appendix. All figures, tables and charts which are not included under a specific section of this regulation shall be found in Appendix A which is attached hereto. Any figures or numbers not in agreement with the written language of this regulation shall be superceded by said written words or numbers.

(9) Technical provisions. Sections 3 through 35 constitute the technical provisions of this regulation.

Section 2. Definitions. The following terms shall, for the purpose of this regulation, have the meaning indicated in this section.

(1) Access aisle. An accessible pedestrian space between elements such as parking spaces, seating, and desks, that provides clearances appropriate for use of the elements.

(2) Accessible. Describes a site, building, facility, or portion thereof that complies with this section and that can be approached, entered, and used by physically disabled people.

(3) Accessible element. Part of an accessible route or accessible functional space; an item specified by this regulation (for example, telephone, controls, and the like).

(4) Accessible route. A continuous unobstructed path connecting all accessible elements and spaces in a building or facility that can be negotiated by a severely disabled person using a wheelchair and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, walks, and ramps.

(5) Adaptability. The ability of certain building elements, such as kitchen counters and sinks to be added to, raised, lowered, or otherwise altered so as to accommodate the needs of either the disabled or nondisabled, or to accommodate the needs of persons with different types or degrees of disability.

(6) Assembly area. A room or space accommodating fifty (50) or more individuals for religious, recreational, educational, political, social or amusement purposes, or for the consumption of food and drink, including all connected rooms or spaces with a common means of egress and ingress. Such areas as conference rooms would have to

be accessible in accordance with other parts of this standard but would not have to meet all of the criteria associated with assembly areas.

(7) Automatic door. A door equipped with a power-operated mechanism and controls that open and close the door automatically upon receipt of a momentary actuating signal. The switch that begins the automatic cycle may be a photoelectric device, floor mat, or manual switch mounted on or near the door itself (see power-assisted door).

(8) Circulation path. An exterior or interior way of passage from one place to another for pedestrians, including, but not limited to, walks, hallways, courtyards, stairways, and stair landings.

(9) Clear. Unobstructed.

(10) Common use. Refers to those interior and exterior rooms, spaces, or elements that are made available for the use of a restricted group of people (for example, residents of an apartment building, occupants of an office building, or guests of such residents or occupants).

(11) Coverage. The extent or range of accessibility that a particular administrative authority adopts and requires.

(12) Cross slope. The slope of a pedestrian way that is perpendicular to the direction of travel (see running slope).

(13) Curb ramp. A short ramp cutting through a curb.

(14) Detectable. Perceptible by one (1) or more of the senses.

(15) Disability. A limitation or loss of use of a physical, mental, or sensory body part or function.

(16) Dwelling unit. A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(17) Egress, means of. A continuous and unobstructed path of travel from any point in a building or structure to a public way and consists of three (3) separate and distinct parts:

(a) The exitway access;

(b) The exitway; and

(c) The exitway discharge; a means of egress comprises the vertical and horizontal means of travel and shall include intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, and yards.

(18) Emergency. Refers to facilities resulting from or anticipating unforeseen combinations of circumstances, for example, storm shelters, bomb shelters, and comparable refuges.

(19) Functional spaces. The rooms and spaces in a building or facility that house the major activities for which the building or facility is intended.

(20) Handicapped. Those with significant limitations in using specific parts of the environment.

(21) Housing. A building, facility, or portion thereof, excluding inpatient health care facilities, that contains one (1) or more dwelling units or sleeping accommodations. Housing may include, but is not limited to, one (1) and two (2) family dwellings, apartments, group homes, hotels, motels, dormitories, and mobile homes.

(22) Marked crossing. A crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

(23) Operable part. A part of a piece of equipment or appliance used to insert or withdraw objects, or to activate, deactivate, or adjust the equipment or appliance (for example, coin slot, pushbutton, handle).

(24) Power-assisted door. A door with a mechanism that helps to open the door, or relieve the opening resistance of a door, upon the activation of a switch or a continued

force applied to the door itself. If the switch or door is released, such doors immediately begin to close or close completely within three (3) to thirty (30) seconds (see automatic door).

(25) Principal entrance. An entrance intended to be used by the residents or users to enter or leave a building or facility. This may include, but is not limited to, the main entrance.

(26) Public use. Describes interior and exterior rooms or spaces that are made available to the general public. Public use may be provided at a building or facility that is privately or publicly owned.

(27) Ramp. A walking surface that has a running slope greater than 1:20.

(28) Reasonable number. A number that is sufficient to accommodate the disabled users of a site, building, facility, or element.

(29) Running slope. The slope of a pedestrian way that is parallel to the direction of travel (see cross slope).

(30) Service entrance. An entrance intended primarily for delivery or service.

(31) Signage. Verbal, symbolic, and pictorial information.

(32) Site. A parcel of land bounded by a property line or a designated portion of a public right-of-way.

(33) Site improvements. Landscaping, paving for pedestrian and vehicular ways, outdoor lighting, recreational facilities, and the like, added to a site.

(34) Sleeping accommodations. Rooms in which people sleep, for example, dormitory and hotel or motel guest rooms, but not including dwelling units.

(35) Tactile. Describes an object that can be perceived using the sense of touch.

(36) Tactile warning. A standardized surface texture applied to or built into walking surfaces or other elements to warn visually impaired people of hazards in the path of travel.

(37) Temporary. Applies to facilities that are not of permanent construction but are extensively used or essential for public use for a given (short) period of time; for example, temporary classrooms or classroom buildings at schools and colleges, or facilities around a major construction site to make passage accessible, usable, and safe for everybody. Structures directly associated with the actual processes of major construction, such as port-a-potties, scaffolding, bridging, trailers, and the like, are not included.

(38) Vehicular way. A route intended for vehicular traffic, such as a street, driveway, or parking lot.

(39) Walk. An exterior pathway with a prepared surface intended for pedestrian use, including general pedestrian areas such as plazas and courts.

(40) Walking aid. A device used by a person who has difficulty walking (for example, a cane, crutch, walker, or brace).

Section 3. Minimum Requirements. (1) Accessible site and exterior facilities. An accessible site shall meet the following minimum requirements:

(a) At least one (1) accessible route complying with Section 5 shall be provided from public transportation stops, accessible parking spaces, accessible passenger loading zones if provided, and public streets or sidewalks to an accessible building entrance.

(b) At least one (1) accessible route complying with Section 5 shall connect accessible buildings, facilities, elements, and spaces that are on the same site.

(c) All objects that protrude from surfaces or posts into circulation paths shall comply with Section 5(3).

(d) Ground surfaces along accessible routes and in accessible spaces shall comply with Section 5(2).

(e) When parking is provided, parking spaces and access aisles shall comply with Section 6.

(f) Stairs shall comply with Section 9.

(g) All passenger elevators shall comply with Section 10.

(h) All doors or gates to accessible spaces and elements and along accessible routes shall comply with Section 13.

(i) All drinking fountains along accessible routes shall comply with Section 15.

(j) All toilet rooms provided for public use or as otherwise required by the Kentucky Building Code shall comply with Section 22. Bathing facilities on accessible routes shall comply with Section 23.

(k) Tactile warnings shall be provided at hazardous conditions as specified in Section 29.

(l) All signs shall comply with Section 30.

(m) If public telephones are provided, they shall comply with Section 31.

(n) If seating, tables, or work surfaces are provided in accessible spaces, they shall comply with Section 32.

(o) If places of assembly are provided, they shall comply with Section 33.

(2) Accessible buildings. Accessible buildings and facilities shall meet the following minimum requirements:

(a) At least one (1) accessible route complying with Section 5(1) shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility.

(b) All objects that overhang circulation paths shall comply with Section 5(3).

(c) Ground and floor surfaces along accessible routes and in accessible rooms and spaces shall comply with Section 5(2).

(d) Stairs shall comply with Section 9. This requirement is not mandatory within dwelling units.

(e) All passenger elevators shall comply with Section 10.

(f) If windows intended to be operated by occupants are provided, then a reasonable number, but always at least one (1), of windows in each accessible space shall comply with Section 12.

(g) All doors to accessible spaces along accessible routes shall comply with Section 13.

(h) All principal entrances shall comply with Section 14.

(i) All drinking fountains along accessible routes shall comply with Section 15.

(j) All toilet rooms provided for public use or as otherwise required by the Kentucky Building Code shall comply with Section 22. Bathing facilities on accessible routes shall comply with Section 23.

(k) If storage facilities such as cabinets, shelves, closets, and drawers are provided in accessible spaces, they shall comply with Section 25.

(l) Controls and operating mechanisms in accessible spaces, along accessible routes, or as parts of accessible elements (for example, light switches and dispenser controls), shall comply with Section 27.

(m) If emergency warning systems are provided, they shall comply with Section 28.

(n) Tactile warnings shall be provided at hazardous conditions as specified in Section 29.

(o) If signs are provided, they shall comply with Section 30.

(p) If public telephones are provided, they shall comply with Section 31.

(q) If seating tables, or work surfaces are provided in accessible spaces, they shall comply with Section 32.

(r) If places of assembly are provided, they shall comply with Section 33.

(s) If sleeping accommodations are provided, they shall comply with Section 34.

(3) Accessible housing. Accessible housing shall comply with the minimum requirements in subsections (1) and (2) of this section. It shall also meet the following requirements:

(a) Accessible dwelling units shall comply with Section 35.

(b) Each accessible dwelling unit shall be connected to an accessible entrance complying with Section 14 by an accessible route complying with Section 5.

(c) Common use spaces and facilities (for example, swimming pools, playgrounds, entrances, rental offices, lobbies, elevators, mail box areas, lounges, storage rooms, halls, corridors, and the like) that serve one (1) or more accessible dwelling units shall comply with subsections (1) and (2) of this section. At least one (1) accessible route shall connect all accessible entrances to each accessible dwelling unit.

Section 4. Space Allowances and Reach Ranges. (1) Wheelchair passage width. The minimum clear width for single wheelchair passage shall be thirty-two (32) inches at a point and thirty-five (35) inches continuously.

(2) Width for wheelchair passing. The minimum width for two (2) wheelchairs to pass is sixty (60) inches.

(3) Wheelchair turning space. The space required for a wheelchair to make a 180 degree turn is a clear space of sixty (60) inches diameter or a T-shaped space with a minimum clear width of thirty-six (36) inches.

(4) Clear floor or ground space for wheelchairs:

(a) Size and approach. The minimum clear floor or ground space required to accommodate a single, stationary wheelchair and occupant is thirty (30) inches by forty-eight (48) inches. The minimum clear floor or ground space for wheelchairs may be positioned for forward or parallel approach to an object. Clear floor or ground space for wheelchairs may be part of the knee space required under some objects.

(b) Relationship of maneuvering clearances to wheelchair spaces. One (1) full unobstructed side of the clear floor or ground space for a wheelchair shall adjoin or overlap an accessible route or adjoin another wheelchair clear floor space. If a clear floor space is located in an alcove or otherwise confined in all or part of three (3) sides, additional maneuvering clearances shall be provided (see Appendix A, Figure 1).

(c) Surfaces of wheelchair spaces. Clear floor or ground spaces for wheelchairs shall comply with Section 5(2).

(5) High forward reach. If the clear floor space only allows forward approach to an object, the maximum high forward reach allowed shall be forty (40) inches. If the high forward reach is over an obstruction, reach and clearances shall be as shown in Appendix A, Figure 2.

(6) Side reach. If the clear floor space allows parallel approach by a person in a wheelchair, the maximum high side reach allowed shall be forty-eight (48) inches and the low side reach shall be no less than nine (9) inches above the floor. If the side reach is over an obstruction, the reach and clearances shall be as shown in Appendix A, Figure 3.

Section 5. Accessible Route, Ground and Floor Surfaces, and Protruding Objects. (1) Accessible route. All

walks, halls, corridors, aisles, and other spaces that are of an accessible route shall comply with this subsection.

(a) Location:

1. At least one (1) accessible route shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve.

2. At least one (1) accessible route shall connect accessible buildings, facilities, elements, and spaces that are on the same site.

3. At least one (1) accessible route shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility.

4. An accessible route shall connect at least one (1) accessible entrance of each accessible dwelling unit with those exterior and interior spaces and facilities that serve the accessible dwelling unit.

(b) Width. The minimum clear width of an accessible route shall be thirty-six (36) inches except at doors. (See Section 13(5).) If a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the accessible route shall be as shown in Appendix A, Figure 4.

(c) Passing space. If an accessible route has less than sixty (60) inches clear width, then passing spaces at least sixty (60) inches by sixty (60) inches shall be located at reasonable intervals not to exceed 200 feet. A T-intersection of two (2) corridors or walks is an acceptable passing place.

(d) Head room. Accessible routes shall comply with subsection (3)(b) of this section.

(e) Surface texture. The surface of an accessible route shall comply with subsection (2) of this section.

(f) Slope. An accessible route with a running slope greater than 1:20 is a ramp and shall comply with Section 8. Nowhere shall the cross slope of an accessible route exceed 1:50.

(g) Changes in level. Changes in level along an accessible route shall comply with subsection (2)(b) of this section. If an accessible route has changes in level greater than one-half ($\frac{1}{2}$) inch, then a curb ramp, ramp or elevator shall be provided that complies with Sections 7, 8 and 10, respectively. Stairs shall not be part of an accessible route.

(h) Doors. Doors along an accessible route shall comply with Section 13.

(i) Egress. At least one (1) accessible route serving any accessible space or element shall also serve as a means of egress.

(2) Ground and floor surfaces. Ground and floor surfaces along accessible routes and in accessible rooms and spaces, including floors, walks, ramps, stairs, and curb ramps, shall be stable, firm, and relatively nonslip under all weather conditions and shall comply with this subsection.

(a) Changes in level. Changes in level up to one-fourth ($\frac{1}{4}$) inch may be vertical and without edge treatment. Changes in level between one-fourth ($\frac{1}{4}$) inch and one-half ($\frac{1}{2}$) inch shall be beveled with a slope no greater than 1:2. Changes in level greater than one-half ($\frac{1}{2}$) inch shall be accomplished by means of a ramp that complies with Sections 7 or 8.

(b) Carpet. If carpet or carpet tile is used on a ground or floor surface, then it shall be securely attached; have a firm cushion, pad, or backing or no cushion or pad; and have a level loop, textured loop, level cut pile or level cut/uncut pile texture. The maximum combined thickness of pile,

cushion, and backing shall be one-half ($\frac{1}{2}$) inch. Exposed edges and trim shall be securely fastened in place and shall comply with paragraph (a) of this subsection.

(c) Gratings. If gratings are located in walking surfaces, then they shall have spaces no greater than one-half ($\frac{1}{2}$) inch wide in one (1) direction. If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel.

(3) Protruding objects:

(a) Objects projecting from walls (for example, telephones) with their leading edges between twenty-seven (27) inches and eighty (80) inches above the finished floor shall protrude no more than four (4) inches into walks, halls, corridors, passageways, or aisles. Objects mounted with their leading edges at or below twenty-seven (27) inches above the finished floor may protrude any amount. Free standing objects mounted on posts or pylons may overhang twelve (12) inches maximum from twenty-seven (27) inches to eighty (80) inches above the ground or finished floor. Protruding objects shall not reduce the clear width of an accessible route or maneuvering space. (See Appendix A, Figure 5.)

(b) Head room. Walks, halls, corridors, passageways, aisles, or other circulation spaces shall have eighty (80) inches in minimum clear head room. (See Appendix A, Figure 5.)

Section 6. Parking and Passenger Loading Zones. (1) Minimum number. Where parking spaces are provided, the minimum number of spaces shall be in accordance with Table 1 and shall comply with subsections (2) through (4) of this section. Where passenger loading zones are provided, at least one (1) shall comply with subsection (5) of this section.

TABLE 1

1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 or over	2% of total—20 plus 1 for each 200 over 1000

(2) Parking spaces. Parking spaces for disabled people shall be at least ninety-six (96) inches wide and shall have an adjacent access aisle sixty (60) inches wide minimum (see Appendix A, Figure 6). Parking access aisles shall be part of the accessible route to the building or facility entrance and shall comply with Section 5(1). Two (2) accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.

(3) Signage. Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the international symbol of accessibility. Such signs shall be above grade.

(4) Passenger loading zones. Passenger loading zones shall provide an access aisle at least forty-eight (48) inches wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with Section 7 shall be provided.

(5) Vertical clearance. Provide minimum vertical clearance of eight (8) [nine (9)] feet six (6) inches at accessible parking spaces, at accessible passenger loading zones and along vehicle access route to such areas from site entrances.

Section 7. Curb Ramps. (1) Location. Curb ramps complying with this section shall be provided wherever an accessible route crosses a curb.

(2) Slope. Slopes of curb ramps shall comply with Table 815 of the Kentucky Building Code. The slope shall be measured at a ratio of rise to horizontal run.

(3) Width. The minimum width of a curb ramp shall be thirty-six (36) inches, exclusive of flared sides.

(4) Surface. Surfaces of curb ramps shall comply with Section 5(2). Transitions from ramps to walks and ramps to gutters or streets shall be flush and free from abrupt changes.

(5) Sides of curb ramps. If a curb ramp is located where pedestrians must walk across the ramp, then it shall have flared sides; the maximum slope of the flare shall be 1:10. Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp. Curb ramps shall not have handrails.

(6) Built-up curb ramps. Built-up curb ramps, or curb ramps that project into a vehicular path, shall not be permitted in new construction. They may be permitted in existing conditions only where such application is determined to be the only reasonable means of access and where the location of the built-up curb ramp is not in an uncontrolled vehicular path. Built-up curb ramps shall comply with this section.

(7) Warning textures. A curb ramp shall have a tactile warning texture contrasting to adjoining surfaces and complying with Section 29, extending the full width and depth of the curb ramp, including any flares.

(8) Obstructions. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.

(9) Location at marked crossings. Curb ramps at marked crossings shall be wholly contained within the markings, excluding any flared sides.

(10) Diagonal curb ramps. If diagonal (or corner type) curb ramps have returned curbs or other well defined edges, such edges shall be parallel to the direction of pedestrian flow. If diagonal curb ramps have flared sides, they shall also have at least a twenty-four (24) inch long segment of straight curb located on each side of the curb ramp and within the marked crossing.

(11) Islands. Any raised islands in crossings shall be cut through level with the street or have curb ramps at both sides and a level area at least forty-eight (48) inches long in the part of the island intersected by the crossings.

(12) Uncurbed intersections. If there is no curb at the intersection of a walk and an adjoining street, parking lot, or busy driveway, then the walk shall have a tactile warning texture complying with Section 29(5) at the edge of the vehicular way.

Section 8. Ramps. Any part of an accessible route with a slope greater than 1:20 shall be considered a ramp and shall comply with Section 815 of the Kentucky Building Code as filed in 815 KAR 7:020.

Section 9. Stairs. Stairways shall comply with Section 816 of the Kentucky Building Code as filed in 815 KAR 7:020. These specifications are not mandatory for stairs within dwelling units.

Section 10. Elevators. (1) All public passenger elevators

shall be required to be accessible and shall comply with the provisions of Article 21 of the Kentucky Building Code as filed in 815 KAR 7:020.

(2) At least one (1) public passenger elevator shall be required in buildings three (3) stories or greater in height; except that residential buildings three (3) stories in height and containing no more than twenty-four (24) units shall not be required to have an elevator.

(3) *Elevators are not mandatory for buildings of less than three (3) stories. If an elevator is provided, however, it shall have dimensions sufficient to accommodate a person in a wheelchair. This means the vertical access for wheelchairs from one (1) level to the other is not required except in buildings three (3) stories or more.*

Section 11. Platform lifts. Platform lifts are not permitted until such time as a national standard shall be created and approved by the board.

Section 12. Windows. (1) General. If windows intended to be operated by occupants are provided, at least one (1) operable window in each accessible space shall comply with this section.

(2) Window hardware. Windows requiring pushing, pulling or lifting to open (for example, doublehung, sliding, or casement and awning units without cranks) shall require no more than five (5) pounds to open or close. Locks, cranks, and other window hardware shall comply with Section 27.

Section 13. Doors. (1) General. All doors to accessible spaces and elements and along accessible routes shall comply with the requirements of this section.

(2) Revolving doors and turnstiles. Revolving doors or turnstiles shall not be the only means of passage at an accessible entrance or along an accessible route.

(3) Gates. Gates, including ticket gates, shall meet all applicable specifications of this section.

(4) Double-leaf doorways. If doorways have two (2) door leaves, then at least one (1) leaf shall meet the specifications in subsections (5) and (6) of this section. That leaf shall be an active leaf.

(5) Clear width. Doorways shall have a minimum clear opening of thirty-two (32) inches with the door open ninety (90) degrees, measured between the face of the door and the stop. Openings more than twenty-four (24) inches in depth shall have a minimum clear opening of thirty-six (36) inches.

(6) Maneuvering clearances at doors. Minimum maneuvering clearances for doors that are not automatic shall be as shown in Appendix A, Figure 7. The floor or ground area within the required clearances shall be level and clear. Doors required to be a minimum of forty-four (44) inches in institutional buildings shall be exempt from the requirements for space at the latch side of the door.

(7) Two (2) doors in series. The minimum space between two (2) doors in series shall be forty-eight (48) inches plus the width of any door swinging into the space. Doors in series shall swing either in the same direction or away from the space between the doors.

(8) Thresholds at doorways. Thresholds at doorways shall not exceed one-half ($\frac{1}{2}$) inch in height except that thresholds at exterior sliding doors shall not exceed three-fourth ($\frac{3}{4}$) inch. Raised thresholds and floor level changes at accessible doorways shall be beveled with a slope no greater than 1:2, and shall meet the requirements of Section 5(2)(a).

(9) Door hardware. Handles, pulls, latches, locks and other operating devices on accessible doors shall have a shape that is easy to grasp with one (1) hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms and U-shaped handles are acceptable designs. When sliding doors are fully open, operating hardware shall be exposed and usable from both sides. Doors to hazardous areas shall have hardware complying with Section 29(3).

(10) Door closers. If a door has a closer, then the sweep period of the closer shall be adjusted so that from an open position of seventy (70) degrees, the door will take at least three (3) seconds to move to a point three (3) inches from the latch, measured to the leading edge of the door.

(11) Door opening force. The maximum force for pushing or pulling open a door shall be as follows:

(a) Fire doors shall have the minimum opening force of fifteen (15) pounds and as required in Section 812.5.4 of the Kentucky Building Code.

(b) Other doors: exterior hinged doors, 8.5 pounds; interior hinged doors, five (5) pounds; sliding or folding doors, five (5) pounds. These forces do not apply to the force required to retract latch bolts or disengage other devices that may hold the door in a closed position.

(12) Automatic doors and power-assisted doors. If an automatic door is used, then it shall comply with American National Standard for Power-Operated Doors, ANSI A156.10-1979. Slowly opening, low-powered, automatic doors shall be considered a type of custom design installation as described in paragraph 1.1.1 of ANSI A156.10-1979. Such doors shall not open to back check faster than three (3) seconds and shall require no more than fifteen (15) pounds to stop door movement. If a power-assisted door is used, its door opening force shall comply with subsection (11) of this section and its closing shall conform to the requirements in Section 10 of ANSI A156.10-1979.

(13) Framed glass doors. Where framed glass doors are used, the bottom rail shall be a minimum height of seven and one-half ($7\frac{1}{2}$) inches.

Section 14. Entrances. (1) Principal entrances. Principal entrances to a building or facility shall be part of an accessible route and shall comply with Section 5(1). Such entrances shall be connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, and to public streets or sidewalks if available. They shall also be connected by an accessible route to all accessible spaces or elements within the building or facility.

(2) Service entrances. A service entrance shall not be the sole accessible entrance unless it is the only entrance to a building or facility (for example, in a factory or garage).

Section 15. Drinking Fountains and Water Coolers. (1) Minimum number. *Where drinking fountains or water coolers are required, a reasonable number, but always at least one (1) per floor and/or wing, shall comply with this section and shall be on an accessible route.* [All drinking fountains or water coolers along accessible routes shall comply with this section.]

(2) Spout height. Spouts shall be no higher than thirty-six (36) inches, measured from the floor or ground surfaces to the spout outlet.

(3) Spout location. The spouts of drinking fountains and water coolers shall be at the front of the unit and shall direct the water flow in a trajectory that is parallel or near-

ly parallel to the front of the unit. The spout shall provide a flow of water so as to allow the insertion of a cup or glass under the flow of water.

(4) Controls. Controls shall comply with Section 27(4).

(5) Clearances. Wall and post mounted cantilevered units shall have a clear knee space between the bottom of the apron and the floor or ground at least twenty-seven (27) inches high, thirty (30) inches wide, and seventeen (17) inches to nineteen (19) inches deep. Such units shall also have a minimum clear floor space thirty (30) inches by forty-eight (48) inches to allow a person in a wheelchair to make a parallel approach to the unit. This clear floor space shall comply with Section 4(4).

Section 16. Water Closets. Accessible water closets shall comply with this section. For water closets in adaptable dwelling units, see Section 35(4)(b).

(1) Clear floor space. Clear floor space for water closets not in stalls shall comply with Appendix A, Figure 9. Clear floor space may be arranged to allow either a left-handed or right-handed approach.

(2) Height. The height of water closets shall be seventeen (17) inches to nineteen (19) inches measured to the top of the toilet seat (see Appendix A, figure 10). Seats shall not be sprung to return to a lifted position when not in use.

(3) Grab bars. Grab bars for water closets shall comply with Appendix A, Figures 9 and 10, and Section 4. Grab bars may be mounted by any desired method as long as they have a gripping surface at the locations shown and do not obstruct the required floor area.

(4) Flush controls. Flush controls shall be hand operated and shall comply with Section 27(4). Controls for flush valves shall be mounted no more than forty (40) inches above the floor.

(5) Dispensers. Toilet paper dispensers shall be installed within reach as shown in Appendix A, Figure 10. Dispensers shall not control delivery and shall permit continuous paper flow.

Section 17. Toilet Stalls. (1) Location. Accessible toilet stalls shall be on an accessible route and shall meet the requirements of this section.

(2) Water closets. Water closets in stalls shall comply with Section 16.

(3) Size and arrangement. The size and arrangement of the toilet stalls shall comply with Appendix A, Figure 11(a). In existing buildings alternate stalls (Appendix A, Figure 11(b)) may be used where available space prohibits installation of the standard stall. Arrangements shown for stalls may be reversed to allow either a left or right-handed approach.

(4) Toe clearances. In standard stalls, the front partition and at least one (1) side partition shall provide a toe clearance of at least nine (9) inches above the floor. If the depth of the stall is greater than sixty (60) inches, then the toe clearance is not required.

(5) Doors. Toilet stall doors shall comply with Section 13. Doors of toilet stalls shall be out-swinging. Doors on toilet stalls shall have either a self-closing mechanism or a pull mounted on the hinged side of the stall door.

(6) Grab bars. Provide grab bars at toilet stalls as shown in Appendix A, Figures 10 and 11. Grab bars may be mounted by any desired method as long as they have a gripping surface at the locations shown and do not obstruct the required clear floor area. Grab bars shall comply with Section 26.

Section 18. Urinals. (1) General. Accessible urinals shall comply with this section.

(2) Heights. Urinals shall be stall-type or wallhung with an elongated rim at a maximum of seventeen (17) inches above the floor.

(3) Clear floor space. A clear floor space thirty (30) inches by forty-eight (48) inches shall be provided in front of urinals to allow forward approach. This clear space shall adjoin or overlap an accessible route and shall comply with Section 4(4).

(4) Flush controls. Flush controls shall be hand operated, shall comply with Section 27(4) and shall be mounted no more than forty (40) inches above the finished floor.

(5) Urinal shields. Urinal shields that do not extend beyond the front edge of the urinal rim may be provided with twenty-nine (29) inches clearance between them.

Section 19. Lavatories and Mirrors. The requirements of this section shall apply to lavatory fixtures, vanities, and built-in lavatories.

(1) Height and clearances. Lavatories shall be mounted with a clearance of at least twenty-nine (29) inches from the floor to the bottom of the apron. *Thirty-four (34) inches is the maximum height of top of the front lip of the lavatory.* Knee and toe clearances shall comply with Appendix A, Figure 12.

(2) Clear floor space. A clear floor space thirty (30) inches by forty-eight (48) inches complying with Section 4(4) shall be provided in front of a lavatory to allow a forward approach. Such clear floor space shall adjoin or overlap an accessible route and shall extend a maximum of nineteen (19) inches underneath the lavatory.

(3) Exposed pipes and surfaces. If hot water exceeds 120 degrees Fahrenheit, the hot water and drain pipes under lavatories shall be insulated or otherwise covered. There shall be no sharp or abrasive surfaces under lavatories.

(4) Faucets. Faucets shall comply with Section 27(4). Lever-operated, push-type and electronically controlled mechanisms are examples of acceptable designs. Self-closing valves are allowed if the faucet remains open for at least ten (10) seconds.

(5) Mirrors. Mirrors shall be mounted with the bottom edge no higher than forty (40) inches from the floor.

Section 20. Bathtubs. (1) General. Accessible bathtubs shall comply with this section. For bathtubs in accessible dwelling units, see Section 35(4)(d).

(2) Floor space. Clear floor space in front of bathtubs shall be as shown in Appendix A, Figure 13.

(3) Seat. An in-tub seat or a seat at the head end of the tub shall be provided as shown in Appendix A, Figures 13 and 14. The structural strength of seats and their attachments shall comply with Section 26(3). Seats shall be mounted securely and shall not slip during use.

(4) Grab bars. Grab bars complying with Section 26 shall be provided as shown in Appendix A, Figures 13 and 14.

(5) Controls. Faucets and other controls complying with Section 27(4) shall be located as shown in Appendix A, Figure 14.

(6) Shower unit. A shower spray unit with a hose at least sixty (60) inches long that can be used as a fixed shower head or as a hand-held shower shall be provided.

(7) Bathtub enclosures. If provided, enclosures for bathtubs shall not obstruct controls or transfer from wheelchairs onto bathtub seats or into tubs. Enclosures on bathtubs shall not have tracks mounted on their rims.

Section 21. Shower Stalls. (1) General. Accessible shower stalls shall comply with this section. For shower stalls in accessible dwelling units, see Section 35(4)(e).

(2) Size and clearances. Shower stall size and clear floor space shall comply with Appendix A, Figure 15.

(3) Seat. A seat shall be provided in transfer shower stalls as shown in Appendix A, Figure 16. The seat shall be mounted seventeen (17) inches to nineteen (19) inches from the bathroom floor and shall extend the full depth of the stall. The seat shall be on the wall opposite the controls. The structural strength of seats and their attachments shall comply with Section 26(3).

(4) Grab bars. Grab bars complying with Section 26 shall be provided as shown in Appendix A, Figure 17.

(5) Controls. Faucets and other controls complying with Section 27(4) shall be located as shown in Appendix A, Figure 17. In transfer shower stalls all controls, faucets, and the shower unit shall be mounted on the side wall opposite the seat.

(6) Shower unit. A shower spray unit with a hose at least sixty (60) inches long that can be used as a fixed shower head or as a hand-held shower shall be provided.

(7) Curbs. If provided, curbs in transfer shower stalls shall be no higher than four (4) inches. Roll-in shower stalls shall not have curbs.

(8) Shower enclosures. If provided, enclosures for shower stalls shall not obstruct controls or obstruct transfer from wheelchairs onto shower seats.

Section 22. Toilet Rooms. (1) Minimum number. All toilet rooms provided for public use or otherwise required by the Kentucky Building Code shall be on an accessible route and shall comply with this section.

(2) Doors. All doors to accessible toilet rooms shall comply with Section 13. Doors shall not swing into the clear floor space required for any fixture.

(3) Clear floor space. The accessible fixtures and controls required in subsections (4), (5), (6) and (7) of this section shall be on an accessible route. An unobstructed turning space complying with Section 4(3) shall be provided within an accessible toilet room. The clear floor space at fixtures and controls, the accessible route, and the turning space may overlap.

(4) Water closets. If toilet stalls are provided, then a reasonable number, but always at least one (1), shall comply with Section 17; its water closet shall comply with Section 15. If water closets are not in stalls, then a reasonable number, but always at least one (1), of water closets shall comply with Section 16.

(5) Urinals. If urinals are provided, a reasonable number, but always at least one (1), shall comply with Section 18.

(6) Lavatories and mirrors. If lavatories and mirrors are provided, a reasonable number, but always at least one (1) of each, shall comply with Section 19.

(7) Controls and dispensers. If controls, dispensers, receptacles, or other equipment is provided, at least one (1) of each shall be on an accessible route and shall comply with Section 27.

(8) Emergency lighting. Where emergency lighting in a building is required by Section 624 of the Kentucky Building Code, the emergency lighting shall be provided in accessible toilet rooms.

Section 23. Bathrooms, Bathing Facilities and Shower Rooms. (1) Minimum number. Bathrooms, bathing facilities, or shower rooms on an accessible route shall

comply with this section. For bathrooms in accessible dwelling units, see Section 35(4).

(2) Doors. Doors to accessible bathrooms shall comply with Section 13. Doors shall not swing into the floor space required for any fixture.

(3) Clear floor space. The accessible fixtures and controls required in subsections (4), (5), (6), (7), (8), and (9) of this section shall be on an accessible route. An unobstructed turning space complying with Section 4(3) shall be provided within an accessible bathroom. The clear floor space at fixtures and controls, the accessible route, and the turning space may overlap.

(4) Water closets. If toilet stalls are provided, then a reasonable number, but always at least one (1), shall comply with Section 17; its water closet shall comply with Section 16. If water closets are not in stalls, then a reasonable number, but always at least one (1), shall comply with Section 16.

(5) Urinals. If urinals are provided, then a reasonable number, but always at least one (1), shall comply with Section 18.

(6) Lavatories and mirrors. If lavatories and mirrors are provided, then a reasonable number, but always at least one (1) of each, shall comply with Section 19.

(7) Controls and dispensers. If controls, dispensers, receptacles, or other equipment is provided, at least one (1) of each shall be on an accessible route and shall comply with Section 27.

(8) Bathing and shower facilities. If tubs or showers are provided, then at least one (1) accessible tub that complies with Section 20 or at least one (1) accessible shower that complies with Section 20 or at least one (1) accessible shower that complies with Section 21 shall be provided.

(9) Medicine cabinets. If medicine cabinets are provided, at least one (1) shall be located with a usable shelf no higher than forty (40) inches above the floor space. The floor space shall comply with Section 4(4).

Section 24. Sinks. (1) General. If accessible sinks are provided, they shall comply with this section. Sinks in kitchens of accessible dwelling units shall comply with Section 35(5)(e).

(2) Height. Sinks shall be mounted with the counter or rim no higher than thirty-four (34) inches from the floor.

(3) Knee clearance. Knee clearance that is twenty-seven (27) inches high, thirty (30) inches wide, and nineteen (19) inches deep shall be provided underneath sinks.

(4) Depth. Each sink shall be a maximum of six and one-half (6½) inches deep.

(5) Clear floor space. A clear floor space at least thirty (30) inches by forty-eight (48) inches complying with Section 4(4) shall be provided in front of a sink to allow forward approach. The clear floor space shall be on an accessible route and shall extend a maximum of nineteen (19) inches underneath the sink.

(6) Exposed pipes and surfaces. If hot water exceeds 120 degrees Fahrenheit, hot water and drain pipes under sinks shall be insulated or otherwise covered. There shall be no sharp or abrasive surfaces under sinks.

(7) Faucets. Faucets shall comply with Section 27(4). Lever-operated push-type, touch-type, or electronically controlled mechanisms are acceptable designs.

Section 25. Storage. (1) General. Accessible storage facilities such as cabinets, shelves, closets, and drawers shall comply with this section.

(2) Clear floor space. A clear floor space at least thirty

(30) inches by forty-eight (48) inches complying with Section 4(4) that allows either a forward or parallel approach by a person using a wheelchair shall be provided at accessible storage facilities.

(3) Height. Accessible storage spaces shall be within at least one (1) of the reach ranges specified in Section 4(5) and (6). Clothes rods shall be a maximum of forty-eight (48) inches from the floor.

(4) Hardware. Hardware for accessible storage facilities shall comply with Section 27(4). Touch latches and U-shaped pulls are acceptable.

Section 26. Handrails, Grab Bars and Tub and Shower Seats. (1) General. All handrails, grab bars, and tub and shower seats shall comply with this section.

(2) Size and spacing of grab bars and handrails. The outside diameter or width of the gripping surfaces of handrail or grab bar shall be one and one-fourth ($1\frac{1}{4}$) inch to one and one-half ($1\frac{1}{2}$) inch or the shape shall provide an equivalent gripping surface. If handrails or grab bars are mounted adjacent to a wall, the space between the wall and the handrail or grab bars shall be one and one-half ($1\frac{1}{2}$) inch (see Appendix A, Figure 18). Handrails may be located in a recess if the recess is a maximum of three (3) inches deep and extends at least eighteen (18) inches above the top of the rail (see Appendix A, Figure 18).

(3) Structural strength. Handrails, grab bars, tub and shower seats, fasteners, and mounting devices shall support a minimum concentrated load of 250 pounds and shall not rotate in their fittings.

(4) Eliminating hazards. A handrail or grab bar and any wall or other surface adjacent to it shall be free of any sharp or abrasive elements. Edges shall have a minimum radius of one-eighth ($1/8$) inch.

Section 27. Controls and Operating Mechanisms. (1) General. Controls and operating mechanisms in accessible spaces, along accessible routes, or as part of accessible elements (for example, light switches, dispenser controls) shall comply with this section.

(2) Clear floor space. Clear floor space complying with Section 4(4) that allows a forward or parallel approach by a person using a wheelchair shall be provided at controls, dispensers, receptacles, and other operable equipment.

(3) Height. The highest operable part of all controls, dispensers, receptacles, and other operable equipment shall be placed within at least one (1) of the reach ranges specified in Section 4(5) and (6). Except where the use of special equipment dictates otherwise, electrical and communications systems receptacles on walls shall be mounted no less than fifteen (15) inches above the floor.

(4) Operation. Controls and operating mechanisms shall be operable with one (1) hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than five (5) pounds of force.

Section 28. Alarms. (1) General. If emergency warning systems are provided, they shall include both audible alarms complying with subsection (2) of this section and visual alarms complying with subsection (3) of this section. In facilities with sleeping accommodations, accessible sleeping accommodations shall have an auxiliary visual alarm system complying with subsection (4) of this section.

(2) Audible alarms. Audible emergency alarms shall produce a sound that exceeds the ambient room or space noise by at least fifteen (15) decibels or exceeds any maximum

sound level with a duration of thirty (30) seconds by five (5) decibels, whichever is louder. Sound levels for alarm signals shall not exceed 120 decibels.

(3) Visual alarms. Electronically powered internally illuminated emergency exit signs or adjacent devices shall flash as a visual emergency alarm in conjunction with audible emergency alarms. The flashing frequency of visual alarm devices shall be less than five (5) Hz. If such alarms use electricity from the building as a power source, then they shall be installed on the same system as the audible emergency alarms.

(4) Auxiliary alarms. Accessible sleeping accommodations shall have a visual alarm connected to the building emergency alarm system or shall have a standard 110-volt electrical receptacle into which such an alarm could be connected. Instructions for use of the auxiliary alarm or connection shall be provided.

(5) Alarm activators. Alarm activators shall comply with Section 27 controls and operating mechanisms.

(6) Special alarm systems. Specialized alarm systems utilizing advanced technology will be considered on a case-by-case basis.

Section 29. Tactile Warnings. (1) General. Where tactile warnings are required, they shall comply with this section.

(2) Tactile warnings on walking surfaces. Tactile warning textures on walking surfaces shall contrast with that of the surrounding surface. Raised strips or grooves shall comply with Appendix A, Figure 19. Grooves may be used indoors only.

(3) Tactile warnings on doors to hazardous areas. Doors that lead to areas that might prove dangerous to a blind person (for example, doors to loading platforms, mechanical rooms, stages, and the like) shall be made identifiable to the touch by a textured surface on the door handle, knob, pull, or other operating hardware. This textured surface may be made by knurling or roughening or by a material applied to the contact surface. Such textured surfaces shall not be provided for emergency exit doors or any doors other than those to hazardous areas.

(4) Tactile warnings at stairs. All stairs (except those in dwelling units, in enclosed stair towers, or set to the side of the path of travel) shall have a tactile warning at the top of stair runs.

(5) Tactile warnings at hazardous vehicular areas. If a walk crosses or adjoins a frequently used vehicular way, and if there are no curbs, railings, or other elements detectable by a person who has a severe visual impairment separating the pedestrian and vehicular areas, then the boundary between the areas shall be defined by a continuous thirty-six (36) inch wide tactile warning texture complying with subsection (2) of this section.

(6) Tactile warnings at reflecting pools. The edges of reflecting pools shall be protected by railings, walls, curbs, or tactile warnings complying with subsection (2) of this section.

(7) Standardization. Textured surfaces for tactile warnings shall be standard within a building, facility, site, or complex of buildings.

Section 30. Signage. (1) General. All signage that provides emergency information of general circulation directions or identifies rooms and spaces shall comply with this section.

(2) Character proportion and contrast. Letters and numbers on sign systems shall:

(a) Have a width-to-height ratio of between 3:5 and 1:1.

(b) Have a stroke width-to-height ratio of between 1:5 and 1:10.

(c) Contrast in value with their backgrounds, preferably light letters on a dark background.

(d) Have a matte finish on a matte finish background.

(3) Raised or incised characters. Provide numbers and letters that are:

(a) Raised or incised from the background surface one thirty-second (1/32) inch. Also incise or raise symbols and pictographs in this manner.

(b) Between five-eighths (5/8) inch and two (2) inches high.

(c) San serif with sharply defined edges.

(d) If incised, provided with at least one-fourth (1/4) inch stroke width.

(4) Mounting location and height. Signage shall be placed in a standardized location throughout a building or facility as follows:

(a) Interior signage shall be located on the door or alongside of the door on the latch side and shall be mounted at between four feet, six inches (4'6") and five feet, six inches (5'6") above finished floor.

(b) Exterior signage shall be installed at entrances and walks to direct individuals to accessible routes and entrances as required.

(c) Symbols of accessibility. If accessible facilities are identified, then the international sign of accessibility shall be used.

Section 31. Telephones. (1) General. If public telephones are provided, then they shall comply with this section.

(2) Clear floor or ground space. A clear floor or ground space at least thirty (30) inches by forty-eight (48) inches that allows either a forward or parallel approach by a person using a wheelchair shall be provided at telephones. The clear floor or ground space shall comply with Section 4(4). Bases, enclosures, and fixed seats shall not impede approaches to telephones by people who use wheelchairs.

(3) Mounting height. The highest operable part of the telephone shall be within reach ranges specified in Section 4(5) or (6). Telephones mounted diagonally shall have the highest operable part no higher than fifty-four (54) inches above the floor.

(4) Enclosures. If telephone enclosures are provided, they may overhang the clear floor space required in subsection (2) of this section within the following limits:

(a) Side reach possible: The overhang shall be no greater than nineteen (19) inches; the height of the lowest overhanging part shall be equal to or greater than twenty-seven (27) inches.

(b) Full-height enclosures: Entrances to full-height enclosures shall be thirty (30) inches clear minimum.

(c) Forward reach required: If the overhang is greater than twelve (12) inches, then the clear width of the enclosure shall be thirty (30) inches minimum, if the clear width of the enclosure is less than thirty (30) inches, then the height of the lowest overhanging part shall be equal to or greater than twenty-seven (27) inches.

(d) Where telephone enclosures protrude into walls, halls, corridors, or aisles, they shall also comply with Section 5(3).

(5) Equipment for hearing impaired people. Telephones shall be equipped with a receiver that generates a magnetic field in the area of the receiver cap. If banks of public telephones are provided, a minimum of five (5) percent, but always at least one (1), in a building or facility shall be equipped with a volume control.

(6) Controls. Telephones shall have pushbutton controls where service for such equipment is available.

(7) Telephone books. Telephone books, if provided, shall be located so that they can be used by a person in a wheelchair.

(8) Cord length. The cord from the telephone to the handset shall be at least twenty-nine (29) inches long.

Section 32. Seating, Tables, and Work Surfaces. (1) Minimum number. If fixed or built-in seating, tables, or work surfaces are provided in accessible spaces, the [a] minimum number of spaces for use by persons in wheelchairs shall be in accordance with Table II of Section 33 of this regulation. [of one (1) [five (5)] percent, but always at least one (1), of seating spaces, tables, or work surfaces shall comply with this section].

(2) Seating. If seating spaces for people in wheelchairs are provided at tables, counters, or work surfaces, clear floor space complying with Section 4(4) shall be provided. Such clear floor space shall not overlap knee space by more than nineteen (19) inches.

(3) Knee clearances. If seating for people in wheelchairs is provided at tables, counters, and work surfaces, knee spaces at least twenty-seven (27) inches high, thirty (30) inches wide, and nineteen (19) inches deep shall be provided.

(4) Height of work surfaces. The tops of tables and work surfaces shall be from twenty-eight (28) inches to thirty-four (34) inches from the floor to ground.

Section 33. Assembly Areas. (1) Minimum number. Assembly areas shall have designated spaces [a minimum of one (1) [five (5)] percent, but no less than two (2) spaces, [of locations]] for wheelchair use[rs] in each assembly area that complies with this section and the minimum number of wheelchair spaces shall be in accordance with Table II. Assembly areas with audio-amplification systems [should] shall have a listening system complying with subsections (6) and (7) of this section to assist persons [a minimum of one (1) [five (5)] percent of people, but no fewer than two (2),] with severe hearing loss in the appreciation of audio presentations.

TABLE II

50 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
Over 500	10 plus a reasonable number not to exceed 1% to be determined by Section 1(5).

(2) Size of wheelchair locations. Each wheelchair location shall provide minimum clear ground or floor space of sixty-six (66) inches wide by forty-eight (48) inches deep for forward or rear access and sixty-six (66) inches deep for side access and shall accommodate two (2) people in wheelchairs.

(3) Placement of wheelchair locations:

(a) Wheelchair areas shall be an integral part of any fixed seating plan and shall be dispersed throughout the seating area. They shall adjoin an accessible route that also serves as a means of egress in case of emergency and shall be located to provide lines of sight comparable to those for all viewing areas.

(b) Exception. In alteration work where it is structurally impossible to alter seating location to disperse seating throughout, seating may be located in collected areas, but must adjoin an accessible route.

(4) Surfaces. The ground or floor at wheelchair locations shall be level and shall comply with Section 5(2).

(5) Access to performing areas. An accessible route shall be provided to performing areas, including stages, arena floors, dressing rooms, locker rooms, and other spaces used by performers.

(6) Placement of listening systems. If the listening system provided serves individual fixed seats, then such seats shall be located within a fifty (50) foot viewing distance of the stage or playing area and shall have a complete view of the stage or playing area.

(7) Types of listening systems. Audio loops and radio frequency systems are two (2) acceptable types of listening systems. *The department will rely upon the advice of the Kentucky Commission for the Deaf and Hearing Impaired in its interpretations and enforcement relative to the requirements for access to the hearing impaired.*

(8) *The provisions of this section are intended to apply to performing arts and movie theaters as well as public meeting places, auditoriums and gymnasiums, among others.*

Section 34. Hotels and Motels. Minimum Requirements. In hotel and motel buildings, lodging houses, boarding houses, and dormitory buildings, providing sleeping accommodations for twenty (20) or more individuals, a minimum of five (5) percent of those accommodations shall be accessible to and shall comply with Section 3(1) and (2).

Section 35. Dwelling Units. Where multi-family housing projects are required to be accessible, a minimum of one (1) in twenty-five (25) dwelling units shall meet the requirements of this section.

(1) An accessible dwelling unit shall be on an accessible route. An accessible dwelling unit shall have the following accessible elements and spaces as a minimum:

(a) Common spaces and facilities serving individual accessible dwelling units (for example, entry walks, trash disposal facilities, and mail boxes) shall comply with Sections 3 through 33.

(b) Accessible spaces shall have maneuvering space complying with Section 4(2) and (3) and surfaces complying with Section 5(2).

(c) At least one (1) accessible route complying with Section 5(1) shall connect the accessible entrances with all accessible spaces and elements within the dwelling units.

(d) If parking spaces are assigned for use with individual dwelling units, then at least one (1) parking space per accessible dwelling unit shall comply with Section 6(3).

(e) If windows intended to be operated by occupants are provided, then they shall comply with Section 12.

(f) Doors to and in accessible spaces that are intended for passage shall comply with Section 13.

(g) All entrances to accessible dwelling units shall comply with Section 14.

(h) Storage in accessible spaces in dwelling units, including cabinets, shelves, closets, and drawers, shall comply with Section 25.

(i) All controls in accessible spaces shall comply with Section 27. Those portions of heating, ventilating, and air conditioning equipment requiring regular, periodic maintenance and adjustment by the resident of a dwelling shall be accessible to people in wheelchairs. If air distribu-

tion registers must be placed in or close to ceilings for proper air circulation, this specification shall not apply to registers.

(j) If emergency alarms are provided, alarm connections complying with Section 28(4), (5), and (6) shall be provided in the dwelling unit.

(k) If telephone connections are installed in the dwelling unit, a reasonable number, but always at least one (1), shall comply with Section 31(2) and (3).

(l) A reasonable number, but always at least one (1), of full bathrooms shall comply with subsection (4) of this section. A full bathroom shall include a water closet, a lavatory, and a bathtub or shower.

(m) The kitchen shall comply with subsection (5) of this section.

(n) If laundry facilities are provided, they shall comply with subsection (6) of this section.

(o) The following spaces shall be accessible and shall be on an accessible route:

1. The living area.

2. The dining area.

3. The sleeping area, or the bedroom in one (1) bedroom dwelling units, or at least two (2) bedrooms or sleeping spaces in dwelling units with two (2) or more bedrooms.

4. Patios, terraces, balconies, carports, and garages, if provided with the dwelling unit.

(2) Adaptability. The specifications of subsection (5) of this section are based on the concept of adaptability.

(3) Consumer information. To ensure that the existence of adaptable features will be known to the owner or occupant of a dwelling, consumer information shall be provided for each accessible dwelling unit for rent or sale.

(4) Bathrooms. Bathrooms shall be on an accessible route and shall comply with the requirements of this subsection.

(a) Minimum dimensions. Accessible bathrooms shall accommodate wheelchair turning space in accordance with Section 4(3). Door operation shall not interfere with maneuverability.

(b) Water closets:

1. Clear floor space at the water closet shall be as shown in Appendix A, Figure 9. The water closet may be located within the clear area at either the right or left side of the toilet.

2. The height of the water closet shall be at least seven-teen (17) to nineteen (19) inches measured to the top of the toilet seat.

3. Grab bars shall be installed as shown in Appendix A, Figure 10 and shall comply with Section 26.

4. The toilet paper dispenser shall be installed within reach as shown in Appendix A, Figure 10.

(c) Lavatory, mirrors, and medicine cabinets:

1. The lavatory and mirrors shall comply with Section 19.

2. If a medicine cabinet is provided above the lavatory, then the bottom of the medicine cabinet shall be located with a usable shelf no higher than forty-four (44) inches above the floor.

(d) Bathtubs. If a bathtub is provided, then it shall have the following features:

1. Floor space. Clear floor space at bathtubs shall be as shown in Appendix A, Figure 13.

2. Seat. An in-tub seat or a seat at the head end of the tub shall be provided as shown in Appendix A, Figures 13 and 14. The structural strength of seats and their attachments shall comply with Section 26(3). Seats shall be mounted securely and shall not slip during use.

3. Grab bars. Grab bars shall be installed as shown in Appendix A, Figure 14 and shall comply with Section 26.

4. Controls. Faucets and other controls shall be located as shown in Appendix A, Figure 14 and shall comply with Section 27(4). Single lever and mixing devices are acceptable designs.

5. Shower unit. A shower spray unit with a hose at least sixty (60) inches long that can be used as a fixed shower head at various heights or as a hand-held shower shall be provided.

(e) Showers. If a shower is provided, it shall have the following features:

1. Size and clearances. Shower stall size and clear floor space shall comply with Appendix A, Figure 15.

2. Seat. A seat shall be provided in the transfer shower stalls as shown in Appendix A, Figure 16. The seat shall be seventeen (17) inches to nineteen (19) inches high measured from the bathroom floor and shall extend the full depth of the stall. The seat shall be on the wall opposite the controls. The structural strength of seats and their attachments shall comply with Section 26(3). Seats shall be mounted securely and shall not slip during use.

3. Grab bars. Grab bars complying with Section 26 shall be provided as shown in Appendix A, Figure 17.

4. Controls. Faucets and other controls shall be located as shown in Appendix A, Figure 17 and shall comply with Section 27(4). In transfer shower stalls, all controls, faucets, and the shower unit shall be mounted on the side wall opposite the seat.

5. Shower unit. A shower spray unit with a hose at least sixty (60) inches long that can be used as a fixed shower head at various heights or as a hand-held shower shall be provided.

(f) Bathtub and shower enclosures. Enclosures for bathtubs or shower stalls shall not obstruct controls or transfer from wheelchairs onto shower or bathtub seats. Enclosures on bathtubs shall not have tracks mounted on their rims.

(g) Clear floor space. Clear floor space at fixtures may overlap.

(5) Kitchens. Kitchens and their components shall be on an accessible route and shall comply with the requirements of this subsection.

(a) Clearance. Clearances between all opposing base cabinets, counter tops, appliances or walls shall accommodate wheelchair turning space in accordance with Section 4(3).

(b) Clear floor space. A clear floor space at least thirty (30) inches by forty-eight (48) inches complying with Section 4(4) that allows either a forward or a parallel approach by a person in a wheelchair shall be provided at all appliances in the kitchen, including the range or cooktop, oven, refrigerator/freezer, dishwasher, and trash compactor. Laundry equipment located in the kitchen shall comply with subsection (6) of this section.

(c) Controls. All controls in kitchens shall comply with Section 27.

(d) Work surfaces. At least one (1) thirty (30) inch section of counter shall provide a work surface that complies with the following requirements:

1. The counter either shall be adjustable (or replaceable as a unit) to provide alternative heights of twenty-eight (28) inches to thirty-six (36) inches, or shall be fixed at thirty (30) inches measured from the floor to the top of the counter surface.

2. Base cabinets, if provided, shall be removable under the full thirty (30) inch minimum frontage of the counter.

The finished floor shall extend under the counter to the wall.

3. Counter thickness and supporting structure shall be two (2) inches maximum over the required clear area.

4. A clear floor space thirty (30) inches by forty-eight (48) inches shall allow a forward approach to the counter. Nineteen (19) inches maximum of the clear floor space may extend underneath the counter. The knee space shall have a minimum clear width of thirty (30) inches and a minimum clear depth of nineteen (19) inches.

5. There shall be no sharp or abrasive surfaces under such counters.

(e) Sink. The sink and surrounding counter shall comply with the following requirements:

1. The sink and surrounding counter either shall be adjustable (or replaceable as a unit) to provide alternative heights of twenty-eight (28) inches to thirty-six (36) inches, or shall be fixed at thirty (30) inches measured from the floor to the top of the counter surface or sink rim. The total width of sink and counter area shall be thirty (30) inches minimum.

2. Where the sink is adjustable, rough-in plumbing shall be located to accept connections of supply and drain pipes for sinks mounted at the height of twenty-eight (28) inches.

3. The depth of a sink bowl shall be no greater than six and one-half (6½) inches.

4. Faucets shall comply with Section 27(4). Lever-operated or push-type mechanisms are two (2) acceptable designs.

5. Base cabinets, where provided, shall be removable under the full thirty (30) inch minimum frontage of the sink and surrounding counter. The finished flooring shall extend under the counter to the wall.

6. Counter thickness and supporting structure shall be two (2) inches maximum over the required clear space.

7. A clear floor space thirty (30) inches by forty-eight (48) inches shall allow forward approach to the sink. Nineteen (19) inches maximum of the clear floor space may extend underneath the sink. The knee space shall have a minimum clear width of thirty (30) inches and a clear depth of nineteen (19) inches.

8. There shall be no sharp or abrasive surfaces under sinks. If hot water exceeds 120 degrees Fahrenheit, hot water and drain pipes under sinks shall be insulated or otherwise covered.

(f) Ranges and cooktops. Ranges and cooktops shall comply with subsection (5)(b) of this section and Section 27. If ovens or cooktops have knee spaces underneath, then they shall be insulated or otherwise protected on the exposed contact surfaces to prevent burns, abrasions, or electrical shock. The clear floor space may overlap the knee space, if provided, by nineteen (19) inches maximum. The location of controls for ranges and cooktops shall not require reaching across burners.

(g) Ovens. Ovens shall comply with subsection (5)(b) of this section and Section 27. Ovens shall be of the self-cleaning type or be located adjacent to a counter with knee space below. For side-opening ovens, the door latch side shall be next to the open counter space, and there shall be a pull-out shelf under the oven extending the full width of the oven and pulling out not less than ten (10) inches when fully extended. Ovens shall have controls on front panels; they may be located on either side of the door.

(h) Refrigerator/freezers. Refrigerator/freezer type shall comply with Section 27. Refrigerators shall be:

1. Of the vertical side-by-side refrigerator/freezer type; or

2. Of the over-and-under type and meet the following requirements:

a. Have at least fifty (50) percent of the freezer space below fifty-four (54) inches above the floor.

b. Have 100 percent of the refrigerator space and controls below fifty-four (54) inches. Freezers with less than 100 percent of the storage volume within the limits specified in subsections (5) or (6) of this section shall be the self-defrosting type.

(i) Dishwashers. Dishwashers shall comply with subsection (5)(b) of this section and Section 27. Dishwashers shall have all rack space accessible from the front of the machine for loading and unloading dishes.

(j) Kitchen storage. At least fifty (50) percent of kitchen storage areas shall comply with Section 25. Door pulls or handles for wall cabinets shall be mounted as close to the bottom of cabinet doors as possible. Door pulls or handles for base cabinets shall be mounted as close to the top of cabinet doors as possible.

(6) Laundry facilities. If laundry equipment is provided within individual accessible dwelling units, or if separate laundry facilities serve one (1) or more accessible dwelling

units, then they shall meet the requirements of this subsection.

(a) Location. Laundry facilities and laundry equipment shall be on an accessible route.

(b) Washing machines and clothes dryers. Washing machines and clothes dryers in common-use laundry rooms shall be front loading.

(c) Controls. Laundry equipment shall comply with Section 27.

[Section 36. The effective date of this regulation is July 15, 1982.]

COMPILER'S NOTE: Appendix A of this regulation appears in Volume IV of the Kentucky Administrative Regulations Service and is not being amended.

CHARLES A. COTTON, Commissioner

ADOPTED: April 14, 1983

APPROVED:

NEIL J. WELCH, Secretary

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

Proposed Amendments

FINANCE AND ADMINISTRATION CABINET Kentucky State Board of Medical Licensure (Proposed Amendment)

201 KAR 9:020. Licensing qualifications; approved schools.

RELATES TO: KRS 311.530 to 311.620, 311.990

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy and authorizes the board to establish requirements and standards relating thereto. The purpose of this regulation is to assure uniformity of requirements to all applicants for regular licenses to practice medicine or osteopathy in Kentucky.

Section 1. Qualifications for Regular Medical and Osteopathic Licenses. No person shall be entitled to a regular license unless he meets all requirements specified in KRS 311.570(1) and has successfully passed a written examination prescribed by the board; provided, however, that regular licenses may be issued by [reciprocity for] endorsement as otherwise provided by regulation of the board without written examination. Provided, further, that graduates of medical schools situated outside the United States or Canada shall have successfully completed at least one (1) year of internship or postgraduate training in a hospital or institution located in the United States or Canada and approved by the board. *The one (1) year of internship or postgraduate training must be in a program consisting, at a minimum, of clinical experience in the areas of internal medicine, family practice, obstetrics/gynecology and emergency medicine or in a similar program approved by the board.* In addition, all

foreign medical graduates *must be fully certified by the Educational Commission for Foreign Medical Graduates (ECFMG) or by a recognized medical or osteopathic specialty board [whose native language is not English shall have successfully passed a written examination to the satisfaction of the board].*

Section 2. Medical and Osteopathic Schools in the United States and Canada Approved by the Board. (1) All medical schools, colleges [,] and universities located in the United States approved by the *Liaison Committee on Medical Education (LCME)* [Council on Medical Education of the American Medical Association] are approved by the board [,] in connection with the issuance of regular licenses to practice medicine in Kentucky.

(2) All medical schools, colleges [,] and universities located in Canada and approved by the Canadian Medical Association are approved by the board [,] in connection with the issuance of regular licenses to practice medicine in Kentucky.

(3) All osteopathic schools and colleges located in the United States and approved by the American Osteopathic Association are approved by the board in connection with the issuance of osteopathic licenses in Kentucky.

Section 3. Medical Schools Outside the United States or Canada. Unless otherwise provided by regulation, all graduates of medical or osteopathic schools located outside the United States shall be eligible for licensure only upon a finding of the board that the medical or osteopathic school which they attended possesses standards and educational requirements at least equal to the minimum required for approval of medical and osteopathic schools located within the United States by their respective accrediting bodies. The board shall maintain a list of medical and osteopathic schools located outside the United States which the board has found to meet this criteria. In the

event an applicant's school does not appear on this list, the applicant or his agent shall be given the opportunity to document to the board's satisfaction that his school meets the criteria set forth.

Section 4. [3.] Medical and Osteopathic Programs Approved for Internship and Postgraduate Training. (1) All internship and postgraduate programs in hospitals and institutions located in the United States approved by the *Accreditation Council for Graduate Medical Education (ACGME)* [Council on Medical Education of the American Medical Association] are approved by the board in connection with the issuance of a regular license to practice medicine in Kentucky.

(2) All internships and postgraduate programs in hospitals and institutions located in Canada and approved by the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada are approved by the board in connection with the issuance of a regular license to practice medicine in Kentucky.

(3) All internships and postgraduate programs in hospitals and institutions located in the United States and Canada and approved by the American Osteopathic Association are hereby approved by the board in connection with the issuance of a license to practice osteopathy in Kentucky.

(4) The equivalency of all other programs in hospitals and institutions may be considered for approval by the board in connection with the issuance of a regular license on an individual basis.

(5) *Nothing in this section shall be construed to limit the requirements for licensure established for graduates of medical schools situated outside the United States or Canada established in Section 1 of this regulation.*

Section 5. [4.] Personal Interview. If the board so directs, an applicant shall personally appear before the secretary or assistant secretary of the board, or some person designated by the secretary or assistant secretary, for a personal interview to establish his identity and qualifications.

Section 6. [5.] Endorsement. "Endorsement" means a written and signed certification by the duly authorized officer or representative of the official statutory medical or osteopathic examining board of some other state of the United States, or by the National Board of Medical Examiners, or by the National Board of Examiners for Osteopathic Physicians and Surgeons, or any approved successors thereof, *or by any analogous provincial examining board or national organization located in Canada*, that a certain person is a licentiate, in good standing, of [or] said board, and that the person was required to and did, as a condition precedent to such licensure, satisfactorily pass a comprehensive written examination conducted by said board. Endorsement may be accepted by the board in lieu of further written examination in Kentucky [without regard to the existence or non-existence of a reciprocal agreement], but shall not be in lieu of standards and qualifications prescribed by KRS 311.570(1) and the regulations of the board. The secretary or assistant secretary of the board shall prepare, or cause to be prepared, all forms desirable and appropriate for licensure by endorsement, including applications, questionnaires, certificates, and licenses. The secretary or assistant secretary is authorized to require the submission of photographs, fingerprints, personal history data, and

grades of his licensure examining board in connection therewith.

C. WILLIAM SCHMIDT, Assistant Secretary
ADOPTED: March 24, 1983

RECEIVED BY LRC: April 14, 1983 at 4 p.m.

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

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

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

RELATES TO: KRS 150.010, 150.025, 150.170, 150.175, 150.176, 150.330, 150.340, 150.360, 150.370

PURSUANT TO: KRS 13.082

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

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

Section 2. The following wildlife management areas are closed to all hunting at all times except for deer and turkey hunting as authorized by *other applicable regulations* [regulation 301 KAR 2:115].

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

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

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

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

[(5) Dewey Lake Wildlife Management Area located in Floyd County.]

Section 3. Exceptions to Statewide Small Game Hunting Regulations for Wildlife Management Areas and Refuges:

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

(a) Quail: Third Thursday in November through February 12 [28] on Tracts 2, 3, 6 and 7.

(b) Rabbit: Third Thursday in November through February 12 [the last day in February] on Tracts 2, 3, 6 and 7. December 17 through 31 on Tract 5, January 1 through 10 on Tract 1, and January 11 through 21 on Tract 4.

[December 12 through the last day in February on Tracts 1, 2, 3, 4, 5, 6 and 7.]

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

(d) Raccoon and opossum: During the regular statewide season with gun or dog on Tracts 1, 2, 3, 4, 5 and 6 and shake-out on Tracts 1 through 6. Night training is permitted on all tracts September 1 through October 21 only.

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

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

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

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

(i) *Tract 6 is closed to vehicular traffic March 1 through April 16.*

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

(a) Squirrel (gray and fox): Third Saturday in August through October 1; December 1 through January 31 and October 5 [6] through November 6 [7] only by legally licensed and equipped deer archery hunters.

(b) Quail: December 1 through February.

(c) Rabbit: December 1 through February.

(d) Raccoon and opossum: [Mondays,] Tuesdays, Fridays and Saturdays during the period December 1 through January. Daily bag limit *one (1) [two (2)]* per person per night [, with no more than three (3) per party or two (2) or more hunters].

(e) Raccoon field trials: September 1 through October [31] and December 1 through March [31]. Scheduled basis only. Written requests must be received by Land Between the Lakes at least ten (10) days prior to the proposed hunt date. Approval must be given by Land Between the Lakes and the Department of Fish and Wildlife Resources District Supervisor. Field trials must be recognized club hunts and each participant must be on a club roster for that hunt [and must have a valid score card in his or her possession].

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

(g) Gray fox and coyote taking: Daylight hours only; Gun and archery on December 1 through February. October 5 [6] through November 6 [7] only by legally licensed and equipped deer archery hunters. Any hand, mouth, mechanical or electronic recording and amplifying devices are legal to use in calling gray fox and coyote.

(h) Woodchuck: Hunting during daylight hours only. March 14 [16] through March 31 [and June 1 through June 15]. October 5 [6] through November 6 [7] and December 10 [11] through December 31 only by legally licensed and equipped deer archery hunters. No hunting in the Environmental Education Center Area including a one-quarter (¼) mile safety zone around the outside boundary. No hunting within one-quarter (¼) mile of The Trace, U.S. Highway 68, Energy Lake Road and Shaw Branch Road. All woodchucks harvested must be removed from

the area. Legal weapons include center-fire rifles .17 caliber or larger, .22 caliber rimfire magnum rifles, muzzle-loading rifles, and longbows and compound bows according to state regulations. All other weapons are prohibited. Bow hunting only allowed in Hunt Area 8 and in that portion of Hunt Area 9 designated as the ORV Area.

(i) Bird dog and beagle hound training season: During the entire month of October in *hunt Area 8* [on Turkey Creek portion of the ORV Area] only. A permit is required from Land Between the Lakes.

(j) *All dogs, while hunting, must wear a collar bearing the owner's name, address, and telephone number. Dogs may not be used for hunting October 5 through November 6, except in authorized field trials.* [For Land Between the Lakes hunting rules refer to regulation 301 KAR 2:050.]

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

1. *Only those persons who are selected by a drawing are permitted to trap furbearers on Land Between the Lakes.*

2. *Authorized trappers may trap in assigned areas only and must report their harvest in accordance with Land Between the Lakes instructions.*

3. *Trapping season: December 1 through January 31 for all furbearers, except that raccoons may only be taken December 1 through 31.*

4. *Trapping devices: Land sets are restricted to No. 3 or smaller smooth-jawed offset leghold traps, No. 220 or smaller conibear-type traps, or live traps. Water sets are restricted to No. 3 or smaller smooth-jawed offset leghold traps and No. 330 or smaller conibear-type traps.*

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

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

(a) Squirrel (gray and fox): August 27 [28] through October 15 only in areas designated by signs as open to public hunting.

(b) Raccoon: September 28 [22] through [September 25 and September 29 through] October 1 and October 5 through 8 [2] on the Long Point refuge unit, with hunting allowed only during the hours of 7:30 p.m. to 12:00 midnight. No bag or possession limits.

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

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

(e) Dogs are permitted only for raccoon hunting.

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

(g) *No other hunting is permitted.*

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

(a) Squirrel (gray and fox): Third Saturday in August through October 14 on the whole management area except for designated areas that will be closed.

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

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

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

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

(c) *Trapping, with the authorization of the area manager, is permitted.*

(d) *Dog training and scheduled field trials are permitted.*

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

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

(8) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties. There will be no hunting on Mondays or Tuesdays except when Monday or Tuesday is a federal holiday or as follows: November 28-29 [29-30], December 19-20 [20-21], and 27 [-28], then hunting will be permitted. There will no hunting on December 24 and 25 and January 1 and 2.

(a) Seasons, bag and possession limits:

1. Squirrel (gray and fox): August 17 [15] through September 18 [19], November 24 [25] through December 2 [3], December 3 [4] through December 31 on selected areas; and January 4 [2] through January 29 [30].

2. Quail: November 24 [25] through December 2 [3], December 3 [4] through December 31 on selected areas; January 4 [2] through February 29 [27].

3. Rabbit: November 24 [25] through December 2 [3], December 3 [4] through December 31 on selected areas; January 4 [2] through February 29 [27]; bag limit five (5); possession limit ten (10).

4. Raccoon and opossum: Taking with gun and/or dogs, November 24 [25] through December 2 [3], December 3 [4] through December 31 on selected areas. January 4 [2] through January 29 [30]; possession limit one (1) per person.

5. Gray fox, coyote, and woodchuck: *May 4 through August 14 and during any other authorized hunt [September 1 through September 19. January 2 through February 27].*

6. Red fox: November 24 [25] through December 2 [3], December 3 [4] through December 31 on selected areas. January 4 [2] through January 29 [30].

7. Bobcat: The season is closed on bobcat.

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

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

(9) Clay Wildlife Management Area located in Nicholas County is closed to the training of all dogs *March 1 through August 1 [during the period October 1 through November 15].*

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

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

(a) *Squirrel (gray and fox), grouse, quail, raccoon, and rabbit hunting and trapping for furbearers are permitted December 5 through 18.*

[(a) Squirrel (gray and fox): December 18 through December 31.]

[(b) Grouse and quail: December 18 through December 31.]

[(c) Raccoon: December 18 through December 31.]

[(d) Rabbits: December 18 through December 31.]

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

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

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

(a) *Squirrel (gray and fox), grouse, quail, raccoon, and rabbit hunting and trapping for furbearers are permitted December 5 through 18.*

[(a) Squirrel (gray and fox): December 18 through December 31.]

[(b) Grouse and quail: December 18 through December 31.]

[(c) Raccoon: December 18 through 31.]

[(d) Rabbits: December 18 through 31.]

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

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

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

(a) *Squirrel (gray and fox), grouse, quail, raccoon, and rabbit hunting and trapping for furbearers are permitted December 5 through 18.*

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

(c) *This area is closed to all other hunting except deer and turkey as authorized by other applicable regulations.*

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

(a) *Squirrel (gray and fox), grouse, quail, raccoon, and rabbit hunting and trapping for furbearers are permitted the third Thursday in November through December 5.*

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

(c) *This area is closed to all other hunting except deer and turkey as authorized by other applicable regulations.*

CARL E. KAYS, Commissioner

ADOPTED: February 28, 1983

APPROVED: W. BRUCE LUNSFORD, Secretary

RECEIVED BY LRC: April 14, 1983 at 2:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

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

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

RELATES TO: KRS 150.010, 150.025, 150.170, 150.175, 150.305, 150.330, 150.340, 150.360, 150.370, 150.390

PURSUANT TO: KRS 13.082

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

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

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

(a) Deer archery hunts (either sex): White-tailed [or fallow] deer *only*. October 5 [6] through November 6 [7.] and December 10 [11] through December 31.

(b) Quota deer hunts:

1. Quota gun hunts: White-tailed or fallow deer as *specified on permit*. Antlered, [deer only. Some areas] antlerless, [only] or any deer as specified on permit. November 10, 16-17, 22-23, and 26-27 [16, 18-19, 23-24 and 27-28].

2. Quota archery hunts: Only antlerless white-tailed or fallow deer unless otherwise specified on the permit, in that portion of the Environmental Education Center designated as hunt area 17. November 10, 12-13, 16-17, and 22-23 [13-14, 16, 18-19, 23-24, and 27-28].

(c) Turkey archery hunts: Gobblers only with visible beards. Statewide [1982] season limits only. October 5 [6] through November 6 [7] and December 10 [11] through December 31. Hunter must have a valid wild turkey permit in possession when a turkey is taken. Turkey hunting will not be allowed after a hunter has harvested a deer.

(d) Quota deer gun hunt for youths only: One (1) white-tailed [or fallow] deer of either sex on November 12-13 [13-14]. Hunting is restricted to persons at least ten (10) years of age but who have not reached their sixteenth (16th) birthday. Each youth must be accompanied by an adult and must have a valid Kentucky hunting license, a state deer permit, a Land Between the Lakes Youth Hunt Permit and a state approved Hunter Safety Certificate.

(e) Bag limits: The deer bag limit for the Kentucky portion of Land Between the Lakes is two (2) deer; provided only one (1) deer of either sex is taken during the Land Between the Lakes deer archery season October 5 [6] through November 6 [7] and December 10 [11] through December 31, and one (1) deer is taken during any quota gun or quota archery hunts at Land Between the Lakes. Persons who have taken their first deer elsewhere in Kentucky, including other designated special deer areas, may take a second deer at Land Between the Lakes by means of any type of legal weapon permitted on this area. Persons who take their first deer at Land Between the Lakes are eligible to take their second deer elsewhere in Kentucky including other

designated special deer areas by means of any legal deer hunting weapon. Under no circumstances may an individual hunter take more than two (2) deer anywhere in the state.

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

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

(h) Checking in and out:

1. Quota gun hunters. All gun hunters, including those camping in Land Between the Lakes, must check in *prior to hunting*, but will not be required to check out unless a deer is harvested. Hunters must check in between 9:00 a.m. and 5:00 p.m. the day before the hunt, or after 4:00 a.m. on hunt days. Check stations will be open from 4:00 a.m. to 6:30 p.m. (CST) on hunt days.

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

(i) Permits and tagging requirements:

1. Permits. A Land Between the Lakes hunting permit is required for each hunter participating in the deer and turkey archery season and an L.B.L. computer card permit is required for each hunter participating in the quota [deer] gun or quota archery deer hunts.

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

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

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

(2) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties. There will be no hunting on Mondays and Tuesdays except when Monday or Tuesday is a federal holiday or as follows: November 28-29 [29-30], December 19-20 [20-21], and December 27 [-28], then hunting will be permitted. There will be no hunting on December 24 and 25 and January 1 and 2.

(a) Deer archery and muzzle-loading rifles (either sex): September 24 [25] through October 7 [3].

(b) Deer gun and archery (either sex): October 8 [9] through November 20 [21.] and December 3 [4] through December 31 on selected areas.

(c) Bag limits: The bag limit for Kentucky license holders hunting on Fort Campbell will be two (2) deer of

either sex taken by either gun or bow. Prior to November 20 [21], once a hunter has taken his first deer on Fort Campbell, he is not eligible for weekend drawings (i.e., he can only hunt on Wednesdays through Fridays or on weekend standby) until the reopening of deer hunting on December 3 [4]. At that time if he has not harvested his limit he is eligible for the weekend drawing until he has taken his limit. Persons who have taken their first deer elsewhere in Kentucky, including other designated special deer areas, may take a second deer at Fort Campbell by means of any type of legal weapon permitted on this area. Persons who take their first deer at Fort Campbell are eligible to take their second deer elsewhere in Kentucky including other designated special deer areas by means of any legal deer hunting weapon. Each deer taken must be tagged with a valid Kentucky first or second deer tag. Under no circumstances may an individual hunter take more than two (2) deer anywhere in the state.

(d) Permits and tagging requirements:

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

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

(e) Prohibited and permitted weapons: Handguns and crossbows are prohibited. Center-fire rifles of .240 caliber or larger will be permitted only in areas west of Palmyra Road. Hunting arrows must be not less than twenty-four (24) inches in length, equipped with broadhead barless blades not less than seven-eighths (7/8) inch nor more than two (2) inches wide for single two (2) edged blades, or not more than three and one-half (3½) inches in circumference for three (3) or more blades. The minimum weight for all broadheads is 100 grains. Explosive heads are prohibited on arrows.

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

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

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

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

(a) Deer archery hunt (either sex): October 1 [2] through October 30 [31].

(b) Deer gun hunt (either sex): November 26-27 [27-28], December 10-11 [4-5] and December 17-18 [18-19].

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

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

1. Archery hunts: Civilians not working on post must apply for weekend archery hunts by mail. No more than five (5) hunters may apply on any one (1) application. Applications must not be postmarked earlier than July 16 [19] or later than July 31 to be considered for the drawing for weekend archery hunts. Applicants drawn will be assigned two (2) weekends of archery hunting. Applications must include type of hunt (archery), name and address of each hunter, a *self-addressed stamped envelope* and a fifteen dollar (\$15) money order, certified check or cashier's check for each hunter, made payable to Treasurer of the United States. Mail applications to Morale Support Activities, Hunt Control Office, Fort Knox, Kentucky 40121. Week-day archery hunting will be on a first come, first served basis. Sign-up for weekday hunts must be made forty-eight (48) hours in advance at Hunt Control Headquarters Building 1060.

2. Gun hunts: Civilians not working on post must apply for a two (2) day gun hunt by mail. No more than five (5) hunters may apply on any one (1) application. Applications must not be postmarked earlier than August 13 [16] or later than August 28 [31] to be considered for a random drawing. Hunters will be assigned one (1), two (2) day hunting period. Applications must contain the type of hunt (gun), names and addresses of each hunter, a *self-addressed stamped envelope* and a fifteen dollar (\$15) money order, certified check or cashier's check for each hunter, made payable to Treasurer of the United States. Mail applications to Morale Support Activities, Hunt Control Office, Fort Knox, Kentucky 40121.

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

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

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

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

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

(a) Deer archery hunts [(either sex)]: *During the month of October with specific dates designated by the Activity Commander and subsequently announced through the news media* [October 9, 16 and 23].

(b) Deer gun hunts [(either sex)]: *During the month of November with specific dates designated by the Activity Commander and subsequently announced through the news media* [November 13, 20, and 27].

(c) Bag limits: The post bag limit is one (1) deer of the sex announced on the day of the hunt [(either sex)]. Persons who have taken their first deer elsewhere in Kentucky, including other designated special areas, may take their second deer on Blue Grass Ordnance Depot by any legal weapon permitted on this area. Persons who take their first deer on Blue Grass Ordnance Depot are eligible to take

their second deer elsewhere in Kentucky, including other designated special deer areas by means of any legal deer hunting weapon. Under no circumstances may an individual hunter take more than two (2) deer anywhere in the state.

(d) Applications: *Hunters may submit applications for the archery hunts or the gun hunts, but not for both.* [Separate applications are required for archery and gun hunts.] Applications for the drawings must be made on a postcard with only one (1) hunter allowed per card. More than one (1) postcard per individual will disqualify the applicant. When a husband *and* [or] wife or *adult* [father (or other adult)] and juvenile desire to hunt together, the required information may be written on individual three (3) inch by five (5) inch cards, stapled together, and mailed in one (1) envelope. Each applicant must furnish name and address (including zip code), telephone number and specify whether gun or archery hunting is desired. *Hunters, their hunting dates and areas will be selected by a drawing.* [Hunting dates and areas will be decided by a drawing.] All cards or envelopes must be postmarked no earlier than August 10 or later than September 11 [10] to be eligible for the drawing. A fifteen dollar (\$15) per person fee will be charged for hunting payable on the assigned hunting date. Mail all applications to: *Commander, Lexington-Blue Grass Depot Activity, Attention: Chairman, Wildlife Management Subcommittee, [Deer Hunt, Building S-14, Lexington Blue Grass Depot Activity,] Lexington, Kentucky 40511.*

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

(f) Prohibited and permitted weapons: Only breech-loading shotguns of ten (10) gauge maximum and twenty (20) gauge minimum firing a single projectile are permitted. *Only longbows and compound bows having a pull weight of forty (40) pounds or greater are permitted.* Crossbows are prohibited.

(g) Harvest quota: Hunting will be discontinued whenever the designated deer harvest quota is reached or *upon the direction of the Activity Commander.*

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

CARL E. KAYS, Commissioner

ADOPTED: February 27, 1983

APPROVED: W. BRUCE LUNSFORD, Secretary

RECEIVED BY LRC: April 14, 1983 at 2:15 p.m.

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

DEPARTMENT OF VEHICLE REGULATION Division of Mass Transportation (Proposed Amendment)

602 KAR 15:010. Airport development loans.

RELATES TO: KRS 183.200 to 183.213

PURSUANT TO: KRS 13.082, 183.024, 183.213

NECESSITY AND FUNCTION: KRS 183.213 provides that the department shall promulgate regulations governing airport loans made under KRS 183.200 to 183.213 and this regulation is promulgated in compliance with said statute.

Section 1. Definition. "Airport development loan" means a loan authorized by KRS 183.200 to 183.213 and regulations promulgated thereunder.

Section 2. An airport board that seeks an airport development loan shall file an original and two (2) copies of an application with the Director, *Division of Mass Transportation, Frankfort, Kentucky 40622* [Division of Aeronautics and Airport Zoning, Frankfort, Kentucky 40601].

Section 3. Content of Application. The following information and exhibits shall be included in the application.

(1) Name and address of the airport board.

(2) The amount of airport development loan requested from the department.

(3) The description of the proposed airport project by attaching an exhibit showing an engineer's plat of the site boundaries with the planned location or improvement of airstrips, facilities, servicing utilities, access roads and total acreage indicated thereon.

(4) An exhibit showing the ownership and encumbrances on the land described in subsection (3) of this section.

(5) An exhibit stating the itemized detail cost or estimated cost of the land and all proposed improvements, the engineering and legal expenses, and any other expenses necessary to the determination of the cost of the airport project.

(6) An exhibit that states the method and amount of financing for the proposed project including federal, state and local participants with the percentage of the total project cost contributed by each. This exhibit shall show evidence of the availability of funds from each source; the proposed terms of an airport development loan and schedule of repayment; the percentage of the total project cost to be covered by an airport development loan; and evidence that funds are not available in the amount necessary to establish the project without an airport development loan.

(7) An exhibit with documentation of the financial standing of the airport board in the form of a current financial statement containing a full disclosure of all assets, liabilities, and income.

(8) A statement when the proceeds of the loan will be needed and a proposed schedule for site acquisition or development.

(9) *An exhibit containing letter(s) from the appointing authority or authorities attesting that said authority or authorities accept full responsibility for repayment of the loan principal, interest, and any late payment penalties in the event of default on the loan by the airport board.*

Section 4. The rate of interest to be charged on an air-

port development loan shall be equal to the current applicable tax interest rate less three (3) full percentage points. The current applicable tax interest rate shall be the interest rate determined in KRS 131.183, and reported on November 15 of any year by the Commissioner, Department of Revenue, Commonwealth of Kentucky, to become effective on January 1 of the immediately succeeding year [eight (8) percent per annum on all loans made pursuant to application on file at the effective date of this amendment and thereafter].

Section 5. Determination Standards. Standards for determining the soundness and feasibility of projects shall be as follows:

- (1) Whether funds for the project can be obtained from federal, local or other sources, or
- (2) Whether the proceeds for the loan are to be expended for initial construction of an airport facility or the improvement of the safety or adequacy of an existing airport facility, or
- (3) Whether the airport development project will generate adequate revenue to repay the loan, or
- (4) Whether the airport master plan demonstrates that such facilities are needed to enable the airport to give better service to the aircraft operators anticipated to use the airport facility.

Section 6. Terms of Loan. The airport development loan agreement entered into between the airport board and the department shall have the following terms in addition to those stated in KRS 183.210.

- (1) That the principal amount loaned shall be repaid to the department in annual installments plus accrued interest or as otherwise provided in the agreement.
- (2) That the first installment payment shall be due within one (1) year after the proceeds of the loan are paid to the airport board.
- (3) That the airport board may repay any or all of the unpaid balance without penalty provided that the interest shall be computed to the date said advance repayment is made.
- (4) That all payments on principal and interest shall be made to the office of the Director, *Division of Mass Transportation* [Division of Aeronautics and Airport Zoning], or as otherwise provided in the agreement.
- (5) That the loan shall be used by the airport board for the purpose stated in the application and for no other purpose.
- (6) That for value received and for the purpose of affording credit to the airport board, the appointing authority or authorities jointly and severally absolutely and unconditionally guarantee the payment at maturity of all obligations under the loan agreement.
- (7) [(6)] The agreement may contain any other terms agreed upon by the airport board and the department.

TIMOTHY D. HELSON, Commissioner

ADOPTED: March 4, 1983

APPROVED: JAMES F. RUNKE, Secretary

RECEIVED BY LRC: March 30, 1983 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Stephen Reeder, Deputy Secretary for Legal Affairs, 1008 State Office Building, Frankfort, Kentucky 40622.

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

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

RELATES TO: KRS 304.12-030

PURSUANT TO: KRS 13.082, 304.2-110

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 proposed 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) 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 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 *the proposed life insurance will replace* [he has] existing life insurance.

(2) Where replacement is involved, the replacing agent shall 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) 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) Leave with the applicant the original or a copy of all solicitation material used for presentation to the applicant.

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;

(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 existing life insurance; and

(3) Where replacement is involved 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.

(4) Where replacement is involved:

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

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

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

(e) 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 or not the proposed life insurance will replace [such applicant has] existing life insurance.

(3) Request from the applicant, where replacement [existing insurance] exists, with or as part of the application, a list of all existing life insurance that is being replaced identified by name of insurer and amount of coverage.

(4) Where replacement exists, provide [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) Where replacement exists, 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.

DANIEL D. BRISCOE, Commissioner

ADOPTED: April 11, 1983

APPROVED: NEIL J. WELCH, Secretary

RECEIVED BY LRC: April 14, 1983 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

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

815 KAR 20:070. Plumbing fixtures.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.130

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the kind, type and quality of plumbing fixtures that are to be used in the construction of plumbing systems.

Section 1. Materials. All receptacles used as water closets, urinals, or otherwise for the disposal of human excreta, shall be of vitrified earthenware, hard natural stone, or cast-iron with a light color porcelain enameled on the inside, except as indicated in Section 4.

Section 2. Installation. All plumbing fixtures shall be installed free and open in a manner to afford access for cleaning. Where practical, all pipes from fixtures shall be run to the wall and no trap or pipe shall extend nearer to the floor than twelve (12) inches except laundry trays or similar fixtures.

Section 3. Water Closet Bowls. Water closet bowls shall be made of one (1) piece and of such form as to hold a sufficient quantity of water when filled to the trap overflow to prevent fouling of its interior surfaces, and it shall be provided with an integral flushing rim so constructed as to flush the entire interior of the bowl.

Section 4. Plastic Water Closet Bowl and Tank. Plastic water closet bowl and tank shall be made with a

polypropylene lining inside the one (1) piece bowl and tank. The outer surface of the bowl shall be constructed of PVC material and the filler material between the two (2) surfaces shall be made of polyurethane foam. The bowl shall have a three (3) inch water seal and shall have a two and one-eighth (2 1/8) inch waste opening passage.

Section 5. Frost-Proof Closet. A frost-proof water closet may be installed only in a building that has at least a twelve (12) inch air break between it and any building used for habitation or occupancy. The room shall be tightly enclosed and accessible from the outside only. The soil pipe between the trap and hopper shall be of extra heavy cast-iron, four (4) inches in diameter and shall be light colored porcelain enamel on the inside. The building must have a non-absorbent floor. Each frost-proof water closet shall have a four (4) inch vent.

Section 6. (1) Floor drains and shower drains. A floor drain or a shower drain is considered a plumbing fixture and shall be provided with a strainer.

(2) Shower drain pan construction. Shower drain pans shall be constructed of sheet lead weighing not less than four (4) pounds per square foot, non-plasticized chlorinated polyethylene conforming to ASTM D-412-66, D-1204-54 and D-568-61 not less than 0.040 inches or other approved material. Shower pans shall be constructed without seams and shall extend to a minimum height of six (6) inches on all vertical walls. Shower pans shall not be required on a concrete floor below the outside grade level.

(3) Fiberglass bathtubs, showers, tub enclosures and shower stalls. Fiberglass bathtubs and tub enclosures shall conform to Commercial Standards CS 221-59. Acrylic-faced bathtubs shall conform to ASTM E-84B or E-162. Fiberglass shower stalls and shower receptors shall conform to Commercial Standards CS 222-59.

(4) Metamorphosed carbonate aggregate polyester resinous matrix-marbleoid bathtubs, lavatories and shower stalls. Metamorphosed carbonate aggregate polyester resinous matrix-marbleoid bathtubs, lavatories and shower stalls shall conform to ANSI Z-124-3.

Section 7. Floor Drains, Shower Drains or Urinal Drains in Inaccessible Places. Floor drains, shower drains or urinal drains shall have a cast-iron P trap when installed under concrete floors or in inaccessible places. They shall be either caulk or screw type.

Section 8. Fixture Strainers. All fixtures other than water closets and pedestal urinals shall be provided with a fixed strong, metallic or porcelain strainer. The total outlet area shall not be less than that of the interior area of the trap.

Section 9. Fixture Overflow. The overflow pipe from a fixture shall be *optional, but if used, shall be* connected to the inlet side of a trap and be so arranged that it may be readily and effectively cleaned.

Section 10. Ventilation of Rooms Containing Fixtures. Plumbing fixtures, except bedroom lavatories, shall not be located in any room which does not contain a window placed in an external wall or is not otherwise provided with adequate ventilation. The minimum size of the external fresh air inlet shall be two and one-fourth (2 1/4) square feet of opening. Where forced ventilation is used, the minimum change of air shall be six (6) times per hour and the vent

must be extended to the outside of the building or a ductless fan may be used, provided:

(1) The unit bears the label of the Underwriter's Laboratories, Inc.;

(2) The unit is installed so as to operate at all times when the lighting circuit is activated;

(3) The unit be installed in either the wall or ceiling;

(4) The unit is installed in accordance with the manufacturer's recommendations;

(5) The manufacturer make available cartridges that will be replaced on a six (6) month basis; and

(6) A unit be provided for each 800 cubic feet of room volume.

Section 11. Fixture Additions. Any fixture or fixtures added to a plumbing system shall be installed to comply with the other sections of this code, and the discharge from the additional fixture or fixtures shall enter the soil pipe below the lowest vented opening.

Section 12. Defective Fixtures. All newly installed fixtures found defective or old fixtures found to be in an unsanitary condition, shall be repaired, replaced, or removed within thirty (30) days upon written notice from the department.

Section 13. Water Heaters. Water heaters shall be properly connected to the hot and cold water supply and shall be connected to an adequate size flue or chimney, but in no case shall this be connected to a flue serving a coal burning apparatus. The flue or chimney shall extend two (2) feet above the roof and be properly flashed and shall not terminate within six (6) feet of a door or window. No fuel fired water heater shall be placed in any bathroom, toilet room or a room used for sleeping. If a water heater is placed in a closed room or closet the door must be a louver door or provided with proper ventilation to provide combustion air and circulation. (See 815 KAR 20:120, Section 11.)

CHARLES A. COTTON, Commissioner

ADOPTED: April 15, 1983

APPROVED: NEIL J. WELCH, Secretary

RECEIVED BY LRC: April 15, 1983 at 3:30 p.m.

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

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

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

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.130

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

Section 1. Grades and Supports of Horizontal Piping. All horizontal pipings shall be run in practical alignment and at a uniform grade of not less than one-eighth (1/8) inch per foot, and shall be supported or anchored in accordance with the manufacturer's recommendations but in no instance to exceed ten (10) feet in length. All stacks shall be supported at their bases and all pipes shall be rigidly secured. No-hub pipe and fittings shall be supported at each joint of pipe and fittings. Polyvinyl chloride and acrylonitrile-butadiene-styrene schedule forty (40) horizontal piping shall be supported at intervals not to exceed five (5) feet and at the base of all vertical stacks and at all trap branches as close to the trap as possible. Polyethylene pipe and fittings must be continuously supported with a V channel. Stacks must be rigidly supported at their bases and at each floor level.

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

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

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

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

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

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

Pipe Size (In Inches)	Maximum Developed Length	Fixture Units
1¼	25 ft.	1
1½	30 ft.	2
2	50 ft.	6
2½	100 ft.	12
3	225 ft.	30
4		96
5		180
6		420
8		1200
10		2400
12		4200

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

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

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

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

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

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

Section 12. House Drain. When a three (3) inch house drain enters a building it shall be provided with a three (3) inch stack. One (1) floor drain may be added to the house drain with a three (3) inch trap provided that it conforms with the requirements of Sections 26 and 30 of this regulation, without counting toward the fixture units of the system. Eight and one-half (8½) fixture units may be added to the three (3) inch house drain if an additional two (2) inch stack is provided, the fixtures are vented in accordance with Section 23 of this code, the center of the last

fixture opening does not exceed ten (10) feet (horizontal measures) from the center line of the house drain and these fixtures are installed on a lower level than the other fixtures in the system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 24. Branch and Individual Vents. In no instance

shall a branch or individual vent be less than one and one-fourth (1¼) inches in diameter and shall not exceed the maximum length permitted for a main vent.

Section 25. Vent Pipes Grades and Connections. All vent and branch vent pipes shall be free from drops or sags and be so graded and connected as to drip back to the soil or waste pipe by gravity. Where vent pipes connect to a horizontal soil or waste pipe, the vent branch shall be taken off above the center line of the pipe, and the vent pipe must rise vertically at an angle of forty-five (45) degrees to the vertical, to a point six (6) inches above the fixture it is venting before offsetting horizontally or connecting to the branch, main, waste, soil or vent.

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

Section 27. When Common Vent Permissible. [(1)] Where two (2) water closets, two (2) lavatories or two (2) of any fixtures of identical purpose are located on opposite sides of a wall or partition, or directly adjacent to each other within the prescribed distance as set forth in Section 21 of this regulation measured along the center line of the flow of water, the fixtures may have a common soil or waste pipe and a common vent. It shall be vented in accordance with the other sections of this code.

[(2)] All fixtures installed on a common waste and vent system must enter the stack through the use of a double fixture fitting. This cannot be a sanitary cross or a double combination T-Y or double wye and one-eighth (1/8) bend.]

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

Section 29. Floor drains and service sinks installed on the operational floor level of sewage and water treatment plant facilities which discharge into an open sump and are not connected directly to the sanitary sewage system are not required to be trapped or vented.

Section 30. A Basement Floor Drain Does Not Require an Individual Vent. A basement floor drain does not require an individual vent if it conforms to Section 26 of this regulation, or if it is the first floor drain on the main and is ahead of all sanitary openings and is not farther than five (5) feet from the main.

Section 31. House Drain Material. House drains shall be either extra heavy cast iron, service weight cast iron, brass Type (K) or (L) copper, lead, ABS or PVC plastic, or duriron.

Section 32. Indirect Waste Connections. Waste pipe from a refrigerator drain or any other receptacle where food is stored or waste water from a water cooled compressor, shall connect indirectly with the house drain, soil or waste pipe. The drain shall be vented to the outside air. Such waste pipes shall discharge into an open sink or another approved open receptacle that is properly supplied with water in accordance with other sections of this code. Such connections shall not be located in an inaccessible or unventilated area.

Section 33. Bar and Soda Fountain Wastes. Bar and soda fountain wastes, sinks and receptacles shall have a one and one-half (1½) inch P trap and branches. The main shall not be less than two (2) inches. The fresh air pipe shall not be less than one and one-half (1½) inches. The main waste line shall discharge into a properly vented and trapped open receptacle inside or outside a building. Food storage compartment drains shall be indirectly connected through a trapped receptacle whose upper edge is raised at least one (1) inch above the finished floor line.

Section 34. Open Receptacles. Soil or waste piping receiving the discharge from an open receptacle shall be at least six (6) inches above the surface of the ground when it discharges into a septic system.

Section 35. Refrigerator Wastes. Refrigerator waste pipes shall not be less than one and one-half (1½) inches for one (1) to three (3) openings, and at least two (2) inches for four (4) to eight (8) openings. Each opening shall be trapped. Such waste piping shall be provided with sufficient cleanouts to allow for thorough cleaning.

Section 36. Overflow Pipes. Waste from a water supply tank or exhaust from a water lift shall not directly connect to a house drain, soil, or waste pipe. Such waste pipe shall discharge upon a roof or into a trapped open receptacle.

Section 37. Acid and Chemical Wastes. Except as provided herein, no corrosive liquids shall be permitted to discharge into the soil, waste or sewer system. Such waste shall be thoroughly diluted or neutralized by passing through a properly constructed and acceptable dilution or neutralizing pit before entering the house sewer.

Section 38. Laboratory Waste Piping. Laboratory waste piping shall be sized in accordance with the other sections of this code. Each fixture shall be individually trapped. A continuous waste and vent pipe system may be used, provided the waste discharges into a vented dilution pit outside the building with a vent equal to the size of the drain. The vent may be eliminated when a pit has a ventilated cover. If under certain conditions a dilution pit is not required and is not used, each fixture shall be individually vented. If construction conditions permit, the base of the stack of the continuous waste and vent system shall be washed by the last fixture opening, and continue full size independently through the roof. All fixture branches exceeding more than the distance specified in the table in Section 21 of this regulation from the main shall be reverted. The distance shall be measured from the center of the main to the center of the vertical riser. Fixture connections shall rise vertically to a height so that the trap will not be lower than twelve (12) inches from the bottom of the sink. Two (2) or more sinks may be connected into a common waste before entering the riser of the continuous

waste and vent system, provided the fixtures are not more than five (5) feet from the center of one (1) fixture to the center of the other.

Section 39. Acid Waste Piping. Underground piping for acid wastes shall be extra heavy salt glazed vitrified pipe, silicon iron, lead, polyethylene pipe and fittings conforming to PS 10-69, PS 11-69, and PS 12-69, polypropylene pipe conforming to ASTM 2581-73, or other materials approved by the department. Piping for acid wastes and vents above ground shall be of silicon iron, lead, borosilicate, or polyethylene pipe conforming to PS 10-69, PS 11-69, and PS 12-69, polypropylene pipe conforming to ASTM 2581-73, or reinforced thermosetting resin pipe conforming to ASTM D-2996 (green or poly thread).

Section 40. Special Vents. Flat or wet vents serving a plumbing fixture may be constructed only with special permission when a plumbing system is being remodeled or when additions are added to an original system.

CHARLES A. COTTON, Commissioner

ADOPTED: April 15, 1983

APPROVED: NEIL J. WELCH, Secretary

RECEIVED BY LRC: April 15, 1983 at 3:30 p.m.

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

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

815 KAR 20:120. Water supply and distribution.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.130

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

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

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

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

Section 4. Water Supply to Fixtures. Plumbing fixtures shall be provided with a sufficient supply of water for flushing to keep them in a sanitary condition. Every water closet or pedestal urinal shall be flushed by means of an ap-

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

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

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

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

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

Section 7. Water Supply Pipes and Fittings, Materials. Water supply piping for a potable water system shall be of galvanized wrought iron, galvanized steel, brass, Types K, L, and M copper, cast iron, Types R-K, R-L, and R-M brass tubing, standard high frequency welded tubing conforming to ASTM B-586-73, fusion welded copper tubing conforming to ASTM B-447-72 and ASTM B-251, DWV welded brass tubing conforming to B-587-73, seamless stainless steel tubing, Grade H conforming to CS A-268-68, reinforced thermosetting resin pipe conforming to ASTM D-2996 (red thread for cold water use and silver and green thread for hot and cold). Polyethylene plastic pipe conforming to ASTM D-2239-69, PVC plastic pipe conforming to ASTM 1785, and CPVC plastic pipe conforming to CS D-2846-70, PVC SDR 21 and SDR 26 conforming to ASTM D-2241, polybutylene pipe conforming to ASTM D-3309 with brass, copper or celcon fittings, Quicktite connection using a celcon asetal copolymer, polybutylene cone and stainless steel ring, plastic pipe and fittings shall bear the NSF seal of approval. Polybutylene hot and cold water connectors to lavatories, sinks and water closets shall conform to ASTM 3309, and polybutylene plastic pipe conforming to ASTM 2662 for cold water applications only. Fittings shall be brass, copper or approved plastic or galvanized cast iron or galvanized

malleable iron. Piping or fittings that have been used for other purposes shall not be used for the water distribution system. All joints in the water supply system shall be made of screw, solder, or plastic joints. Cast iron water pipe joints may be caulked, screwed, or machine drawn. When Type M Copper pipe, Type R-M brass tubing, standard high frequency welded tubing or stainless steel tubing is placed within a concrete floor or when it passes through a concrete floor it shall be wrapped with an approved material that will permit expansion or contraction. In no instance shall Polyethylene, PVC or CPVC be used below ground under any house or building.

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

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

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

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

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

Section 13. Domestic Solar Water Heaters. Domestic solar water heaters may have a "single wall heat exchanger" provided the solar panel and the water heater exchanger use a nontoxic liquid such as propylene glycol or equal, and that the heat exchanger is pretested by the manufacturer to 450 PSI and that the water heater has a warning label advising that a nontoxic heat exchanger fluid must be used at all times and that a pressure relief valve is installed at the highest point in the solar panel.

Section 14. Domestic Water Heater Preheating Device. A domestic water heater preheating device may be used and connected with the high pressure line from the compressor of a domestic home air-conditioner or heat pump water heater. *These heat exchangers that transfer heat to*

potable water shall be double wall. This device must be equipped with a temperature limit control that would actuate a pump that would circulate hot water from the water heater *through* [to] the preheater device. *Condensate drain water shall be piped in accordance to the plumbing code and in no instance shall it be permitted to drain into any crawl space, or into a sewer or vent stack, or be installed in areas subject to freezing. If a drain is not available or if a drain is located above the vent, a condensate pump must be utilized.*

Section 15. Water Distribution and Connections to Mobile Homes. (1) An adequate and safe water supply shall be provided to each mobile home conforming to the regulations of the department.

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

(3) An individual water connection shall be provided at an appropriate location for each mobile home space. The connection shall consist of a riser terminating at least four (4) inches above the ground with two (2) three-fourths ($\frac{3}{4}$) inch valve outlets with screw connection, one (1) for the mobile home water system and the other for lawn watering and fire control. The ground surface around the riser pipe shall be graded so as to divert surface drainage. The riser pipe shall be encased in an eight (8) inch vitrified clay pipe or equal with the intervening space filled with an insulating material to protect it from freezing. An insulated cover shall be provided which will encase both valve outlets but not prevent connection to the mobile home during freezing weather. A shut-off valve may be placed below the frost depth on the water service line, but in no instance shall this valve be a stop-and-waste cock.

CHARLES A. COTTON, Commissioner

ADOPTED: April 15, 1983

APPROVED: NEIL J. WELCH, Secretary

RECEIVED BY LRC: April 15, 1983 at 3:30 p.m.

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

CABINET FOR HUMAN RESOURCES Department for Social Insurance (Proposed Amendment)

904 KAR 1:009. Physicians' services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Cabinet [Department] for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet [department], by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to physicians' services for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and the medically needy.

Section 1. Physicians' Services: Covered services shall include those furnished by physicians through direct physician-patient contact in the office, the patient's home, a hospital, a skilled nursing or intermediate care facility or elsewhere.

Section 2. Limitations: (1) Coverage for initial and extensive visits shall be limited to one (1) visit per patient per physician per calendar year.

(2) Payment for outpatient psychiatric services rendered by other than board-eligible and board-certified psychiatrists shall be limited to four (4) such services per patient per physician per calendar year.

(3) A patient placed in "lock-in" status due to over-utilization is to receive services only from his/her lock-in provider except in the case of emergency or referral.

(4) Coverage for laboratory procedures performed in the physician's office shall be limited to those procedures listed on the agency's physician laboratory benefit schedule. *Physician laboratory procedures are limited to those specified as payable, except that laboratory procedures performed by board certified pathologists in a hospital setting are covered so long as the physician has an agreement with the hospital for the provision of laboratory procedures.*

(5) The cost of preparations used in injections shall not be considered a covered benefit.

(6) Telephone contacts with patients shall not be considered a covered benefit.

Section 3. The provisions of Sections 1 and 2 of this regulation shall be effective May 1, 1983.

JOHN CUBINE, Commissioner

ADOPTED: April 14, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: April 15, 1983 at 5 p.m.

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

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
(Proposed Amendment)

904 KAR 1:020. Payments for drugs.

RELATES TO: KRS 205.550, 205.560

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Cabinet [Department] for Human Resources has responsibility to administer a program of Medical Assistance under Title XIX of the Social Security Act. KRS 205.550 and 205.560 require that the secretary prescribe the methods for determining costs for vendor payments for medical services. This regulation sets forth the method for determining amounts payable by the cabinet [department] for drugs.

Section 1. Maximum Allowable Cost Reimbursement Limits. (1) Reimbursement to pharmacists participating in the Medical Assistance Program for those drugs contained on the Kentucky Medical Assistance Program Outpatient Drug List and provided to eligible recipients is limited to the lowest of:

(a) The maximum allowable cost (MAC) of the drug, if any, plus a dispensing fee; or

(b) The estimated acquisition cost (EAC) of the drug plus a dispensing fee; or

(c) The provider's usual and customary charge to the public for a like product and service.

(2) Reimbursement to skilled nursing and intermediate care facilities for drugs provided to eligible recipients is allowable in accordance with the following:

(a) The Kentucky Medical Assistance Program Outpatient Drug List (with additions and deletions thereto) shall be provided by the program to each participating facility, and for the drugs contained therein, the limits specified in subsection (1) of this section are applicable;

(b) For drugs not on the drug list, the maximum reimbursement shall be the lower of: for any drugs with a MAC set by the federal government the MAC cost; and for all other drugs the published price of the drug as shown in the latest issue of the Drug Topics Red Book, including supplements, or the price shown in the appropriate Prescription Pricing Guide, depending on which is the latest available, plus a dispensing fee; or the provider's usual and customary charge to the public for a like product and service. SNF/ICF facilities shall not impose an additional charge on medicaid eligible recipients for drugs because of the limitations set forth in Section 1(2) of this regulation;

(c) A packaging cost allowance of not more than six cents (\$.06) per dose may be added to the drug cost (if not already included) for unit dose packaged drugs. The packaging cost (up to six cents (\$.06)) plus the drug cost is added to the dispensing fee to determine the total reimbursement amount for a unit dose packaged prescription;

(d) There shall be no more than two (2) dispensing fees allowed per drug within a thirty (30) day period, except for Schedules II, III, and IV controlled substances and for non-solid dosage forms, including topical medication preparations, for which no more than four (4) dispensing fees per drug will be paid within a thirty (30) day period. Though dispensing fees are limited, this shall not be construed as placing a limit on the quantity of reimbursable drugs for which the program will pay for any patient, since the reasonable cost of the drug (as defined herein) is reimbursable as a covered service in whatever quantity is considered medically necessary for the patient. Non-solid dosage forms include all covered drug items other than oral tablets or capsule forms. *The Kentucky Medical Assistance Program will define legend drugs as "Drugs that are identified by the symbol 'Rx' in reference sources such as the Drug Topics Redbook, and also bears the prescription legend 'Caution: Federal Law Prohibits Dispensing Without Prescription' on the drug package."* Any drug that is not identified by this symbol or the prescription legend will be considered a non-legend drug. All non-legend drug items or other related supplies [purchased for routine use and] which may be purchased without a prescription, including food supplements, are not reimbursable in SNFs or ICFs under the drug program, though the cost of such drug, supply item or food supplement, is an allowable cost for the facility with the cost computed in accordance with the state regulation covering medicaid reimbursement for the facility;

(e) Whenever possible, unused drugs paid for by the cabinet [department] shall be returned to the pharmacy with the credit for the cost of the drug and the unit dose packaging cost (if applicable) accruing to the cabinet [department] as an offset against allowable ancillary cost; [and]

(f) *Legend devices will also be reimbursed under the ancillary program. Legend devices must bear the legend*

"Caution: Federal Law Restricts This Device To Sale By Or On The Order Of A Physician Or Other Licensed Practitioner" on the package for it to be considered an ancillary item. The allowable cost of any legend device may not exceed the pharmacy's wholesale cost plus a two dollars and thirty five cents (\$2.35) handling fee. No more than two (2) handling fees per thirty (30) day period per legend device will be paid by the program. Whenever a legend device is dispensed to a nursing home, the pharmacists must forward a copy of the invoice from the device supply company to substantiate the pharmacy's cost; and

(g) [(f)] Interim payments made to participating facilities for allowable drug costs shall be settled at actual allowable costs computed in accordance with the upper limits shown herein at the end of the facilities' fiscal year.

(3) Reimbursement to hospitals for drugs provided to eligible recipients is on the basis of reasonable cost pursuant to 904 KAR 1:013.

Section 2. Physician Maximum Allowable Cost (MAC) Override. The MAC price limitation in Section 1 (and referenced in Section 1(2)) of this regulation shall not apply in any case where a physician certifies in his/her own handwriting that in his/her medical judgment, a specific covered brand is medically necessary for a particular patient. In such instances, reimbursement shall be based on the lower of the EAC plus a professional dispensing fee or the provider's usual and customary charge to the public for the drug.

Section 3. Dispensing Fees. The dispensing fee shall be no more than two dollars and thirty-five cents (\$2.35) per prescription for drugs reimbursed through the outpatient drug program as shown in Section 1(1) of this regulation, where the covered drugs are limited to those contained on the Kentucky Medical Assistance Program Outpatient Drug List. The allowable dispensing fee shall be no more than two dollars and thirty-five cents (\$2.35) (except for the additional amount for unit dose packaging as shown in Section 1(2)(c) of this regulation) for drugs reimbursed as part of the covered services of skilled nursing and intermediate care facilities, as shown in Section 1(2) of this regulation.

Section 4. Reimbursement to Dispensing Physicians. Participating dispensing physicians who practice in counties where no pharmacies are located are reimbursed for the cost of the drug only, with the cost computed as the maximum allowable cost or estimated acquisition cost as shown in Section 1(1) of this regulation, or the physician's usual and customary charge to the general public for the drug if less.

JOHN CUBINE, Commissioner

ADOPTED: April 14, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: April 15, 1983 at 5 p.m.

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

CABINET FOR HUMAN RESOURCES Department for Social Insurance (Proposed Amendment)

904 KAR 1:027. Payment for dental services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The *Cabinet* [Department] for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the *cabinet* [department], by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the *cabinet* [department] for dental services.

Section 1. Out-of-Hospital Care. (1) The *cabinet* [department] shall reimburse participating dentists for covered services rendered to eligible medical assistance recipients at rates based on the dentist's usual customary, reasonable, and prevailing charges.

(2) Definitions: For purpose of determination of payment:

(a) "Usual and customary charge" refers to the uniform amount which the individual dentist charges in the majority of cases for a specific dental procedure or service.

(b) "Prevailing charge" refers to those charges which fall within the range of charges as computed by the use of a pre-determined and established statistical percentile. Prevailing charges for each dental procedure are derived from the overall pattern existing within the state.

(3) Method and source of information on charges:

(a) Effective with fee revisions December 1, 1974 and after, individual fee profiles for participating dentists will be generated from historical data accumulated from charges submitted and processed by the Medical Assistance Program during all of the calendar year preceding the start of the fiscal year in which the determination is made.

(b) Effective with revisions December 1, 1974 and after, Title XIX prevailing fee maximums will be generated from the same historical data as referenced in paragraph (a) of this subsection.

(c) Effective with revisions December 1, 1974 and after, when applicable, Title XVIII, Part B current aggregate prevailing charge data will be utilized by the Medical Assistance Program.

(d) Percentile. The Title XIX prevailing charges were established by utilizing the statistical computation of the 50th and 75th percentile.

(4) Maximum reimbursement for covered procedures: Reimbursement for covered procedures shall be limited to the lowest of the following:

(a) The actual charge for services rendered as submitted on the billing statement.

(b) The dentist's median charge for a given service derived from claims processed during all of the calendar year preceding the start of the fiscal year in which the determination is made.

(c) The Title XIX prevailing fee maximum for a given service, derived from claims processed as described in paragraph (b) of this subsection.

Section 2. Hospital Inpatient Care. (1) Hospitalized inpatient care refers to those services provided inpatients. It

does not include dental services provided in the outpatient, extended care or home health units of hospitals. *Any dentist or oral surgeon submitting a claim for either of the two (2) hospital inpatient care benefits—attendance or consultation—must agree to accept payment in full for services rendered that patient during that admission. [All fees for "hospitalized inpatient care" are on a per admission basis, i.e., any dentist or oral surgeon submitting a claim for a payment of either of the two (2) benefits under hospitalized inpatient care must agree to accept that single program benefit payment for all his professional services rendered to that patient during that admission.]*

(2) *An oral surgeon may additionally provide those services included under the in-hospital surgery section of the dental benefit schedule and be reimbursed on a per-procedure basis. Reimbursement for these services shall be at a rate of 100 percent of the first fifty dollars (\$50) of the allowable charges plus sixty (60) percent of the amount of allowable charges over fifty dollars (\$50). Maximum allowable charges will initially be the same as physician maximums, with the maximums being based on dentists' charges after sufficient data for the establishing of allowable charge maximums has been collected by the cabinet. Services not included under in-hospital surgery and performed by an oral surgeon on an inpatient basis should be billed as attendance or consultation as applicable. [An oral surgeon submitting a claim for payment shall be paid for all in-hospital dental services as an "attendance fee" or "consultation fee."] The "attendance fee" shall be fifty dollars (\$50) and the "consultation fee" shall be twenty-five dollars (\$25).*

(3) A general dentist may submit a claim for hospital inpatient services for the patient termed "medically a high risk." Medically high risk is defined as a patient in one (1) of the following classifications:

- (a) Heart disease;
- (b) Respiratory disease;
- (c) Chronic bleeder;
- (d) Uncontrollable patient (retardate, emotionally disturbed); or
- (e) Other (car accident, high temperature, massive infection, etc.).

(4) A general dentist shall receive "attendance fee" or "consultation fee" for the hospital inpatient service in the amount of forty dollars (\$40) as "attendance fee" and twenty dollars (\$20) as "consultation fee."

(5) "Attendance fee" is considered to be full payment for daily attendance of a hospital inpatient, per admission, regardless of length of stay, diagnosis, or type of professional service rendered. This fee is to be requested by the attending dentist or oral surgeon for any given admission. *The attendance fee is not applicable to services included under in-hospital surgery.*

(6) "Consultation fee" is considered to be in full payment of consultation provided on behalf of a hospital inpatient or at the request of the consulting [physician/]oral surgeon/dentist. This fee may be paid to more than one (1) [physician/]oral surgeon/dentist per admission. The fee is thus considered full payment for all consultation provided by a given [physician/]oral surgeon/dentist (other than the attending oral surgeon/dentist) during a given admission. For purpose of payment in this program the administration of anesthesia by an [a physician/]oral surgeon will be considered consultation.

Section 3. *The provisions contained in Sections 1 and 2 of this regulation shall be effective July 1, 1983. [Dentures.*

The maximum program payment for complete upper and lower dentures is \$250.]

JOHN CUBINE, Commissioner

ADOPTED: April 14, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: April 15, 1983 at 5 p.m.

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

CABINET FOR HUMAN RESOURCES Department for Social Insurance (Proposed Amendment)

904 KAR 1:028. Other laboratory and x-ray services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Cabinet [Department] for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520[(3)] empowers the cabinet [department], by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to other laboratory and x-ray services for which payment shall be made by the medical assistance program in behalf of both the categorically needy and medically needy.

Section 1. Covered Services: Laboratory services provided by a participating independent laboratory shall be limited to the following procedures when prescribed by a physician or dentist:

- (1) Bilirubin;
- (2) Bleeding time;
- (3) Blood culture (definitive);
- (4) Red blood count;
- (5) White blood count;
- (6) Differential;
- (7) Complete blood count;
- (8) Cholesterol;
- (9) Clotting time;
- (10) Hemoglobin;
- (11) Hematocrit;
- (12) Acid phosphatase;
- (13) Alkaline phosphatase;
- (14) Potassium;
- (15) Prothrombin time;
- (16) RA test (latex agglutinations);
- (17) Stool (occult blood);
- (18) Sedimentation rate;
- (19) Sodium;
- (20) Glucose (blood);
- (21) Blood typing;
- (22) Blood urea nitrogen;
- (23) Uric acid;
- (24) SGOT or SGPT (serum transaminase);
- (25) Stool (ova and parasites);
- (26) Pap smear;
- (27) Urine analysis;
- (28) Pregnancy test;
- (29) Smears for bacteria, stained;

(30) Cultures (throat, urine, etc.);
 (31) Package of the following twelve (12) tests when performed on automatic laboratory analyzing machine: cholesterol, calcium, phosphorus, total serum bilirubin, albumin, total protein, uric acid, blood urea nitrogen, glucose, lactic dehydrogenase, alkaline phosphatase, and serum transaminase;

- (32) Dilantin level;
- (33) Electrolytes;
- (34) Glucose tolerance (two (2) hour);
- (35) Glucose tolerance (four (4) hour);
- (36) Glucose tolerance (six (6) hour);
- (37) Master chem twenty-four (24);
- (38) Thyroid profile;
- (39) Arthritis profile;
- (40) CPK (creatine phosphokinase);
- (41) VDRL (venereal disease rule out);
- (42) Drug abuse screen;
- (43) Phenobarbital;
- (44) Any three (3) through six (6) automated tests;
- (45) Any seven (7) through twelve (12) automated tests;
- (46) Any thirteen (13) through sixteen (16) automated tests;
- (47) Any seventeen (17) through eighteen (18) automated tests; and
- (48) Any nineteen (19) or more automated tests.

Section 2. The provisions of Section 1 of this regulation shall be effective May 1, 1983.

JOHN CUBINE, Commissioner

ADOPTED: April 14, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: April 15, 1983 at 5 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, CHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

CABINET FOR HUMAN RESOURCES

Department for Social Insurance
 (Proposed Amendment)

904 KAR 2:020. Child support.

RELATES TO: KRS 205.795

PURSUANT TO: KRS 13.082

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

Section 1. Compliance with Federal Regulations. The

cabinet [department] shall administer the Kentucky Child Support Program in accordance with Title IV-D of the Social Security Act and Title 45 CFR Sections 301, 302, 303, 304, and 305.

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

Section 3. Definitions. (1) "*Cabinet* [Department]" shall mean the *Cabinet* [Department] for Human Resources.

(2) "Secretary" shall mean Secretary of the *Cabinet* [Department] for Human Resources.

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

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

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

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

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

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

(9) "Good cause" shall mean that the AFDC recipient has a valid and acceptable reason (as determined by the *cabinet* [department]) for failing to cooperate in activities related to the Child Support Program.

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

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

(12) "Title IV-D agency" shall mean the organizational unit in the state that has responsibility for administering the Title IV-D (Child Support) Program.

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

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

Section 4. Initiation of Child Support Action. Child

support activity shall be initiated upon referral of forms from the Title IV-A agency or upon application of a non-AFDC recipient to the IV-D agency or its authorized representative.

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

Section 6. Establishing Paternity. In establishing paternity for children in the Child Support Program pursuant to the Social Security Act, the *cabinet* [department] may utilize any of the provisions which are contained in Kentucky Revised Statutes related to paternity.

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

Section 8. Assignment of Child Support to IV-D Agency. (1) By accepting public assistance for or on behalf of a needy dependent child, an AFDC recipient assigns to the *cabinet* [department] the right to all past due and future child support including any voluntary contributions made by the absent parent. Any support income received by AFDC recipients must be forwarded to the *cabinet* [department] no later than the tenth (10th) day of the month following receipt.

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

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

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

Section 10. Non-AFDC Recipients. The IV-D agency will provide all services to individuals who are not recipients of AFDC benefits as provided in 45 CFR 302.33(a). *The services will be provided without cost to the applicant except as is provided in 42 USC 453(e)(2) and 463 regarding the federal parent locator service. Additionally, any other fee which must be paid to the federal government for services will be collected by the IV-D agency from the applicant.* [and pursuant to 45 CFR 302.33(b)(1). Any cost associated with the provision of child support services shall be offset through the use of a flat dollar application fee, not to exceed twenty dollars (\$20). The flat dollar fee will

be charged for those services as described in 45 CFR 302.33, 45 CFR 302.35(e), and Title IV-D of the Social Security Act, Sections 453(e)(2) and 463.]

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

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

Section 13. Good Cause for Refusal to Cooperate. (1) The IV-D agency or its authorized representative must immediately notify the IV-A agency at such time as the AFDC recipient refuses to cooperate in child support enforcement efforts. If the IV-A agency should determine, pursuant to IV-A laws and regulations, that the recipient has a good cause for failing to cooperate and that pursuit of child support action would be detrimental to the best interests of the child, the IV-D agency will not pursue any action in the child's behalf.

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

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

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

JOHN CUBINE, Commissioner

ADOPTED: March 15, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: April 15, 1983 at 5 p.m.

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

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
(Proposed Amendment)

904 KAR 2:055. Hearings and appeals.

RELATES TO: KRS 205.231

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The *Cabinet* [Department] for Human Resources has responsibility under 42 CFR section 431.220, 45 CFR section 205.10, and KRS 205.231 to provide for a system of hearings to be available to any applicant for or recipient of an assistance program who is dissatisfied with any action or inaction on the part of the *cabinet* [bureau]. This regulation sets forth the methods by which the hearing requirement is fulfilled.

Section 1. Informing the Applicant or Recipient of His/Her Rights. Each applicant or recipient shall be informed orally and in writing at the time of application and in writing at the time of any action affecting his/her claim of his/her right to a hearing, the method by which he/she may obtain a hearing and that he/she may be represented by an authorized representative, such as legal counsel, relative, friend or other spokesperson, or he/she may represent himself/herself.

Section 2. Request for a Hearing. Any applicant or recipient or an authorized representative acting on his/her behalf, may request a hearing by filing with either the local office or central office of the *Department* [Bureau] for Social Insurance a written or oral (later reduced to writing) statement clearly indicating a desire for a hearing.

Section 3. Time Limitation for Request. To be considered timely, a written or oral request must be received by the *department* [bureau] within forty (40) days of the date of the advance notice of adverse action or notice of decrease or discontinuance as it affects recipients or within thirty (30) days of the notice of denial of an application except that an additional thirty (30) days may be granted if it is determined by the hearing officer that the delay was for good cause in accordance with the following criteria:

- (1) The applicant/recipient was away from home during the entire filing period; or
- (2) The applicant/recipient is unable to read or to comprehend the notice of adverse action or notice of decrease or discontinuance and right to request a hearing; or
- (3) The applicant/recipient moved resulting in delay in receiving or failure to receive notice of adverse action or notice of decrease or discontinuance; or
- (4) Serious illness of the applicant/recipient; or
- (5) The delay was no fault of the applicant/recipient.

Section 4. Continuation of Assistance. If the request results from dissatisfaction regarding a proposed discontinuance, suspension or decrease and is received within ten (10) days of the date on the advance notice of adverse action or notice of decrease or discontinuance, assistance shall be continued through the month in which the hearing officer's decision is rendered. If the request is received within twenty (20) days of the date on the advance notice of adverse action or notice of decrease or discontinuance and it is established that the reason for delay meets the good cause criteria as contained in Section 3, assistance shall be reinstated and continued through the month in which the hearing officer's decision is rendered. Continued

or reinstated benefits are considered overpayments if the agency decision is upheld.

Section 5. All Hearing Requests Shall Be Acknowledged by the Hearing Branch. The acknowledgment letter shall contain information regarding the hearing process, including the right to case record review prior to the hearing, the right to representation, and a statement to the effect that the local office can provide information regarding the availability of free representation by legal aid or welfare rights organizations within the community. Subsequent notification shall include the time and place the hearing will be held. Hearings shall be scheduled on a timely basis to assure that no more than ninety (90) days shall elapse from date of request to date of decision [except that hearings in which the issue relates to the Emergency Assistance Program shall be given priority handling with a decision rendered within thirty (30) days of the request].

Section 6. Withdrawal or Abandonment of Request. The applicant or recipient may withdraw his/her request for a hearing at any time prior to release of the hearing officer's decision, provided, however, he/she is granted the opportunity to discuss withdrawal with his/her legal counsel or representative, if any, prior to finalizing the action. A hearing request shall be considered abandoned if the applicant or recipient fails without prior notification, to report for the hearing, except that no hearing request shall be considered as abandoned without extending to the applicant or recipient, and, if applicable, his/her legal counsel or representative, the opportunity to establish that such failure was for good cause.

Section 7. Applicant's or Recipient's Rights Prior to a Hearing. All applicants/recipients are informed of their right to legal counsel or other representation, of the right to case record review relating to the issue and of the right to submit additional information in support of the claim. When the hearing involves medical issues, a medical assessment by other than the person or persons involved in the original decision shall be obtained at *cabinet* [bureau] expense if the hearing officer considers it necessary. If a medical assessment at *cabinet* [bureau] expense is requested by the applicant/recipient and denied by the hearing officer, the reason for denial shall be set forth in writing.

Section 8. Corrective Action. If after a review of the case record, but prior to scheduling a hearing, the hearing officer determines that action taken or proposed to be taken, is incorrect, he/she shall authorize corrective action in the form of assistance to which the applicant or recipient would have been entitled but for the incorrect decision or, for proposed action, authorize continuing assistance. The applicant/recipient shall be then given the opportunity to withdraw the hearing request, but notwithstanding the corrective action, the hearing shall be scheduled if the applicant/recipient wishes to pursue the request.

Section 9. Conduct of a Hearing. (1) The hearing shall be conducted by a hearing officer whose impartiality is assured in that he/she shall not have been involved in the initial determination on the issue, or, to the extent possible, in previous hearings in behalf of the applicant/recipient. In addition a hearing officer may disqualify himself/herself due to personal knowledge of circumstances of the applicant/recipient. The applicant/reci-

ipient may challenge the hearing officer by presentation of factual evidence that the impartiality criteria is not met. The hearing shall be conducted where the applicant/recipient may attend without undue inconvenience.

(2) The applicant/recipient, his/her representative and any other party to the hearing may present such evidence as shall be pertinent to the issue on which the adverse action was, or is proposed to be, taken, advance any arguments without undue interference.

(3) The hearing officer shall, if necessary to secure full information on the issue, examine each party who appears and his/her witnesses. The hearing officer may take any additional evidence which he/she deems necessary; but if additional evidence is taken, all interested parties shall be afforded the opportunity of examining or rebutting such additional evidence.

(4) The parties to the hearing, with the consent of the hearing officer, may stipulate the facts involved, in writing. The hearing may be decided on the basis of such stipulation or the hearing officer may schedule a hearing and take such additional evidence as is deemed necessary.

(5) All hearings shall be conducted informally and in such a manner as to determine the substantial rights of the parties. The parties and their witnesses shall testify under oath or affirmation. All facts relevant to the issue appealed shall be considered and passed upon.

(6) Subpoenas may be issued by the hearing officer to compel attendance of any witness or the production of records except that subpoenas requested by the applicant/recipient shall be issued only on a sworn statement of need thereof by the applicant/recipient.

(7) The hearing officer may in his/her discretion, direct or grant a continuance of a hearing in order to secure necessary evidence.

Section 10. The Decision. After the hearing is concluded, the hearing officer shall set forth in writing his/her finding of facts and issues, specifying the reasons for the decision and identifying the supporting evidence and regulations. A copy of the decision shall be mailed to the applicant/recipient and his/her representative. The decision, with respect to the issues considered, shall be final unless further appeal to the appeal board is initiated under KRS 205.231(4) within twenty (20) days from the date of mailing of the decision.

Section 11. Appeal from Decision of Hearing Officer. Any applicant/recipient or his/her authorized representative wishing to appeal the decision of a hearing officer may do so by filing an appeal to an appeal board appointed in accordance with KRS 205.231(3). To be timely, such request must be received in a local [county] office or the central office of the Department [Bureau] for Social Insurance within twenty (20) days of the date on which the hearing officer's decision was mailed, except that a request received within thirty (30) days of the hearing officer's decision will be considered timely if the criteria in Section 3 is met. The request shall be filed in writing or orally, later reduced to writing, and shall be considered filed on the day it is received.

Section 12. Applicant's or Recipient's Rights Prior to Appeal Board Consideration. All appeals shall be acknowledged in writing to the applicant/recipient and his/her authorized representative. The acknowledgment shall offer the opportunity to file briefs or submit new and additional proof and the tentative date on which the board will consider the appeal.

Section 13. Appeal Board Review. All appeals to the appeal board shall be considered upon the records of the department [bureau] and the evidence or exhibits introduced before the hearing officer unless the applicant/recipient specifically requests permission to file additional proof. When an appeal is being considered on the record, the parties may, if they desire, present written arguments and at the board's discretion be allowed to present oral arguments. In addition, the appeal board may direct the taking of additional evidence before it, if needed, in order to resolve the appeal. Such evidence shall be taken by the board after seven (7) days notice to the parties giving the parties the opportunity to object to introduction of additional evidence or to rebut or refute any additional evidence.

Section 14. The Appeal Board Decision. The decision of the appeal board, duly signed by members of the board, shall set forth in writing the facts on which the decision is based and shall be irrevocable in respect to the issues in the individual case unless set aside through the judicial review process as provided in KRS 205.234

Section 15. Payments of Assistance. Payments of assistance to carry out decisions of hearing officers or the appeal board shall be made promptly and shall include the month of application or the month in which incorrect action of the cabinet [bureau] adversely affected the applicant/recipient providing it is established that the applicant/recipient was eligible during the entire period in which assistance was withheld.

Section 16. Special Provisions Relating to Skilled Nursing and Intermediate Care Level of Care Determinations. The cabinet has contracted with the Kentucky Peer Review Organization (KPRO) to perform level of care determinations for individuals in skilled nursing and general intermediate care facilities. For those individuals appealing KPRO level of care determinations, the following special provisions are applicable:

(1) KPRO, pursuant to its contract with the cabinet, makes level of care determinations (i.e., a determination as to whether patient status criteria is met). If the level of care determination is adverse to the client, a written notice of the decision (and of the client's appeal rights) is provided to the client (patient), physician of record, the facility (if any), and the cabinet. The client then may begin the appeal process by requesting a reconsideration of the adverse decision. The request for reconsideration must be made within sixty (60) days of the notice of the adverse decision. If the request for reconsideration is made within ten (10) days, benefits will continue (as appropriate) until the reconsideration decision has been made. Reconsiderations will be made within ten (10) working days of the request when the client is in the facility; if the request for reconsideration is received after the client has left the facility, the reconsideration will be made within thirty (30) days.

(2) When the reconsideration decision is adverse to the client, he/she may then appeal to the cabinet in the usual manner. The appeal must be filed within twenty (20) days of the date the client is notified of the reconsideration decision, and may be filed with KPRO or directly with the department. If filed with KPRO, KPRO must forward the request with appropriate medical records and any other necessary documentation to the cabinet.

(3) When a negative decision has been appealed to the cabinet, the appeal will be processed in the usual manner as set forth in this regulation. This provision shall in no cir-

cumstances, however, be construed in such a manner as to require a continuation of benefits following a reconsideration, or so as to contravene the timeliness provisions contained in this section.

Section 17. [16.] Limitation of Fees. (1) Although the cabinet [department] and its officers and employees, either in their official or personal capacity, are not liable for payment of any attorneys fees, the cabinet [department] does, in accordance with KRS 205.237, set the maximum fee that an attorney may charge the applicant or recipient for representation in all categories of public assistance as follows:

(a) Seventy-five dollars (\$75) for preparation and appearance at hearing before a hearing officer;

(b) Seventy-five dollars (\$75) for preparation and presentation (briefs included) of appeals to the appeal board;

(c) One hundred seventy-five dollars (\$175) for preparation and presentation, including pleadings and appearance in court, of appeals to the circuit court;

(d) Three hundred dollars (\$300) for preparatory work and briefs and all other matters incident to appeals to the Court of Appeals.

(2) The fee agreed to by the representative and his/her client within the above maximums shall be deemed to have the approval of the cabinet [bureau].

(3) Enforcement of payment of such fee shall be a matter entirely between such counsel or agent and the applicant/recipient. Such fee shall not be deducted either in whole or in part, from the benefit checks otherwise due and payable to the applicant/recipient.

Section 18. [17.] Hearings and Appeals Relating to Decisions to Reclassify or Transfer Mentally Retarded Persons in State Institutions. In lieu of the hearing and appeal process specified above, hearings and appeals relating to decisions to reclassify or transfer mentally retarded persons in state institutions shall be in accordance with the requirement of KRS 210.270.

JOHN CUBINE, Commissioner

ADOPTED: April 14, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: April 15, 1983 at 5 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, CHR 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) "Boarder" means an individual(s) to whom a household furnishes lodging and meals for compensation in accordance with 7 CFR 273.1(c). Boarders may participate, in accordance with 7 CFR 273.1(c), as part of the household with whom they reside but only at the household's request and provided said household meets Food Stamp Program eligibility requirements, but not as a separate household.

(5) [(4)] "Certification" means the action necessary to determine eligibility of a household. Such action includes interviews, verification and decisions.

(6) [(5)] "Communal dining facility" means a public or nonprofit 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.

(7) [(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.

(8) [(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.

(9) [(8)] "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.

(10) [(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.

(11) [(10)] "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.

(12) "Excluded household member" means individuals residing with a household but excluded when determining the household's size for purposes of assigning a benefit level to the household or of comparing the household's monthly income with income eligibility standards. The excluded household member's income and resources shall be considered available to the remaining household members in accordance with 7 CFR 273.11(c). The following are excluded household members and may not participate as separate households:

(a) Ineligible aliens. Individuals not meeting citizenship or alien status requirements as set forth in 7 CFR 273.4(a).

(b) SSN disqualified. Individuals disqualified for failure to provide a social security number as set forth in 7 CFR 273.6.

(c) Intentional program violation disqualified. Individuals disqualified for intentional program violation set forth in 7 CFR 273.16.

(13) [(11)] "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.

(14) [(12)] "FNS" means the Food and Nutrition Service of the United States Department of Agriculture.

(15) [(13)] "Food Stamp Act" means the Food Stamp Act of 1977 (Pub. L. 95-113) including any subsequent amendments thereto.

(16) [(14)] "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.

(17) [(15)] "Head of household" is the person in whose name the application for participation is made.

(18) [(16)] "Household" means an individual(s) living alone or with others or a group of individuals living together where living quarters are shared.

(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. An individual living alone;

2. An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from the others;

3. 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 *federal income poverty guidelines* [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.

(19) [(17)] "Identification (ID) card" means a card which identifies the bearer as eligible to receive and use food coupons.

(20) [(18)] "Immigration and Naturalization Service (INS)" means the Immigration and Naturalization Service, United States Department of Justice.

(21) [(19)] "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.

(22) [(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.

(23) [(21)] "Medicaid" means medical assistance under Title XIX of the Social Security Act, as amended.

(24) [(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.

(25) [(23)] "Nonprofit cooperative food purchasing venture" means any private nonprofit association of consumers whose members pool their resources to buy food.

(26) [(24)] "Nonhousehold member" means individuals residing with a household but not considered household members in determining the household's eligibility or allotment. *The following are considered nonhousehold members and if [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.]

[2. Boarder status shall not be extended to persons paying less than a reasonable monthly payment for meals.]

(b) [(c)] Live-in-attendants. Individuals who reside with a household to provide medical, housekeeping, child care or other similar personal services.

(c) [(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.]

(d) [(f)] Others. Other individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household.

(27) [(25)] "Overissuance" means the amount by which coupons issued to a household exceeds the amount such household was eligible to receive.

(28) [(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.

(29) [(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.

(30) [(28)] "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.

(31) [(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.

(32) [(30)] "Sponsored alien" means an alien lawfully admitted for permanent residence as an immigrant as defined in sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act.

(33) [(31)] "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.

(34) [(32)] "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.

(35) [(33)] "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.

(36) [(34)] "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.

(37) [(35)] "Underissuance" means the amount by which the allotment to which the household was entitled exceeds the allotment which the household received.

Section 2. Provisions contained in this regulation shall become effective April 1, 1983.

JOHN CUBINE, Commissioner

ADOPTED: April 7, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: April 15, 1983 at 5 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, CHR 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 State Department of Agriculture, national uniform standards of eligibility for the Food Stamp Program, composed of both financial and non-financial criteria, shall be utilized. Financial criteria shall consist of income and resource limitations. Non-financial criteria shall consist of certain technical factors. Participation in the program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. The income eligibility standards are derived from the Office of Management and Budget's (OMB) non-farm income poverty guidelines.

Section 2. Countable Income. All income from any source shall be counted, except income specifically excluded in Section 3, including but not limited to:

(1) Wages earned by a household member, including all wages 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 *excluded household members* [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 diverted by 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.

(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 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(10)(9)] shall have their net income compared 100 percent of the federal income 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 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. 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 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 incurred by any household member who meets the definition of elderly or disabled, as set forth in 7 CFR Part 271.2, 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. Eligibility shall be denied or terminated if the total value of a household's liquid and non-liquid 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 alien status. Program participation shall be limited to either 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 implemented [phased in] shall be required to file monthly reports as a condition of eligibility, unless otherwise exempted by the appropriate federal agency [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) 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.

Section 10. Provisions contained in this regulation shall become effective April 1, 1983, unless otherwise specified in this regulation.

JOHN CUBINE, Commissioner

ADOPTED: April 7, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: April 15, 1983 at 5 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, CHR 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) and, as appropriate, 273.21(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 and Part 273.21(p).

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 *excluded household* members which have been disqualified from program participation due to *intentional program violation*, [fraud or] failure to provide a Social Security number, [or] because they are 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 shall [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 implementing [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 *shall [will]* be used whereby the issuance month is the second month following its corresponding budget month. *This system includes two (2) beginning months, the month of application and the following month.*

(b) *Ongoing* eligibility shall be determined by considering all factors of eligibility prospectively for each of the issuance months. *Initial eligibility and benefit calculation shall be determined in accordance with 7 CFR Part 273.21(e) for the beginning 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), *as well as any others exempted by the appropriate federal agency*, 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 certification 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 implementing [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.

Section 7. Provisions contained in this regulation shall become effective April 1, 1983.

JOHN CUBINE, Commissioner

ADOPTED: April 7, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: April 15, 1983 at 5 p.m.

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

CABINET FOR HUMAN RESOURCES Department for Social Insurance (Proposed Amendment)

904 KAR 3:050. Additional provisions.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The 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 additional provisions used by the cabinet in the administration of the Food Stamp Program.

Section 1. Civil Rights Compliance. The cabinet insures that no applicant or participant shall be discriminated against in any aspect of program administration for reasons of age, race, color, sex, handicap, religious creed, national origin, or political beliefs.

Section 2. Restoration of Lost Benefits. Benefits shall be restored to households as specified in 7 CFR Part 273.17, when such household has lost benefits due to an *administrative error* [by the cabinet].

Section 3. Program Informational Activities. Low-income or disadvantaged households shall be informed of the availability of the program and program rights and responsibilities through program informational activities as required by 7 CFR Part 272.6.

Section 4. Claims Against Households. The cabinet shall establish a claim, *in accordance with policies in effect at the time the overissuance occurred*, against households that receive more *food stamp benefits* [coupons] than they are entitled to receive. Claims shall be processed in accordance with 7 CFR Part 273.18, 273.11(h)(8) and 272.1(g)(58)(ii) and shall be classified as:

(1) *Inadvertant household error claims. Overissuance was due to a misunderstanding or unintended error on the part of the household.* [Non-fraud which shall be processed as specified in 7 CFR Part 273.18(b).]

(2) *Administrative error claims. Overissuance was due to agency action or failure to take action.* [Fraud claims which shall be processed as specified in 7 CFR Part 273.18(c).]

(3) *Intentional program violation claims. Overissuance was due to an act of intentional program violation as defined in 7 CFR 273.16(c) and set forth in 904 KAR 3:060, Section 1.*

Section 5. Disclosure of Information. Use or disclosure of information obtained from applicant households, exclusively for the program, shall be restricted to persons directly connected with the administration or enforcement of the provisions of the Food Stamp Act or regulations, or with other federal or federally aided, means-tested assistance programs such as Titles IV-A (AFDC), XIX (Medicaid), or XVI (SSI). Regulations, plans of operation, state manuals, and federal procedures which affect the public shall be maintained in the central and local office as well as in FNS national and regional offices for examination by members of the public on regular workdays during regular office hours. Copies of regulations, plans of operation, state manuals and federal procedures may be obtained from FNS or the cabinet.

Section 6. Retention of Records. The cabinet shall retain all program records in an orderly fashion, for audit and review purposes, for a period of three (3) years from the month of origin of each record. The cabinet shall retain fiscal records and accountable documents for three (3) years from the date of fiscal or administrative closure.

Section 7. Disaster Certification. The cabinet shall distribute emergency coupon allotments to households within a food stamp county determined to be a disaster area only when so authorized by the Food and Nutrition Service.

(1) In accordance with the Disaster Relief Act, emergency food stamp assistance may be authorized by the Food and Nutrition Service of the United States Department of Agriculture as a result of a major disaster which is determined as such by the President of the United States.

(2) In accordance with the Food Stamp Act, emergency food stamp assistance may be authorized by the Food and Nutrition Service as a result of a lesser disaster, even if the affected area has not been declared a major disaster, if the emergency has resulted either from a natural or human occurrence which disrupted the commercial channels of food distribution and the Food Stamp Program is operational.

Section 8. Provisions contained in this regulation shall become effective April 1, 1983.

JOHN CUBINE, Commissioner

ADOPTED: April 7, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: April 15, 1983 at 5 p.m.

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

CABINET FOR HUMAN RESOURCES Department for Social Insurance (Proposed Amendment)

904 KAR 3:060. Administrative *disqualification* [fraud] hearings and penalties.

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 procedures used by the cabinet to determine when an act of intentional program violation has occurred and appropriate penalties which shall be applied [disqualify food stamp recipients who have committed fraud].

[Section 1. Definition of Fraud. For purposes of determining at an administrative fraud hearing whether or not fraud was committed, fraud shall consist of any action by an individual to knowingly, willfully, and with deceitful intent:]

[(1) Make a false statement to the cabinet, either orally or in writing, to obtain benefits to which the household is not entitled;]

[(2) Conceal information to obtain benefits to which the household is not entitled;]

[(3) Alter ATP's to obtain benefits to which the household is not entitled;]

[(4) Use coupons to buy expensive conspicuous nonfood items such as alcohol or cartons of cigarettes;]

[(5) Use or possess improperly obtained coupons or ATP's; or]

[(6) Trade or sell coupons or ATP's.]

Section 1. [2.] Administrative *Disqualification* [Fraud] Hearings. An administrative *disqualification* [fraud] hearing should be initiated by the cabinet whenever it has documented evidence to prove that a household member has committed an act of intentional program violation. [fraud. The cabinet may initiate] An administrative *disqualification* [fraud] hearing may be initiated regardless of the current eligibility of the individual. For purposes of determining if an act of intentional program violation, as defined in 7 CFR 273.16(c), has been committed, said act shall consist of having intentionally: [The disqualification period for nonparticipants at the time of the final hearing decision shall be deferred until the individual applies for and is determined eligible for program benefits. Fraud hearings shall not be conducted if the amount the cabinet suspects has been fraudulently obtained is less than thirty-five dollars (\$35) or if ineligible items have been purchased with food stamps valued at less than thirty-five dollars (\$35). The burden of proving fraud is on the cabinet.]

(1) Made a false or misleading statement, or misrepresented, concealed, or withheld facts; or

(2) Committed any act that constitutes a violation of the Food Stamp Act, the food stamp regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or ATP's.

Section 2. [3.] *Disqualification* [Fraud] Hearing Pro-

cedures. The cabinet will provide *state level* administrative *disqualification* [fraud] hearings in accordance with 7 CFR 273.16(e) which will be heard by the fair hearing officials. [at the state level. The conduct of an administrative fraud hearing will be similar to that of a fair hearing. Administrative fraud hearings will be heard by the fair hearing officials.] Hearings shall be conducted by an impartial official(s) who did not have any personal stake or involvement in the case; who was not directly involved in the initial determination that the household member had committed *intentional program violation* [fraud]; and was not the immediate supervisor of the case [eligibility] worker who took the action.

(1) The powers and duties of the hearing official shall be the same as those specified in 904 KAR 3:070, Section 12.

(2) The household's rights during the [fraud] hearing shall be the same as those specified in 904 KAR 3:070, Section 13.

(3) The hearing decision shall comply with provisions specified in 904 KAR 3:070, Section 14(1).

(4) At the [fraud] hearing, the hearing official shall advise the household member or representative that they may refuse to answer questions during the hearing.

(5) Within ninety (90) days of the date the household member is notified in writing that a [an administrative] hearing has been scheduled, the cabinet shall conduct the hearing, arrive at a decision and *notify the household member of the decision* [initiate administrative action which will make the decision effective]. The household member or representative is entitled to *one (1) [a] postponement not to exceed [of up to] thirty (30) days, provided that the request is made at least ten (10) days in advance of the date of the scheduled hearing.* If a hearing is postponed, the above time limits shall be extended for as many days as the hearing is postponed.

Section 3. [4.] Advance Notice of *Disqualification* Hearing. The cabinet shall provide written notice to the household member suspected of *intentional program violation* [fraud] at least thirty (30) days in advance of the date a[n administrative fraud] hearing initiated by the cabinet has been scheduled. The notice shall be sent certified mail—*addressee only*—return receipt requested and shall contain:

(1) The date, time, and place of the hearing;

(2) The charge(s) against the household member;

(3) A summary of the evidence, and how and where the evidence can be examined;

(4) A warning that the decision will be based solely on information provided by the Food Stamp Office if the household member fails to appear at the hearing;

(5) A statement that the household member or representative will have ten (10) days from the date of the scheduled hearing to present good cause for failure to appear;

(6) [(5)] A warning that a determination of *intentional program violation* [fraud] will result in a *six (6) [three (3)] month disqualification for the first violation, a twelve (12) month disqualification for a second violation, and permanent disqualification for the third violation, and a statement of which penalty is applicable to the case scheduled for a hearing;*

(7) [(6)] A listing of the household member's rights as contained in 904 KAR 3:070, Section 13;

(8) [(7)] A statement that the hearing does not preclude the state or federal government from prosecuting the household member for *intentional program violation* [fraud] in a civil or criminal court action, or from collecting the overissuance;

[(8) A telephone number of someone who can give free legal advice.]

(9) A statement advising a household member, if there are individuals or organizations which provide free legal representation, of the availability of this service.

Section 4. [5.] Scheduling the *Disqualification* Hearing. The time and place of the hearing shall be arranged so that the hearing is accessible to the household member suspected of *intentional program violation* [fraud]. If the household member or its representative cannot be located or fails to appear at a hearing initiated by the cabinet without good cause, the hearing shall be conducted without the household member *being* represented. Even though the household member is not represented, the hearing official is required to carefully consider the evidence and determine if *intentional program violation* [fraud] was committed based on clear and convincing evidence. If the household member is found to have committed an *intentional program violation* [fraud] but a hearing official later determined that the household member or representative had good cause as defined in 904 KAR 3:070, Section 9, for not appearing, the previous decision shall no longer remain valid and the cabinet shall conduct a new hearing. The hearing official who originally ruled on the case may conduct the new hearing. The household member has ten (10) days from the date of the scheduled hearing [receipt of the notice of the fraud decision] to present reasons indicating a good cause for failure to appear. A hearing official must enter the good cause decision into the record.

Section 5. [6.] Participation While Awaiting a *Disqualification* Hearing. A pending [fraud] hearing shall not affect the individual's or the household's right to be certified and participate in the program. Since the cabinet cannot disqualify a household member for *intentional program violation* [fraud] until the hearing official or a court of appropriate jurisdiction finds that the individual has committed *intentional program violation* or the individual has signed a waiver of right to an administrative *disqualification* hearing, or the individual has signed a *disqualification consent agreement* [fraud], the cabinet shall determine the eligibility and benefit level of the household in the same manner it would be determined for any other household.

Section 6. [7.] *Disqualification* [Fraud] Hearing Decision. The hearing official shall base the determination of *intentional program violation* [fraud] on clear and convincing evidence which demonstrates that the household member(s) [knowingly, willfully, and with deceitful intent] committed and intended to commit *intentional program violation* [fraud] as defined in Section 1 of this regulation [2]. Decisions of the hearing official shall specify the reasons for the decision, identify the supporting evidence, identify the pertinent handbook section and corresponding FNS regulation and respond to reasoned arguments made by the household member or representative. An official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the hearing proceeding, shall be retained by the cabinet. This record shall also be available to the household or its representative during work hours for copying and inspection.

Section 7. [8.] Notification of *Disqualification* [Fraud] Hearing Decisions. The cabinet shall notify the [a] household member in writing of [fraud] hearing decisions

as specified below:

(1) If the hearing finds that the household member did not commit *intentional program violation* [fraud], the cabinet shall provide a written notice which informs the household member of the decision.

(2) If the [administrative fraud] hearing finds that the household member committed *intentional program violation* [fraud], the cabinet shall provide [mail a] written notice to the household member. *This notice shall be provided* prior to disqualification. The notice shall inform the household member of the *disqualification and when the disqualification will take effect*. [decision and the reason for the decision. The notice shall also inform the remaining household members, if any, of either the allotment they will receive during the period of disqualification, or that they must reapply because the certification period has expired and the date disqualification will take effect.] If the individual is no longer participating, the notice shall inform the individual that the period of disqualification will be deferred until such time as the individual again applies for and is determined eligible for program benefits. [A written agreement letter for restitution, explaining the repayment requirements shall also be sent.] A list of the household member's rights shall also be printed on the notice of the [fraud] hearing decision. *A notice shall also be provided to the remaining household members, if any, informing them of the allotment they will receive during the disqualification period or that they must reapply because their certification period has expired. A written demand letter shall also be sent to the remaining household members explaining the repayment requirements.*

Section 8. Waiver Disqualification Hearings. *Individuals accused of intentional program violation shall be allowed to waive their rights to an administrative disqualification hearing and shall be handled in accordance with 7 CFR 273.16(f).*

Section 9. Deferred Adjudication. *Individuals accused of intentional program violation shall be allowed to sign disqualification consent agreements in cases of deferred adjudication and shall be handled in accordance with 7 CFR 273.16(h).*

Section 10. [9.] Intentional Program Violation [Fraud] Disqualification Penalties. Individuals found through an administrative *disqualification* [fraud] hearing to have committed an *intentional program violation*, or individuals who have signed a waiver of right to an administrative disqualification hearing, or individuals who have signed a disqualification consent agreement, or individuals found guilty by a court of appropriate jurisdiction [fraud] shall be ineligible to participate for six (6) months for the first violation, twelve (12) months for the second violation, or permanently for the third violation. The disqualification period for a non-participant shall be deferred until such time as he/she applies for and is determined eligible for program benefits. Once a disqualification period is imposed, it shall continue uninterrupted, regardless of any subsequent determinations of eligibility/ineligibility of the disqualified member's household [three (3) months]. Court ordered disqualifications may be imposed separate and apart from any action taken by the cabinet [to disqualify the individual through an administrative fraud hearing]. In cases where the determination of *intentional program violation* [fraud] is reversed by a court, the cabinet shall reinstate the individual, if eligible, and restore any benefits

that were lost as a result of the disqualification. Individuals found guilty of *intentional program violation* [criminal or civil fraud] by a court of appropriate jurisdiction shall be disqualified for the period of time specified by that court. If the court fails to specify or address a disqualification period for the *intentional program violation* [fraudulent act], the cabinet shall impose a [six (6) month] disqualification period *consistent with the time periods set forth in this section and in accordance with 7 CFR 273.16(g)(2)* [unless it is contrary to the court order]. The cabinet shall disqualify only the individual convicted of *intentional program violation* [fraud] and not the entire household. [If the individual fails to agree to make restitution, the period of disqualification shall continue until the individual agrees to make restitution. Individuals or] The remaining household members shall agree [be permitted] to make restitution *within thirty (30) days of the date the cabinet's demand letter is mailed*, [during the period of disqualification] in accordance with established procedures for cash or coupon repayment [or allotment reduction]. *If the household does not agree to make restitution or after having agreed to make restitution fails to do so, allotment reduction shall be imposed on the household's monthly allotment.* The cabinet shall inform the household in writing of the disqualification penalties for committing *intentional program violation* [fraud] at each time it applies for benefits.

Section 11. [10.] Appeal Rights of the Household. [After a household member has been found to have committed fraud by a hearing official, the household member shall be disqualified for three (3) months beginning with the first month which follows the date the household member has received the state level hearing notice.] No further administrative appeal procedure exists after an [adverse] administrative *disqualification* [fraud] hearing finds that an *intentional program violation* was committed or an individual has waived his/her right to an administrative disqualification hearing. The determination of *intentional program violation* [fraud] made by a disqualification [fraud] hearing official cannot be reversed by a subsequent fair hearing decision. The household member, however, is entitled to seek relief in a court having appropriate jurisdiction. The period of disqualification may be subject to stay by a court of appropriate jurisdiction or other injunctive remedy.

Section 12. *The provisions contained in this regulation shall become effective, in accordance with 272.1(g), April 1, 1983.*

JOHN CUBINE, Commissioner

ADOPTED: April 7, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: April 15, 1983 at 5 p.m.

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

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
(Proposed Amendment)

904 KAR 3:070. Fair hearings.

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 and 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 fair hearing procedures used by the *cabinet* [department] to administer the Food Stamp Program.

Section 1. Availability of Hearings. The *cabinet* [department] shall provide a fair hearing to any household aggrieved by any action of the *cabinet* [department] which affects the participation of the household in the Food Stamp Program, *except that if the household has already had a fair hearing on the amount of an overissuance/claim as a result of consolidation of the administrative disqualification hearing and a fair hearing, in accordance with 7 CFR 273.16(e)(1), the household shall not be entitled to another hearing on that issue.* The *cabinet* [department] shall provide state level fair hearing conducted by state level hearing officers which shall be carried out at the local level.

Section 2. Timely Action on Hearing Requests. The *cabinet* [department] shall acknowledge all hearing requests, conduct a hearing, and issue a decision within sixty (60) days of a request for a fair hearing. Decisions which result in an increase in household benefits shall be reflected in the coupon allotment within ten (10) days of the receipt of the hearing decision even if the *cabinet* [department] must provide a supplementary ATP/coupons or otherwise provide the household with an opportunity to obtain the allotment outside the normal issuance cycle. However, the *cabinet* [department] may take longer than ten (10) days if it elects to make the decision effective in the household's normal issuance cycle, provided that the issuance will occur within sixty (60) days from the household's request for the hearing. Decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the hearing decision.

Section 3. Agency Conference. The *cabinet* [department] shall offer an agency conference to households adversely affected by the *cabinet's* [a departmental] action. The household shall be advised that an agency conference is optional and will in no way delay or replace the fair hearing process. An agency conference may lead to an informal resolution of the dispute. However, a fair hearing must still be held unless the household makes a written withdrawal of its request for a hearing. The agency conference is to be attended by the *case* [eligibility] worker, his/her supervisor, and the household member and/or representative. An agency conference for households contesting a denial of expedited service shall be scheduled within two (2) working days, unless the household requests that it be scheduled later or states no agency conference is wanted.

Section 4. Group Hearings. The *cabinet* [department] may respond to a series of individual requests for fair hearings by conducting a single group hearing. Hearing cases may be consolidated only where individual issues of fact are not disputed and if the sole issue is one of federal law, regulation or policy. In all group hearings the policies governing hearings must be followed. Each individual client shall be permitted to present his/her own case or be represented by legal counsel or other spokesperson.

Section 5. Postponement of Hearings. Households may request and are entitled to receive a postponement of the scheduled hearing. The postponement shall not exceed thirty (30) days from the date of the postponement request and the time limit for action on the decision may be extended for as many days as the hearing is postponed.

Section 6. Notification of Rights to Request a Hearing. At the time of application the *cabinet* [department] shall notify each household in writing of its right to a hearing, of the method by which a hearing may be requested and that its case may be presented by a household member or a representative, such as a legal counsel, a relative, a friend or other spokesperson. In addition, at any time the household expresses to the *cabinet* [department] that it disagrees with the *cabinet's* [departmental] action, it shall be reminded in writing of the right to request a fair hearing. If there is an individual or organization available that provides free legal representation, the household shall be informed in writing of the availability of that service.

Section 7. Request for Hearings. Any household member shall have the right to request a hearing on any action by the *cabinet* [department] which affects the participation of the household in the program and which occurred in the prior ninety (90) days. Action by the *cabinet* [department] shall include a denial of a request for restoration of any benefits lost more than ninety (90) days but less than a year prior to the request. In addition, at any time within a certification period a household may request a fair hearing to dispute its current level of benefits.

Section 8. *The Cabinet's* [Departmental] Responsibilities on Hearing Request. A request for a hearing is defined as a clear expression, oral or written, by the household or its representative to the effect that it wishes to appeal a decision or that an opportunity to present its case to a higher authority is desired. If it is unclear from the household's request what action it wishes to appeal, the *cabinet* [department] may request the household to clarify its grievance. The freedom to make a request for a hearing shall not be limited or interfered with in any way.

(1) Upon request, the *cabinet* [department] shall make available, without charge, the specific materials necessary for a household or its representative to determine whether a hearing should be requested or to prepare for a hearing. Upon request, the *cabinet* [department] shall also help a household with its hearing request. If a household makes an oral request for a hearing, the *cabinet* [department] shall complete the procedures necessary to start the hearing process. Households shall be advised of any legal services available that can provide representation at the hearing.

(2) The *cabinet* [department] shall expedite hearing requests from households, such as migrant farmworkers, that plan to move from the jurisdiction of the hearing official before the hearing decision would normally be reached. Hearing requests from these households shall be pro-

cessed faster than others if necessary to enable them to receive a decision and restoration of benefits, if the decision so indicates, before they leave the area.

Section 9. Denial or Dismissal of a Fair Hearing Request. The *cabinet* [department] shall not deny or dismiss a request for a hearing unless:

- (1) The request is not received within the time period specified in Section 7 of this regulation.
- (2) The client or his/her representative withdraws in writing a request for a hearing at any time prior to the release of the hearing officer's decision.
- (3) The household or its representative fails to appear to the scheduled hearing without good cause, as defined below:
 - (a) The household member was away from home during the entire filing period; or
 - (b) The household member is unable to read or to comprehend the notice; or
 - (c) The household member moved and a delay resulted in receiving inadequate notice; or
 - (d) Serious illness of a household member; or
 - (e) The delay was no fault of a household member; or
 - (f) The household member did not receive the notice.

Section 10. Continuation of Benefits. Households which request a fair hearing within the period provided on the notice of adverse action shall be allowed to continue participation in the program on the basis authorized immediately prior to notice of adverse action provided its certification period has not expired unless the household specifically waives continuation of benefits. If the adverse notice period ends on a weekend or holiday, and a request for a fair hearing and continuation of benefits is received the day after the weekend or holiday, the state agency shall consider the request timely received. If the household fails to request a hearing within the notice period for good cause, benefits shall be reinstated on the prior basis. When benefits are reduced or terminated due to a mass change, participation on the prior basis shall be reinstated only if the issue is that food stamp eligibility or benefits were improperly computed or that federal law or regulation is being misapplied or misinterpreted by the *cabinet* [department]. Once continued or reinstated, benefits shall not be reduced or terminated prior to the receipt of the official hearing decision unless:

- (a) The certification expires. The household may reapply and may be determined eligible for a new certification period with a benefit amount as determined by the *cabinet* [department]; or
- (b) The hearing officer makes a preliminary determination in writing and at the hearing, that the sole issue is one of federal law or regulation and no question of fact is involved; or
- (c) A change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending and the household fails to request a hearing after the subsequent notice of adverse action; or
- (d) A mass change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending; or
- (e) The household or representative fails to appear at the hearing without good cause. Attendance is not required at a group hearing.

Section 11. Notification of Time and Place of Hearing. The time, date and place of the hearing shall be arranged

so that the hearing is accessible to the household. At least ten (10) days prior to the hearing, advance written notice shall be provided to all parties involved to permit adequate preparation of the case. However, the household may request less advance notice to expedite the scheduling of the hearing. The notice shall:

- (1) Advise the household or representative of the name, address, and phone number of the person to notify in the event it is not possible for the household to attend the scheduled hearing.
- (2) Specify that the *cabinet* [department] will dismiss the hearing request if the household or its representative fails to appear for the hearing without good cause.
- (3) Include the *cabinet's* [department's] procedures and any other information that would provide the household with an understanding of the proceedings and that would contribute to the effective presentation of the household's case.
- (4) Explain that the household or representative may examine the case file prior to the hearing.

Section 12. Hearing Official. The *cabinet* [department] shall designate a hearing official who does not have any personal stake or involvement in the case; was not directly involved in the initial determination of the action which is being contested; was not the immediate supervisor of the case [eligibility] worker who took the action and is an employee of the *cabinet* [department]. The power and duties of the hearing official shall be as follows:

- (1) Administer oaths or affirmations;
- (2) Insure that all relevant issues are considered;
- (3) Request, receive and make part of the record all evidence determined necessary to decide the issues being raised;
- (4) Regulate the conduct and course of the hearing consistent with due process to insure an orderly hearing;
- (5) Order, where relevant and useful, an independent medical assessment or professional evaluation from a source mutually satisfactory to the household and the *cabinet* [department];
- (6) Subpoena relevant and useful information or individuals;
- (7) Provide a hearing record and recommendation for final decision by the hearing authority; or, if the hearing official is the hearing authority, render a hearing decision in the name of the *cabinet* [department] in accordance with Section 14 of this regulation.

Section 13. Rights During Hearing. During the hearing process the household or its representative must be given adequate opportunity to:

- (1) Examine all documents and records to be used at the hearing at anytime during working hours before the date of the hearing as well as during the hearing. The contents of the case file including the application form and documents of verification used by the *cabinet* [department] to establish the household's ineligibility or eligibility and allotment shall be made available, provided that confidential information such as the names of individuals who have disclosed information about the household without its knowledge or the nature or status of pending criminal prosecutions, is protected from release. If requested by the household or its representative, the *cabinet* [department] shall provide a free copy of the portions of the case file that are relevant to the hearing. Confidential information that is protected from release and other documents or records which the household will not otherwise have an opportuni-

ty to contest or challenge shall not be introduced at the hearing or affect the hearing official's decision.

(2) Present the case or have it presented by a legal counsel or other person.

(3) Bring witnesses, friends or relatives.

(4) Advance arguments without undue interference.

(5) Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses.

(6) Submit evidence to establish all pertinent facts and circumstances in the case.

Section 14. Hearing Decisions. (1) Decisions of the hearing officer shall comply with federal law and regulation and will be based on the hearing record. The recording of testimony and exhibits, and an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for a final decision by the hearing authority. This record shall be retained in accordance with 904 KAR 3:050, Section 6 [7]. This record shall also be available to the household or its representative during working hours for copying and inspection.

(2) A decision by the hearing authority shall be binding on the *cabinet* [department] and shall summarize the facts of the case, specify the reasons for the decision, and identify the supporting evidence and the pertinent manual section and corresponding federal regulation. The decision shall become a part of the record.

(3) The household and the local office shall each be notified in writing of: The decision; the reasons for the decision; the available appeal rights; and that the household's benefits will be issued or terminated as decided by the hearing authority. The notice shall also state that an appeal may result in a reversal of the decision.

(4) After *notification* of a [department's] hearing decision which upholds the *cabinet's* [department's] action, the household shall be notified of the right to pursue judicial review of the decision. In addition, the household shall be notified of the right to appeal their case to the appeal board in accordance with Section 16 of this regulation.

Section 15. Implementation of Hearing Decision. The *cabinet* [department] shall insure that all final hearing deci-

sions are reflected in the household's coupon allotment within the time limits specified in Section 2 of this regulation.

(1) When the hearing authority determines that a household has been improperly denied program benefits or has been issued a lesser allotment than was due, lost benefits shall be provided to the household. The *cabinet* [department] shall restore benefits to households which are leaving the county before the departure whenever possible. If benefits are not restored prior to the household's departure, the county shall forward an authorization for benefits to the household or to the county if known. The county shall accept an authorization and issue the appropriate benefits whether the authorization is presented by the household or received directly from another county.

(2) When the hearing authority upholds the *cabinet's* [department's] action, a claim against the household for any overissuances shall be prepared.

Section 16. Appeal Board. Households dissatisfied with the hearing officer's decision may appeal to the appeal board within twenty (20) days from the date of the hearing decision. Within forty-five (45) days of receipt of the request for an appeal of a fair hearing decision, the *cabinet* [department] shall ensure that the review is conducted, and that a decision is reached. The decision shall be reflected in the coupon allotment within ten (10) days of the decision.

Section 17. Judicial Review. Households aggrieved by the appeal board's decision shall have the right to appeal this decision to the court of appropriate jurisdiction.

Section 18. Provisions contained in this regulation shall become effective April 1, 1983.

JOHN CUBINE, Commissioner

ADOPTED: April 7, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: April 15, 1983 at 5 p.m.

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

Proposed Regulations

FINANCE AND ADMINISTRATION CABINET Office for Policy and Management Division of Investment and Debt Management

200 KAR 14:030. Review procedures.

RELATES TO: KRS 42.420

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 42.420 requires the Division of Investment and Debt Management to review and approve the issuance of debt by all state agencies with authority to issue bonds. This regulation will establish procedures for consistent and timely review by the Division of Investment and Debt Management of proposals for debt issuance by state agencies.

Section 1. Each state agency, authority, board, commission, corporation, or other entity of the Commonwealth that intends to issue debt shall obtain the review and approval of the Division of Investment and Debt Management, according to Debt Issuance Procedures established by the Division of Investment and Debt Management, as approved by the Secretary of the Finance and Administration Cabinet and dated April, 1983, which procedures are hereby adopted, incorporated, and made a part hereof by reference, the same as if copied verbatim herein. Copies may be obtained from the Division of Investment and Debt Management, Capitol Annex, Frankfort, Kentucky 40601.

ROBERT L. WARREN, Secretary

ADOPTED: April 14, 1983

RECEIVED BY LRC: April 15, 1983 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Tanya Gritz, Division of Investment and Debt Management, Room 201, Capitol Annex, Frankfort, Kentucky 40601.

FINANCE AND ADMINISTRATION CABINET Kentucky Board of Pharmacy

201 KAR 2:165. Transfer of prescription information.

RELATES TO: KRS Chapter 315

PURSUANT TO: KRS 13.082, 315.191(1), (5)

NECESSITY AND FUNCTION: KRS 315.191(5) provides for the board to adopt regulations necessary to control the transfer of prescriptions. This regulation will set out the requirements for the transfer of information.

Section 1. The transfer of original prescription information for any prescription except Schedule II Controlled Substances for the purpose of refill dispensing is permissible if communicated directly between two (2) pharmacists on a one time basis subject to the following requirements:

(1) The transferring pharmacist shall record the following information:

(a) That the prescription is void;

(b) The name and address of the pharmacy to which it

was transferred and the name of the pharmacist receiving the prescription information;

(c) The DEA registration number of the pharmacy to which it was transferred if it is a controlled substance;

(d) The date of the transfer and the name of the pharmacist transferring the information.

(2) The pharmacist receiving the transferred prescription shall record the following information:

(a) That the prescription is a transfer;

(b) The date of issuance of the original prescription;

(c) The refill authorization on the original prescription;

(d) The date of original dispensing;

(e) The refill authorization remaining and the date of the last refill;

(f) The pharmacy's name and address and the original prescription number from which the prescription was transferred;

(g) The name of the transferor pharmacist;

(h) All additional information required by law.

(3) Both the original prescription and the transferred prescription must be maintained for a period of five (5) years from the date of the last refill.

(4) Pharmacies electronically accessing the same prescription record must satisfy all information of a manual mode for a prescription transfer.

Section 2. Violation of any provision of this regulation constitutes unethical or unprofessional conduct in accordance with KRS 315.121.

JOHN H. VOIGE, Executive Director

ADOPTED: March 16, 1983

RECEIVED BY LRC: March 31, 1983 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Board of Pharmacy, P.O. Box 553, Frankfort, Kentucky 40602.

FINANCE AND ADMINISTRATION CABINET Kentucky Board of Pharmacy

201 KAR 2:170. Computerized recordkeeping.

RELATES TO: KRS Chapter 217, 315

PURSUANT TO: KRS 13.082, 217.215(2), 315.191(1), (5)

NECESSITY AND FUNCTION: KRS 217.215(2) provides for the board to establish regulations relating to the storage and retrieval of prescription records, including computerized recordkeeping. This regulation will assure uniform compliance for those desiring to use computerized recordkeeping.

Section 1. An automated data processing system may be used for the storage and retrieval of prescription information subject to the following conditions:

(1) Written notification is provided to the Kentucky Board of Pharmacy that an automated data processing system is being utilized to maintain prescription records. Written notification must also be provided to the board that use of an automated data processing system is being discontinued.

(2) All information pertinent to a prescription shall be entered into the system, including, but not limited to, each of the following:

- (a) The prescription number;
- (b) The patient's name and address;
- (c) The prescriber's name and address;
- (d) The prescriber's Federal Drug Enforcement Administration number, if appropriate;
- (e) Refill authorization;
- (f) Any prescriber's instructions or patient's preference permitted by law or regulation;
- (g) The name, strength, dosage form, and quantity of the drug dispensed originally and upon each refill;
- (h) The date of dispensing of the prescription and the identifying designation of the dispensing pharmacist for the original filling and each refill; and
- (i) The date and identifying designation of the dispensing pharmacist for the original (re)filling and each refill.

(3) The entries shall be made into the system at the time the prescription is first filled and at the time of each refill, except that the format of the record may be organized so that the information already entered may appear for the prescription or refill without re-entering such information. The dispensing pharmacist is responsible for the completeness and accuracy of the entries. The original prescription order and a record of each refill shall be preserved by the pharmacy for a period of five (5) years and shall be subject to inspection by authorized agents. No original prescription order shall be obstructed in any manner.

(4) The required information shall be entered into the system for all prescriptions filled at the pharmacy.

(5) The system shall provide, within the pharmacy, retrieval of all required original and refill prescription information by display screen or hard-copy printout.

(6) The system shall provide adequate safeguards against improper manipulation or alteration of the records.

(7) The system shall have the capability of producing a hard-copy printout of all original and refilled prescription data as required in Section 2 of this regulation. A hard-copy printout of the required data shall be made available to an authorized agent within forty-eight (48) hours of the receipt of a written request.

(8) The system shall provide a hard-copy printout of each day's prescription data. That printout shall be verified, dated, and signed by the pharmacist(s) who filled such prescription orders. This document shall be maintained for a period of five (5) years. Permission to maintain an alternative system to produce this record may be granted by the board.

(9) An auxiliary recordkeeping system shall be established for the documentation of refills if the automated data processing system is inoperative for any reason. The auxiliary system shall insure that all refills are authorized by the original prescription order and that the maximum number of refills is not exceeded. If the automated data processing system is restored to operation, the information regarding prescriptions filled and refilled during the inoperative period shall be entered into the automated data processing system within seventy-two (72) hours.

(10) Controlled substance data contained on a hard-copy printout must be separated, asterisked, or in some other manner visually identifiable apart from other items appearing on the printout.

(11) The pharmacist is responsible to assure continuity in the maintenance of records throughout any transition in record systems utilized.

Section 2. A computer malfunction or data processing

services provider's negligence is not defense against charges of improper recordkeeping.

Section 3. This regulation is not applicable to the recordkeeping for drugs prescribed for and administered to patients confined as an inpatient in an acute care facility.

Section 4. Violation of any provision of this regulation constitutes unethical or unprofessional conduct in accordance with KRS 315.121.

JOHN H. VOIGE, Executive Director

ADOPTED: March 16, 1983

RECEIVED BY LRC: March 31, 1983 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Executive Director, Kentucky Board of Pharmacy,
P.O. Box 553, Frankfort, Kentucky 40602.

FINANCE AND ADMINISTRATION CABINET Kentucky Board of Pharmacy

201 KAR 2:175. Emergency/72 hour prescription refills.

RELATES TO: KRS Chapter 217, 315

PURSUANT TO: KRS 13.082, 217.215(3), 315.191

NECESSITY AND FUNCTION: This regulation sets out the conditions whereby a prescription may be refilled in an emergency situation and the prescriber is unavailable.

Section 1. In the event a pharmacist receives a request for a prescription refill with no refill authorized and the pharmacist is unable to readily obtain refill authorization from the prescriber, the pharmacist may dispense a one (1) time emergency refill of up to a seventy-two (72) hour supply of the medication providing that:

(1) The prescription refill is not for a controlled substance;

(2) The medication is essential to the maintenance of life or to the continuation of therapy in chronic conditions;

(3) In the pharmacist's professional judgment, the interruption of therapy might reasonably produce undesirable health consequences and/or may be detrimental to the patient's welfare and physical or mental discomfort;

(4) The pharmacist notes on the prescription the date, the quantity dispensed, and his name or initials; and

(5) In all situations an emergency refill must be followed by authorization from the prescriber for continued therapy.

Section 2. Violation of any provision of this regulation constitutes unethical or unprofessional conduct in accordance with KRS 315.121.

JOHN H. VOIGE, Executive Director

ADOPTED: March 16, 1983

RECEIVED BY LRC: March 31, 1983 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Executive Director, Kentucky Board of Pharmacy,
P.O. Box 553, Frankfort, Kentucky 40602.

COMMERCE CABINET
Kentucky Development Finance Authority

307 KAR 1:010. Bond financed loan program.

RELATES TO: KRS Chapter 154

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 154.005 et seq. creates the Kentucky Development Finance Authority (the "Authority") and provides statutory authority for the initiation, financing and implementation of the various programs of the Authority. Pursuant to KRS 154.040(9) and KRS 154.060 the Authority is authorized and empowered to promulgate reasonable regulations for the administration of the powers granted to the Authority by the Kentucky Revised Statutes and in respect of determinations of eligibility for loans. Chapter 398 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1982 Regular Session, authorizes issuance of a \$50,000,000 Economic Development Bond issue for the Kentucky Development Finance Authority Loan Program. The purpose of the regulation hereby promulgated is to establish definitive standards in respect of the Kentucky Development Finance Authority Loan Program as such program is financed pursuant to Chapter 398 of the 1982 Acts of the General Assembly of the Commonwealth of Kentucky. The adoption of regulations in respect of the Kentucky Development Finance Authority Loan Program is necessary and desirable in order to provide detailed guidance and proper regulatory structure for the initiation and financing by the Authority of eligible projects, as hereinafter defined, which are specifically financed pursuant to the Kentucky Development Finance Authority Loan Program. The regulation herein promulgated shall be applicable only to such program, as authorized to be financed by the 1982 General Assembly of the Commonwealth, and shall not be directly applicable to any other program of the Authority. In financing eligible projects pursuant to KRS 154.005 et seq. the regulations and Chapter 398 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1982 Regular Session, the Authority shall make loans in respect of eligible projects using the statutory authority granted by KRS 154.127.

Section 1. Definitions. As used in this regulation, the following words and phrases shall have the following meanings:

- (1) "Act" means collectively.
 - (a) Chapter 398 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1982 Regular Session;
 - (b) Chapter 56 of the Kentucky Revised Statutes; and
 - (c) Sections 154.005 et seq. of the Kentucky Revised Statutes, construed in *pari materia*.
- (2) "Allowable costs" means all or a portion of the costs of an eligible project, including the costs of acquiring, constructing, reconstructing, rehabilitating, renovating, enlarging, improving, equipping, maintaining or furnishing project facilities, including site clearance and preparation, necessary public utility relocations, designs, plans, specifications, studies and estimates in respect of the eligible project, expenses necessary or incident to the acquisition of the eligible project, necessary architectural, engineering and legal fees and expenses and provision for costs of operating and maintaining such eligible project.
- (3) "Authority" means Kentucky Development Finance Authority, a *de jure* body corporate and politic, created pursuant to KRS 154.005 et seq.
- (4) "Bonds" means up to \$50,000,000 principal amount

of Commonwealth of Kentucky State Property and Building Commission Economic Development Revenue Bonds, Project No. (K DFA Loan Program), authorized by Chapter 398 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1982 Regular Session and issued pursuant to the Act.

(5) "Commonwealth" means the Commonwealth of Kentucky.

(6) "Eligible project" means the acquisition, construction, equipping, establishment, expansion, reconstruction, rehabilitation or retention of project facilities within the Commonwealth of Kentucky.

(7) "Executive director" means the Executive Director of the Authority, pursuant to KRS 154.025(3), or the statutory or other successor to such executive director.

(8) "Facilities Establishment Fund" means the special fund hereinafter created, into which the net proceeds of the bonds will initially be deposited and into which all moneys received by the Authority as representing repayments of program loans must be deposited as received.

(9) "KRS" means the Kentucky Revised Statutes.

(10) "Person" means any individual, firm, partnership, governmental entity, association or corporation or any combination thereof.

(11) "Program" means the Kentucky Development Finance Authority Loan Program, authorized by the Act.

(12) "Program loans" means loans made by the Authority from the proceeds of the bonds and from moneys from time to time in the Facilities Establishment Fund to individuals, firms, partnerships, associations, corporations, governmental entities or any combination thereof for the acquisition by such persons of eligible projects.

(13) "Project facilities" includes, but not by way of limitation, land, buildings, structures, operating and manufacturing equipment and machinery, inventory, supplies or any combination of the foregoing.

(14) "Regulations" means the regulations adopted by the Authority in connection with the program.

Section 2. Kentucky Development Finance Authority Loan Program. (1) By the enactment of Chapter 398 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1982 Regular Session, which created the Kentucky Development Finance Authority Loan Program, the General Assembly has determined that the financing and implementation of the Kentucky Development Finance Authority Loan Program is necessary and desirable in the public interest. The Kentucky Development Finance Authority Loan Program shall be administered from time to time by the Authority pursuant to the Act and the regulations. It is declared by the Authority as a finding of fact that economic development of the Commonwealth carried out by increases in manufacturing, agriculture and tourism programs and projects will be in the best interests of the Commonwealth and its citizens, in that many areas of the Commonwealth have experienced and are experiencing significant economic impact and decline as a result of national and regional economic conditions, and transformation of the Commonwealth from a predominantly agricultural economy. The General Assembly has found that the Kentucky Development Finance Authority Loan Program will materially contribute to the economic stability and revitalization of the Commonwealth and result in improving the economic welfare of the Commonwealth generally. Accordingly, it has been determined to be the public policy of the Commonwealth through the operation of the program to assist in and facilitate the establishment,

retention or expansion of eligible projects in the Commonwealth and the General Assembly has provided for the financing of the program by the issuance of the bonds.

(2) In furtherance of the public policy of the Commonwealth and for the implementation of the program pursuant to the Act, the Authority may initiate and carry out, but not by way of limitation, the following actions in connection with the program.

(a) The Authority may enter into appropriate agreements with persons engaged in or proposing to engage in, directly or indirectly, manufacturing, tourism and agricultural enterprises to induce such persons to acquire, construct, reconstruct, rehabilitate, enlarge, improve, equip or otherwise develop eligible projects.

(b) The Authority may make direct loans to persons in respect of the establishment of eligible projects pursuant to the Act and the regulations, provided, however, that no such direct loan shall exceed fifty percent (50%) of the total debt financing to be carried out in respect of an eligible project when such financing does not exceed \$500,000, plus one-third ($\frac{1}{3}$) of any such aggregate debt financing in excess of \$500,000, but no program loan of the Authority may exceed \$1,000,000; provided, however, that the restrictions herein contained may be waived in respect of any eligible project by unanimous action taken by the members of the Authority present and constituting a quorum.

(c) In connection with the program, the Authority may retain the services of or employ financial consultants, appraisers, consulting engineers, superintendents, construction and accounting experts, attorneys and employees, agents and independent contractors as are necessary in the reasonable judgment of the Authority.

(d) The Authority may apply for, receive and accept grants, gifts and contributions of money, property, labor and other things of value in connection with the program, to be held, used and applied only for the purposes for which such grants, gifts and contributions are made.

(e) The Authority may enter into appropriate agreements and arrangements with any person and with any unit of government, state, local or federal, in furtherance of the program.

(f) The Authority may do and carry out, pro se or through agents and employees, any and all other acts and things, enter into contracts and execute all instruments, papers and documents necessary or appropriate to carry out the provisions of the Act and the regulations.

(g) The Authority may adopt further regulations in connection with the program in order to more fully implement and regulate the proper financing and implementation of the program. Notwithstanding the foregoing, no supplemental or amended regulation adopted by the Authority may alter, amend, change, modify or rescind the provisions of the regulations relating to the Facilities Establishment Fund and the automatic and irrevocable deposit of moneys received by the Authority from the repayment of program loans into the Facilities Establishment Fund. All moneys received by the Authority representing repayment of program loans, including interest thereon, shall be deposited as received into the Facilities Establishment Fund and may never be applied or used for any purpose except the making of program loans.

(3) The approval of a program loan shall, before the program loan is disbursed by the Authority, be approved by the Authority or by properly authorized committee of the Authority, which committee is appointed by unanimous action taken by the members of the Authority present and constituting a quorum. Upon such approval,

the determination made by the Authority that particular project facilities constitute an eligible project, that costs of such eligible project are allowable costs and the financing of the eligible project by a program loan will create or retain employment opportunities, increase economic development, or otherwise carry out the purposes of the Act, shall be conclusive for purposes of the validity and enforceability of the rights of parties arising from actions so taken and agreements entered into by the Authority pursuant to the Act and the regulations.

Section 3. Facilities Establishment Fund. The Facilities Establishment Fund is hereby created and established. (1) The Facilities Establishment Fund shall be a separate and discrete fund or account which shall be maintained by an indenture trustee to be selected in connection with the issuance of the bonds (the "Trustee"). The net proceeds from the sale of the bonds to be used for the making of program loans shall be deposited, when received, into the Facilities Establishment Fund and shall be disbursed by the Authority pursuant to the Act, the regulations and the proceedings in respect of the bonds, for the making of program loans. There shall be, and the proceedings incident to the issuance of the bonds shall confirm and establish, provisions for a separate accounting within the Facilities Establishment Fund of the net proceeds of the bonds and the investment income thereon, as well as a separate accounting for moneys received as repayments of program loans and investment income thereon.

(2) All moneys received as a result of repayment of program loans, both principal and interest, shall be received by the trustee in respect of the bonds and deposited as received into the Facilities Establishment Fund and, together with the investment income thereon, shall be separately accounted for within the Facilities Establishment Fund. In the making of program loans, the Authority shall make program loans having such terms and provisions so as to assure that the present value of moneys received as repayment of program loans, which will automatically be paid into the Facilities Establishment Fund shall, in the aggregate, not to exceed eighty percent (80%) of the present value of the debt service in respect of the proceeds of the bonds that are actually applied to the making of program loans. The Authority shall monitor compliance with this requirement on a continuous basis and shall, to the extent necessary, adjust program loan repayment obligations so that moneys received into the Facilities Establishment Fund representing repayments of program loans will at all times comply herewith.

(3) Following the issuance of the bonds, no amendments, modifications or rescissions shall be made with respect to the regulations which would change the fundamental character of or otherwise materially affect the Facilities Establishment Fund and the restrictions upon the use of moneys in the Facilities Establishment Fund for the making of program loans or the limitation on repayments of program loans to be received into the Facilities Establishment Fund as established by the regulations. Moneys from all sources from time to time in the Facilities Establishment Fund may be used and applied by the Authority solely and only for the purpose of making program loans. Moneys in the Facilities Establishment Fund may never be transferred to any other unit of government of the Commonwealth and may never be used or applied, directly or indirectly, for any purpose except the making of program loans.

Section 4. Criteria for Selecting Eligible Projects. (1)

The Authority shall formulate appropriate application and credit forms for use by persons applying to the Authority for program loans. In selecting and determining the eligible projects to be assisted and the nature, amount and terms of program loans to be provided for any eligible project under the Kentucky Development Finance Authority Loan Program, the Authority shall consider and take into consideration, inter alia, the following:

(a) The number of jobs to be created or reserved, directly or indirectly within the development period of the eligible project;

(b) Payrolls, and the taxes generated, at both state and local levels, by the eligible project and taxes generated by the employment created or preserved by the eligible project;

(c) The size, nature and cost of the eligible project, including the prospect of the eligible project for providing long-term jobs in enterprises consistent with the changing economies of the Commonwealth and the nation;

(d) The needs, and degree of needs, of the area in which the eligible project is to be located;

(e) The needs of any private sector enterprise to be assisted;

(f) The amount and kind of assistance, if any, to be provided to any applicant by other governmental agencies through tax exemption or abatement, financing assistance with industrial development bonds, and otherwise, with respect to the eligible project;

(g) The amount of capital made available to the eligible project by other lenders and by the owners of the eligible project; and

(h) The economic feasibility of the eligible project.

(2) Prior to final approval of any program loan to be provided, and as a condition precedent thereto, the Authority shall determine that the benefits to be derived by the Commonwealth and the local economic area from the establishment and operation of the eligible project will exceed the cost of providing such assistance.

Section 5. Program Loans to be Made from the Facilities Establishment Fund. (1) The Authority, subject to the other applicable provisions of this regulation, will make program loans only from moneys in the Facilities Establishment Fund. Program loans will be made if the Authority determines that:

(a) The project is an eligible project and is economically sound;

(b) The amount to be loaned from the Facilities Establishment Fund will not exceed fifty percent (50%) of the total allowable costs of the eligible project; and

(c) The amount of the program loan from the Facilities Establishment Fund to be repaid will, if deemed necessary by the Authority, be adequately secured by a mortgage, lien, assignment or pledge, at such level of priority as the Authority may require.

(2) The determinations of the Authority under subsection (1) of this section shall be conclusive for purposes of the validity of a program loan commitment evidenced by an agreement of the Authority.

(3) Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions and provisions of and security for program loans made from the Facilities Establishment Fund pursuant to this section shall be such as the Authority determines to be appropriate and in furtherance of the purpose for which the program loans are made. Provided, that repayments of program loans shall conform to the requirements of Section 3 of this regulation.

(4) The Authority is authorized to take such actions as may be necessary or appropriate to collect or otherwise deal with any program loan.

Section 6. Authority to Administer Program. (1) The Authority, pursuant to the Act, will at all times administer the program and the program loans and will provide adequate staff and resources for the proper carrying out of such duties and functions. All costs incident to the administration of the program shall be deferred and paid by the Authority from funds other than funds in the Facilities Establishment Fund and no moneys in the Facilities Establishment Fund will ever be used or applied to any purpose except the purpose stipulated in this regulation.

(2) The Authority will monitor each program loan to assure that all program loans meet the requirements of financing agreements in respect thereto between the Authority and the obligors in respect to such program loans. In that regard, the Authority shall require financial reports to be made by the program loan obligors at such intervals as shall be deemed necessary by the Authority. The Authority shall monitor the average annual employment generated by eligible projects financed by program loans and generally will do and perform all actions as shall be required to assure that program loans continuously meet the program standards established by this regulation.

W. BRUCE LUNSFORD, Chairman

ADOPTED: April 8, 1983

RECEIVED BY LRC: April 13, 1983 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Development Finance Authority, Capital Plaza Tower, Frankfort, Kentucky 40601.

**NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Water**

401 KAR 5:100. KPDES laboratory certification.

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 224.033(19), (22), (23), 224.060
NECESSITY AND FUNCTION: KRS 224.033(19)

authorizes the Natural Resources and Environmental Protection Cabinet to issue, continue in effect, revoke, modify, suspend or deny under such conditions as the cabinet may prescribe, permits to discharge into any waters in the Commonwealth. KRS 224.033(22) requires the Natural Resources and Environmental Protection Cabinet to prescribe any equipment, device or test and the methodologies and procedures for the use of such equipment, device or test to monitor the nature and amount of any substance discharged into the waters of the Commonwealth. KRS 224.033(23) requires the filing of reports with the cabinet which contain information as to the composition of any substance discharged into the waters of the Commonwealth.

Section 1. Definitions. (1) "Acceptable results" means a variance of less than plus or minus two (2) standard devia-

tions from the true value of a performance audit sample as determined by EPA, unless another variance for a specific parameter is stated prior to the analysis.

(2) "Accuracy and precision statement" means variance of an analytical method or test based upon the repeated analyses of a representative sample and a representative sample containing a known additional amount of constituent.

(3) "Approved laboratory" means a laboratory that has filed an acceptable pre-evaluation form with the KPDES laboratory certification officer.

(4) "Certificate" means a document issued by the KPDES laboratory certification officer showing those parameters for which a laboratory has received certification. The certificate remains the property of the cabinet and shall be surrendered at the direction of the cabinet.

(5) "Certification" means a declaration by the cabinet that a laboratory has been evaluated under the KPDES laboratory certification program and found acceptable to analyze specific parameters.

(6) "Director" means the Director of the Division of Environmental Services in the Department for Environmental Protection.

(7) "Evaluation" means a complete on-site review of personnel, facility, methodology, recordkeeping and quality assurance of a laboratory, conducted by the cabinet.

(8) "KPDES laboratory certification officer" means a person designated by the cabinet who is responsible for the management of the KPDES laboratory certification program or an authorized representative.

(9) "Laboratory" means a facility that performs analyses to determine the quality of wastewater or any other analyses related to environmental quality evaluations, which will be submitted to the cabinet as required by the KPDES regulations.

(10) "Laboratory director" means a person who has been given the responsibility by the laboratory's governing body of supervising the operations of the laboratory and insuring the quality of the data reported.

(11) "Performance audit sample" means a sample in which the concentration of the constituents required for certification is known only to the KPDES laboratory certification officer and is used to determine the laboratory's proficiency.

(12) "Program" means the KPDES laboratory certification program.

(13) "Provisional certification" means that a laboratory has met all minimum requirements for equipment, facility, methodology, recordkeeping and quality assurance as determined by a KPDES laboratory certification officer.

Section 2. Parameters Requiring Certification. For any parameter requiring analytical testing in a laboratory and submitted to the cabinet as required data for compliance with the KPDES regulations, the testing laboratory shall obtain certification under this regulation.

Section 3. Certification Criteria. The cabinet will inform certified laboratories and applicants for certification of required procedures, methodologies, techniques, facilities, equipment, quality assurance, and recordkeeping, including any changes in those requirements.

Section 4. Certification. The laboratory shall submit an application for certification. For a period of ninety (90) days following implementation of this regulation, all laboratories which indicate to the director, in writing, their

desire to enter the program will be granted provisional certification. Within seven (7) days of receiving a written request, the laboratory will be mailed a copy of the minimum requirements for a laboratory analyzing wastewater and an application form. The application form shall be filled out completely, signed by the laboratory director, and returned to the KPDES laboratory certification officer within thirty (30) days.

(1) Issuance of certification. Within seven (7) days after receiving the completed application form, the KPDES laboratory certification officer will determine the status of the laboratory. All laboratories meeting minimum certification criteria will be granted approval. The laboratory director will be sent a letter stating the approval of the laboratory and the date when the on-site evaluation will be conducted. All provisionally certified laboratories meeting minimal requirements will be granted approval and will continue provisional certification.

(a) If minimal requirements have not been met, the laboratory director will be sent a denial letter listing each point where deficiencies were noted and the corrective action required for approval. Once the laboratory has corrected all noted deficiencies, and notified the laboratory certification officer, in writing, the application will be processed.

(b) Each approved laboratory will then undergo an on-site evaluation on the date stated in the approval letter by the KPDES laboratory certification officer. The certification officer may be assisted by members of the Department for Environmental Protection staff upon his request. A written report will be filed with the director within thirty (30) days following the on-site evaluation. A copy of this report will be mailed to the laboratory director.

(c) Within seven (7) days after receiving the written report of the evaluation, the director will notify the laboratory of the determination. If the adequacy of the laboratory capability and its proficiency have been established, certification will be granted to the laboratory for the evaluated parameters.

(d) When the laboratory has been determined to have capability but proficiency has not been established, provisional certification will be granted.

(e) Certification for chemical analyses for a parameter will be granted when the laboratory demonstrates proficiency by:

1. Obtaining acceptable performance on an EPA performance evaluation study; or

2. When a performance audit sample is not available, preparing an accuracy and precision statement acceptable to the KPDES laboratory certification officer.

(2) Certification continuance between evaluations. In order to maintain certification for each parameter:

(a) The laboratory shall participate in an annual performance evaluation study when technically feasible; or

(b) When not technically feasible, the laboratory shall annually prepare an accuracy and precision statement acceptable to the KPDES laboratory certification officer; or

(c) When required by the KPDES laboratory certification officer, the laboratory shall participate in split sampling with the Department for Environmental Protection laboratory.

(3) Reports. The laboratory shall submit all required data from analytical testing for compliance with KPDES regulations to the Division of Water in the Department for Environmental Protection. All submitted data shall be on forms approved by the secretary of the cabinet.

(4) Frequency of certification. The laboratory will be

evaluated for renewal of certification every three (3) years. At any time during the certification period, at the discretion of the KPDES laboratory certification officer, an on-site evaluation may be performed.

(5) Laboratory name. Any laboratory certified under this program will maintain only one (1) name for the laboratory. This name will be used in all correspondence with the cabinet.

Section 5. Loss of Certification. (1) Total laboratory decertification. Once certified, a laboratory's certificate will be withdrawn for knowingly falsifying data.

(2) Parameter decertification. Once certified, a laboratory will have its certification for a parameter withdrawn by failure to:

- (a) Obtain acceptable results on a performance audit sample and a repeat audit sample; or
- (b) Comply with Sections 3 and 4 of this regulation; or
- (c) Report results of split samples with the Department for Environmental Protection laboratory within thirty (30) calendar days of receipt of samples.

Section 6. Recertification. (1) A laboratory having lost certification under Section 5(1) of this regulation will not be eligible for recertification for a period of one (1) year.

(2) A laboratory having lost parameter certification as described in Section 5(2)(a) of this regulation may have its certification reinstated after obtaining acceptable results on a performance audit sample.

Section 7. Contract Laboratories. Any laboratory which sub-contracts analytical work to another shall establish that the contract laboratory has been certified by the cabinet for the appropriate parameters. Laboratory records shall indicate who performs the analyses and the name of the contract laboratory shall be included in these records.

Section 8. Appeals. In the event a laboratory director disagrees with a decision affecting certification, a request for hearing may be made pursuant to KRS 224.081(2).

Section 9. Reciprocity. Laboratories located in other states, which have been certified under an equivalent program as determined by the KPDES laboratory certification officer, are eligible for certification under this regulation. The laboratory shall submit a notarized copy of the laboratory's certificate, and other pertinent information, if requested, to the cabinet prior to consideration for KPDES laboratory certification. Laboratories in states without an equivalent program may be evaluated under this regulation upon payment of a fee, set by the cabinet, to cover expenses incurred by the KPDES laboratory certification officer.

Section 10. List of Certified Laboratories. The KPDES laboratory certification officer will keep a listing of all laboratories certified under this regulation. This list will be revised quarterly and made available to anyone requesting it. Any certified laboratory not wishing to appear on this list shall so state, in writing, to the KPDES laboratory certification officer.

Section 11. Fees. The fee for laboratory certification is \$300 and is for the period of three (3) years from the date the laboratory requested entry into the KPDES laboratory certification program. The fee for renewal of certification

will be \$200. Publically owned treatment works are exempt from certification fees.

Section 12. Date of Applicability. The provisions of this regulation shall become effective upon the date of approval.

JACKIE SWIGART, Secretary

ADOPTED: April 15, 1983

RECEIVED BY LRC: April 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.

CORRECTIONS CABINET Office of Community Services

501 KAR 3:150. Hearings, procedures, disposition.

RELATES TO: KRS Chapter 441

PURSUANT TO: KRS 441.013

NECESSITY AND FUNCTION: The Secretary of the Kentucky Corrections Cabinet is authorized by KRS 441.013(3) to hear matters covered by the Order of the Cabinet requesting county jails, correctional or detention facilities to comply with the minimum standards for local jails pursuant to KRS 441.011 and to issue, modify or repeal the order at the conclusion of the hearing.

Section 1. Definitions. (1) "Secretary" means the Secretary of the Corrections Cabinet.

(2) "Cabinet" means the Kentucky Corrections Cabinet.

(3) "Standards" means the minimum jail standards for local jails.

(4) "Hearing officer" means a hearing officer appointed by the secretary pursuant to KRS 441.013.

(5) "Proceeding" means any proceeding before the secretary or before a hearing officer.

(6) "Day" means a calendar day.

(7) "Order" means the order of the secretary requiring the petitioner(s) to comply with the minimum jail standards for local jails as specified.

(8) "Petitioner" means the jailer or county/judge executive who requests a hearing for review of the secretary's order.

(9) "Jail" means county jails and correctional or detention facilities, including correctional facilities defined in KRS 67B.020 and juvenile detention facilities, operated by and under the supervision of any county, city or urban county government.

Section 2. Assignment of Hearing; Filings. (1) Pursuant to KRS 441.013(3), cases coming before the secretary may be assigned to a hearing officer within the discretion of the secretary for a hearing and a finding of facts, conclusions of law, and recommended order. Cases may be withdrawn by agreement, dismissed for cause, or otherwise disposed of before hearing in the discretion and judgment of the secretary.

(2) A recommended order or adjudication by the hearing officer or the initial order of the secretary, if dismissed or disposed of as provided in subsection (1) of this section, or

any modification or repeal of the initial order, shall become the final order of the secretary under the provisions of KRS 441.013(3), appealable to the Franklin Circuit Court, thirty (30) days from the date of issue.

(3) Prior to the assignment of a case to a hearing officer, the county jailer or county judge/executive shall, within seventy-two (72) hours of receipt of notification of order, request in writing a public hearing before the secretary or his designee on the matters covered by said order to the Secretary of Corrections, State Office Building, Fifth Floor, Frankfort, Kentucky 40601. Subsequent to the assignment of the case to a hearing officer and prior to the issuance of his decision, all papers shall be filed with the hearing officer at the address given in the notice of hearing.

(4) All evidence and witnesses of both parties and intervenors and all proof must be presented at the time of hearing. No additional evidence will be permitted thereafter except in unusual circumstances and within the discretion of the secretary or the hearing officer. No subpoenas will be issued.

(5) All hearings shall be held in Frankfort, Kentucky unless otherwise ordered by the secretary.

(6) Unless otherwise ordered, all filing may be accomplished by first class mail.

(7) Filing is deemed effective at the time of mailing.

Section 3. Scope of Rules; Applicability of Kentucky Rules of Civil Procedure. (1) These rules shall govern all proceedings before the cabinet and its hearing officers.

(2) In the absence of a specific provision, procedure shall be in accordance with the Kentucky Rules of Civil Procedure.

Section 4. Computation of Time. (1) In computing any period of time prescribed or allowed in these rules, the day from which the designated period begins to run shall be included unless it is a Saturday, Sunday, or federal or state holiday, in which event the period begins to run on the next working day. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday in which event the period runs until the end of the next working day. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

(2) Where service of a pleading or documents is by mail pursuant to Section 2 of this regulation, three (3) days shall be added to the time allowed by these rules for the filing of a responsive pleading.

Section 5. Notice and Time of Hearing. (1) Notice of hearings shall be given to all parties and intervenors within forty-five (45) days from the receipt of the request for hearing unless otherwise ordered by the secretary or his designee. No hearing shall be held later than ninety (90) days from the date of request.

(2) The notice of hearing shall include:

(a) Statement of the time and place of the hearing.

(b) The name and address of the assigned hearing officer.

(c) Statement of the legal authority and jurisdiction under which the hearing is held.

Section 6. Continuance of Hearing. (1) Continuance of a hearing ordinarily will not be allowed.

(2) Except in the case of an extreme emergency or in

unusual circumstances, no such request will be considered unless received in writing at least three (3) days in advance of the time set for the hearing. The request for continuance must include the reasons therefor.

(3) Continuance of hearing not in excess of fifteen (15) days may be granted in the discretion of the hearing officer. One (1) additional continuance not in excess of fifteen (15) days may be granted by the hearing officer in extreme emergency or under unusual circumstances. No additional continuance may be granted without approval of the secretary.

Section 7. Failure to Appear. (1) Subject to the provisions of subsection (3) of this section, the failure of a party to appear at a hearing shall be deemed to be a waiver of all rights except the rights to be served with a copy of the decision of the hearing officer.

(2) Requests for a newly scheduled hearing must be made in the absence of extraordinary circumstances within five (5) days after the scheduled hearing date.

(3) The secretary or the hearing officer, upon a showing of good cause, may excuse such failure to appear. In such event, the hearing will be rescheduled.

Section 8. Consolidation. Cases may be consolidated on the motion of any party, on the hearing officer's own motion, or on the secretary's own motion, where there exist common parties, common questions of law or fact, or both, or in such other circumstances as justice and the administration of the Act require.

Section 9. Severance. Upon its own motion, or upon motion of any party or intervenor, the secretary or the hearing officer may, for good cause, order any proceeding severed with respect to some or all issues or parties.

Section 10. Intervention. (1) A petition for leave to intervene may be filed at any stage of a proceeding before commencement of the hearing, or in the event of a settlement or dismissal before issuance of a recommended order.

(2) The petition shall set forth the interest of the petitioner in the proceeding and show that participation of the petitioner will assist in the determination of the issues in question and that the intervention will not unnecessarily delay the proceeding.

(3) The secretary or the hearing officer may grant a petition for intervention to such an extent and upon such terms as the secretary or the hearing officer shall determine.

(4) The caption of all cases where intervention is allowed shall reflect such intervention by adding to the caption after the name of the respondent the name of the intervenor, followed by the designation "intervenor."

Section 11. Service. (1) At the time of filing pleadings or other documents a copy thereof shall be served by the filing party or intervenor on every other party or intervenor.

(2) Service upon a party or intervenor who has appeared through a representative shall be made only upon such representative.

(3) Unless otherwise ordered, service may be accomplished by postage prepaid first-class mail or by personal delivery. Service is deemed effected at the time of mailing (if by mail) or at the time of personal delivery (if by personal delivery).

(4) Proof of service shall be accomplished by a written statement of the same which sets forth the date and manner

of service. Such statement shall be filed with the pleading or document.

(5) Where service is accomplished by posting, proof of such posting shall be filed not later than the first working day following the posting.

Section 12. Statement of Position. At any time prior to the commencement of the hearing before the hearing officer, any person entitled to appear as a party, or any person who has been granted leave to intervene, may file a statement of position with respect to any or all issues to be heard.

Section 13. Response to Motions. Any party or intervenor upon whom a motion is served shall have ten (10) days from service of the motion to file a response.

Section 14. Failure to File. Failure to file any pleading pursuant to these rules when due, may, in the discretion of the secretary or the hearing officer, constitute a waiver of right to further participation in the proceedings.

Section 15. Withdrawal of Notice of Hearing. At any stage of a proceeding, a party may withdraw his notice of hearing, subject to the approval of the secretary.

Section 16. Prehearing Conference. (1) At any time before a hearing, the secretary or the hearing officer, on their own motion or on motion of a party, may direct the parties or their representatives to exchange information or to participate in a prehearing conference for the purpose of considering matters which will tend to simplify the issues or expedite the proceedings.

(2) The secretary or the hearing officer may issue a prehearing order which includes the agreements reached by the parties. Such order shall be served on all parties and shall be a part of the record.

Section 17. Requests for Admissions. (1) At any time after the filing of responsive pleadings, any party may request of any other party admissions of facts to be made under oath. Each admission requested shall be set forth separately. The matter shall be deemed admitted unless, within fifteen (15) days after service of the request, or within such shorter or longer time as the secretary or the hearing officer may prescribe, the party to whom the request is directed serves upon the party requesting the admission of a specific written response.

(2) Copies of all requests and responses shall be served on all parties in accordance with the provisions of these rules and filed with the secretary within the time allotted and shall be a part of the record.

Section 18. Discovery Depositions and Interrogatories. (1) Except by special order of the secretary or the hearing officer, discovery depositions of parties, intervenors, or witnesses, and interrogatories directed to parties, intervenors, or witnesses shall not be allowed.

(2) In the event the secretary or the hearing officer grants an application for the conduct of such discovery proceedings, the order granting the same shall set forth appropriate time limits governing the discovery.

Section 19. Failure to Comply with Orders for Discovery. If any party or intervenor fails to comply with an order of the secretary or the hearing officer to permit discovery in accordance with the provisions of these rules,

the secretary or the hearing officer may issue appropriate orders.

Section 20. Reporter's Fees. Reporter's fees shall be equally shared by all parties. This shall include the reporter's per diem costs and the cost of the original transcript. All other copies will be paid by the requesting party.

Section 21. Transcript of Testimony. Hearings shall be transcribed verbatim. A copy of the transcript of testimony taken at the hearing, duly certified by the reporter, shall be filed with the hearing officer before whom the matter was heard. The hearing officer shall promptly serve notice upon each of the parties and intervenors of such filing. Participants desiring copies of such transcripts may obtain the same from the official reporter upon payment of fees fixed therefor.

Section 22. Duties and Powers of Hearing Officers. It shall be the duty of the hearing officer to conduct a fair and impartial hearing, to assure that the facts are fully elicited, to adjudicate all issues and avoid delay. The hearing officer shall have authority with respect to cases assigned to him, between the time he is designated and the time he issues his decision, subject to the rules and regulations of the cabinet; to:

- (1) Administer oaths and affirmations;
- (2) Rule upon offers of proof and receive relevant evidence;
- (3) Regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper questions;
- (4) Hold conferences for the settlement or simplification of the issues;
- (5) Dispose of procedural requests or similar matters including motions referred to the hearing officer by the secretary and motions to amend pleadings; also to dismiss complaints or portions thereof, and to order hearings reopened or, upon motion, consolidated prior to issuance of this decision;
- (6) Examine witnesses and to introduce into the record documentary or other evidence;
- (7) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;
- (8) Adjourn the hearing as the needs of justice and good administration require; and
- (9) Take any other action necessary under the foregoing and authorized by the published rules and regulations of the cabinet.

Section 23. Exhibits. (1) All exhibits offered in evidence shall be numbered and marked with a designation identifying the party or intervenor by whom the exhibit is offered.

(2) In the absence of objection by another party or intervenor, exhibits shall be admitted into evidence as a part of the record, unless excluded by the hearing officer pursuant to Section 26 of this regulation.

(3) Unless the hearing officer finds it impractical, a copy of each such exhibit shall be given to the other parties and intervenors.

(4) All exhibits offered, but denied admission into evidence, shall be identified as in subsection (1) of this section and shall be placed in a separate file designed for rejected exhibits.

Section 24. Rules of Evidence. Hearings before the commission and its hearing officers insofar as practicable shall be governed by the rules of evidence applicable in the courts of the Commonwealth of Kentucky.

Section 25. Burden of Proof. In all proceedings commenced by the filing of a notice of hearing, the burden of proof shall rest with the cabinet.

Section 26. Objections. (1) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence or a ruling of the hearing officer, may be stated orally or in writing, accompanied by a short statement of the grounds for the objection, and shall be included in the record. No such objection shall be deemed waived by further participation in the hearing.

(2) Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the record of the proceeding.

Section 27. Decision of Hearing Officers; Final Order. (1) The decision of the hearing officer shall include findings of fact, conclusions of law, and a recommended order disposing of all issues before him.

(2) This shall become the final order of the cabinet on the date of issuance.

GEORGE W. WILSON, Secretary

ADOPTED: March 28, 1983

RECEIVED BY LRC: March 28, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary, Corrections Cabinet, State Office
Building, Fifth Floor, Frankfort, Kentucky 40601.

CABINET FOR HUMAN RESOURCES Department for Social Insurance

904 KAR 1:190. Payments for alternative birth center services.

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 method for determining amounts payable by the cabinet for alternative birth center services.

Section 1. General Requirements. The cabinet shall reimburse participating licensed alternative birth centers for covered services rendered eligible Title XIX recipients when such services are provided in accordance with the provisions of 902 KAR 20:150, Alternative birth centers.

Section 2. Payments. (1) Prenatal visits, standby services and postnatal visits may be paid for an employee of

the alternative birthing center only when such service is billed through the center. The rate paid to the medical professional shall be seventy-five (75) percent of the seventy-fifth percentile for the general practicing physician for the same services, or the actual billed charge if less.

(2) The delivery fee payable to the center shall be the facility's usual and customary rate not to exceed \$365 per delivery. This fee is inclusive of all costs associated with the delivery, including the professional fee for the delivery, necessary supplies and materials, and the post delivery examination.

(3) Program payment is to be considered payment in full for all services, supplies, and devices provided during the visit billed, and no additional amounts may be requested from the recipient, the medicaid program, or any other source. This shall not, however, preclude the collection of appropriate amounts from liable third party sources which shall serve to reduce the liability of the cabinet.

Section 3. Implementation. The provisions of Sections 1 and 2 of this regulation shall be effective July, 1983.

JOHN CUBINE, Commissioner

ADOPTED: April 14, 1983

APPROVED:

BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: April 15, 1983 at 5 p.m.

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

CABINET FOR HUMAN RESOURCES Department for Social Insurance

904 KAR 1:200. Nurse anesthetists' services.

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 for 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 provisions relating to nurse anesthetists' services for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and the medically needy.

Section 1. Coverage. Participating nurse anesthetists may provide anesthesia services to eligible Title XIX recipients when such services are within the scope of practice of the nurse anesthetist and are covered anesthesia services in the Medical Assistance Program.

Section 2. Implementation. The provisions of Section 1 of this regulation shall be effective July 1, 1983.

JOHN CUBINE, Commissioner

ADOPTED: April 14, 1983

APPROVED:

BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: April 15, 1983 at 5 p.m.

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

CABINET FOR HUMAN RESOURCES
Department for Social Insurance

904 KAR 1:210. Payments for nurse anesthetists' services.

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 method for determining amounts payable by the cabinet for nurse anesthetists' services.

Section 1. Payments. Participating nurse anesthetists shall be paid in accordance with the following policies:

(1) Outpatient anesthesia services shall be paid at the rate of seventy-five (75) percent of the anesthesiologist's allowable charge for the same procedure under the same conditions, or at actual billed charges if less.

(2) For inpatient hospital services, the upper limits for the allowable charge shall be seventy-five (75) percent of the anesthesiologist's allowable charge for the same procedure under the same conditions. The payment shall be made at the rate of 100 percent of the first fifty dollars (\$50) of the allowable charge and sixty (60) percent of the remainder, or the actual billed charge if less.

Section 2. Implementation. The provisions of Section 1 of this regulation shall be effective July 1, 1983.

JOHN CUBINE, Commissioner

ADOPTED: April 14, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: April 15, 1983 at 5 p.m.

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

CABINET FOR HUMAN RESOURCES
Department for Social Services

905 KAR 6:010. Standards.

RELATES TO: KRS 273.410 to 273.468

PURSUANT TO: KRS 13.082, 194.050, Chapter 273

NECESSITY AND FUNCTION: This regulation, which relates to the operation and oversight of community action agencies, is being promulgated pursuant to the mandate of KRS 273.448 that the state administering agency shall "establish standards in accordance with applicable state and federal laws and regulations by which administrative, fiscal and programmatic effectiveness of the act in the Commonwealth shall be measured."

Section 1. Scope. (1) This regulation is related to the administration of community action agencies in regard to

Community Services Block Grant programs funded for and on the behalf of Kentucky residents meeting poverty guidelines.

Section 2. Definitions. (1) "Board of directors" means the governing board of a community action agency.

(2) "Community action agency (CAA)" means a political subdivision or a private non-profit corporation organized for the purpose of alleviating poverty within a community or specific geographic area.

(3) "Cabinet" means the Cabinet for Human Resources.

(4) "Department" means the Department for Social Services.

(5) "Community Services Block Grant (CSBG)" means Community Services Block Grant funds made available by PL 97-35 and its successors.

Section 3. Board of Directors. (1) Each community action agency shall establish and maintain a board of directors in accordance with KRS 273.437.

(2) The board of directors shall develop written personnel rules and regulations including, but not limited to:

- (a) Job classifications;
- (b) Specifications;
- (c) A compensation plan;
- (d) Attendance and leave policies;
- (e) Fringe benefits;
- (f) Affirmative action;
- (g) Personnel grievance procedures; and
- (h) Hiring and firing practices.

A copy of the personnel rules and regulations shall be available to all staff.

(3) The board of directors shall adopt written bylaws. The bylaws shall include, but not be limited to:

- (a) The purpose of the agency;
- (b) Number of members;
- (c) Qualifications for board memberships;
- (d) The types of membership;
- (e) The method of selecting members;
- (f) Terms of members;
- (g) Officers and duties;
- (h) Method of election of officers and chairpersons;
- (i) Standing committees, if any;
- (j) Provision for approval of all programs and budgets;
- (k) The frequency of board meetings and attendance requirements; and
- (l) Provision for official record of meetings and action taken.

The board of directors shall elect its officers and executive committee, if any.

(4) The board of directors may delegate the responsibility to carry out the requirements to the executive director; but shall not delegate final approval, responsibility, accountability, or direction of policy.

Section 4. Board of Directors Meetings. (1) All board meetings shall be open to the public except where such a requirement constitutes a breach of an individual's right to confidentiality. A simple majority shall constitute a quorum for all board meetings. Roberts Rules of Order shall be applicable to board meetings.

(2) The meetings of the board of directors shall be recorded and a written record made. The minutes shall include, but not be limited to:

- (a) Date, time and place of meeting;
- (b) Names of members attending;

(c) Topics discussed, problems, and plans for change and improvements;

(d) Decisions reached and actions taken, target dates for implementation or recommendations; and

(e) The executive director's report and such other reports as are presented.

The minutes shall be approved by the board of directors and signed by the appropriate officer. A copy of the minutes shall be distributed to each board member, the executive director, and the Department for Social Services.

Section 5. Administration. (1) The board of directors shall submit such reports, records, or other information the department deems necessary to fulfill requirements to determine fiscal, administrative, and programmatic effectiveness in their utilization of CSBG funds.

(2) The board of directors shall assure that there is no discrimination against staff, applicants, or recipients of services because of race, color, age, sex, religion, creed, ancestry, or national origin.

(3) The board of directors shall be responsible for compliance with all conditions of all contracts and grants, and state and federal applicable laws and regulations.

(4) The board of directors shall indemnify the department against any and all claims, including attorney fees and other costs of litigation which may result from damage caused by CAA's employees or the negligent acts or omissions of the CAA's agents, employees or subcontractors.

(5) The board of directors shall assure that all notices, information pamphlets, research reports and similar public notices prepared and released by the CAA pursuant to its contract for CSBG funds shall include the statement: "This project is funded, in part, under a contract with the Cabinet for Human Resources with funds from the Community Services Block Grant Act of the U.S. Department of Health and Human Services."

(6) The board of directors shall assure that no employee or representative of a CAA with procurement authority shall participate either directly or indirectly in any activities that are in conflict with these provisions stated in KRS 45A.455.

Section 6. Program. The board of directors shall develop written fiscal policies and a program manual which addresses each service program. The manual is to be periodically revised and kept up to date.

(1) The board of directors shall comply with, but not be limited to, the following requirements:

(a) Fiscal records shall be maintained in accordance with generally acceptable accounting procedures and practices and in conformity with the CSBG Audit Guide published by the department;

(b) A written financial report shall be presented to the board of directors at the first meeting following the close of each quarter or more frequently if requested by the board or the cabinet;

(c) Financial records shall be audited by Cabinet for Human Resources auditors following the close of each fiscal year and a copy of the audit report provided the board; and

(d) All CAAs shall comply with applicable portions of the Federal Administration of Grants, Title 45 CFR Part 74, OMB A-122 and amendments thereto.

(2) The program manual shall include, but not be limited to:

(a) Criteria for determining eligibility of individuals for all programs;

(b) Intake process including information needed to approve an applicant;

(c) Procedures for accepting referrals from other agencies;

(d) Records to be kept on applicants and clients and statistical data on intake;

(e) Reports to be made to the cabinet and frequency;

(f) Procedures to be followed when an applicant is found ineligible; and

(g) Complaint procedures and hearings.

(3) The board of directors shall ensure and approve overall program plans and priorities for the agency including provisions for evaluating program accomplishments, realistic and attainable short-term and long-term goals stated in measurable terms, a description of each program's organizational structure, major lines of authority and areas of responsibility within the programs.

(4) The board of directors shall ensure documentation in writing of the extent of the participation of the poor in the programs.

(5) The board of directors shall assure that clients dissatisfied with services rendered under CSBG contracts shall be provided an opportunity to file a formal complaint and to be heard. If the grievance is not resolved as a result of the complaint procedure, the client shall be provided an opportunity to appeal a decision resulting from the hearing process to the Department for Social Services. The complaint and hearing procedures shall be posted in each agency office.

(6) The board of directors shall ensure the development of a written agreement with the local departmental Social Services Manager that shall include, but not be limited to, such items as: exclusive roles, services to be provided, a joint referral mechanism, and the assurance that through cooperative efforts both parties have been able to identify and address the vital services needed by the CAA geographic area. This agreement is to be submitted to the department for review and approval.

Section 7. Personnel. (1) The executive director shall be appointed by the board of directors in accordance with the personnel policies and procedures. The executive director shall serve at the pleasure of the board and shall perform such functions as delegated to him/her in writing by the board.

(2) The board of directors shall ensure the development of a written staffing pattern including job classifications and compensation with a well defined organizational chart clearly delineating lines of authority, agency and program heads and relationships of all employees. The staffing pattern shall be sufficient to carry out the programs of the agency.

(3) The board of directors shall ensure the design, implementation and document an in-service training program for staff. Additional training shall also be documented for staff.

Section 8. Maintenance of Case Records. (1) A written log shall be maintained on all referrals made by outside agencies or individuals including date of referral, referring agents, reason for referral and disposition.

(2) A CSBG case record shall be maintained on each applicant accepted for ongoing service. The record shall include:

(a) Intake information. The form shall include, but not be limited to:

1. Name, address, and telephone number of the applicant;

2. Birthdate;
 3. Sex;
 4. Race or ethnic origin;
 5. Income;
 6. Presenting problems;
 7. Date;
 8. Staff member gathering information;
 9. Referral agent, if any;
 10. Approval or disapproval and date; and
 11. The signature of the person making the determination or the referral.
- (b) A service plan;
 - (c) Chronological recording of all supervisory and staff contacts with clients reflecting work accomplished during service contact;
 - (d) Copies of correspondence and other pertinent information;
 - (e) Recertification, if needed;
 - (f) Fees, if any; and
 - (g) Termination of services.
- (3) The board of directors shall ensure that client case records are maintained in conformity with existing laws pertaining to confidentiality. The records shall be maintained in locations which are secure and convenient to service delivery staff.
- (4) The board of directors shall ensure development and implementation of a written records retention and disposal schedule.
- (5) If the agency receives one-fourth ($\frac{1}{4}$) of its funds

from state or local authority, the board of directors shall comply with the open records law, KRS 61.870-61.991.

Section 9. Monitoring and Evaluation Reports. (1) The board of directors shall establish effective controls that are designed to achieve and maintain maximum standards of service delivery and utilization and conservation of physical and financial assets.

(2) The board of directors shall ensure the development of a data collection and recordkeeping system that allows for administrative, program and fiscal monitoring and evaluation.

(3) The board of directors shall ensure the design and implementation of program reviews and studies to determine under or over utilization of each program, progress toward goals and objectives.

(4) The board of directors shall permit monitoring, review, and evaluation of the total agency operation by the Department for Social Services or its designee in accordance with the terms of the contract and appropriate federal and state laws.

SUZANNE TURNER, Commissioner

ADOPTED: March 3, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: April 15, 1983 at 5 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Suzanne Turner, Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky 40621.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the March 22-23, 1983 Meeting

(Subject to subcommittee approval at the April 27 meeting.)

The Administrative Regulation Review Subcommittee held its monthly meeting on Tuesday, March 22, and on Wednesday, March 23, 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, Greg Stumbo and James Bruce.

Guests: Representative Gerta Bendl and Senator Helen Garrett; W. M. Jenkins, Jr., Barren River ADD; Cathy Figlestahler, Bluegrass ADD; Jimmy Firquin, Adair County Judge/Executive; Woodford Gardner, Barren County Judge/Executive; Norma Hart, Bath County Fiscal Court; Darrell Lewis, Bell County Judge/Executive; Paul Purvis, Boyd County Judge/Executive; Mary Pendygraft, County Judge/Executive and Imogene Reynolds, Boyle County; James Allen, Clark County Judge/Executive; H. M. Asbridge, Crittenden County Judge Executive; Bill Froehlich, Daviess County Judge/Executive; Donnie Watson, Estill County Judge/Executive; Robert Harrod, Franklin County Judge/Executive; L. G. Hammons, Garrard County Judge/Executive; Byron Martin, County Judge/Executive and Evalene Davis, Grant County; Charles Liveley, County Judge/Executive and Oran Lawler, Grayson County; William Murphy Howard, Harlan County Fiscal Court; Charles Swinford, County Judge/Executive and

Thomas McKee, Harrison County; Sherman Bowman, Hart County Judge/Executive; A. G. Pritchett, Henderson County Judge/Executive; Ben Elston, Henry County Judge/Executive; Frank Johnson, Johnson County Judge/Executive; Douglas Brandenburg, County Judge/Executive and Shelby Kincaid, Lee County; Raymond Schultz, McCracken County Judge/Executive; Richard Hopkins, McLean County Judge/Executive; Harold Botner, Madison County Judge/Executive; John Callahan, Martin County Judge/Executive; C. B. Embry, Jr., Ohio County Judge/Executive; Horace D. West, Owen County Judge/Executive; Bill Patrick, Powell County Judge/Executive; Bobby Stratton, County Judge/Executive, Roger Bill Bailey, Jack Frazier, Stuart Demaree, George VanHuss and James Rogers, Shelby County; Ken Harper, County Judge/Executive and Glen Evans, Simpson County; Sam Phillips, Taylor County Judge/Executive; Richard Webster and Virgil Wiley, Trimble County; Bob Hite, Union County Judge/Executive; Hallice Upchurch, Wayne County Judge/Executive; C. B. Clark, County Judge/Executive; Aubrey Mooney, Ennis Newton, E. W. Higgett and G. L. Chandler, Webster County; Jenny Given, Woodford County Judge/Executive; Dan Kelly and Mike Haydon, City of Springfield; Henry Parker and Lester Howard, Hopkinsville Minority Enterprises; David Mansen, Jefferson County Environmental Policy Office; Robert Lee and Paul Allgeier, Refuse Haulers Association; Steve Kistler, KY Conservation Committee; Patricia Nightingale, Attia Bowman, Beverly Rosenblum, Pat

Simpson, KY League of Women Voters; Etta Ruth Kepp and Horace Brown, Environmental Quality Commission; Mark Caines, Russell Barnett and Art Williams, Natural Resources and Environmental Protection; Jim Ahler, Board of Accountancy; Sharon Weisenbeck, Board of Nursing; J. H. Voige, Board of Pharmacy; Ron Holland, Ben McCray, Sharon Rodriguez, Ked Fitzpatrick, John Walker, Suzanne Turner, Pat Loar and Greg Lawther, Cabinet for Human Resources; Cheryl Roberts and Doug Sapp, Corrections Cabinet; Glenn Mitchell, Department of Agriculture; Gary Bale and Billy Howard, Department of Education; Judith Walden, Department of Housing, Buildings and Construction; Patrick Watts, Department of Insurance; Charles Wickliffe, Dr. James Ramsey, and Tonja Gritz, Finance Cabinet; Keene Daringerfield, KY State Racing Commission; Laura Murrell, William Sawyer and Wayne Bates, Public Service Commission; Thomas Townes, Charles Moore, Jr. and Bill Debord, Transportation Cabinet; Clinton Newman, II, Treasury Department; Dennis Westmeier, Paul Kelly and Margie Pollard, Brooklawn Treatment Center; Jack Hoover, Farmers Bank and Capital Trust Co.; Diane Hague, Jefferson Alcohol and Drug Abuse Center; Ron Sheets, KY Association of Electric Coops.; Priscilla Rao, KY Association of Homes for the Aging; Larry Brown, Nancy Versnick, Dandridge Walton and Jim Judy, KAHCF; Ted LaPin, Jane Greenebaum and Dean Maynard, KY Combined Commission on Aging; Ted Bradshaw and Malcolm Chancey, KY Bankers Association; John Hinkle, KY Retail Federation; Bernard Leachman, Midwest Mutual Insurance Co.; Lee Sitlinger and B. C. Thompson, State Farm Insurance Co.; Jessie Slaughter and Aaron Slaughter.

LRC Staff: Susan Harding, Joe Hood, Dan Risch, June Mabry, Shirley Hart, Carla Arnold, Dianna McClure, Debbie McGuffey, Alan Alsip and Jim Peyton.

Press: Herb Sparrow, Associated Press; Barry Peel, WTVO-TV; Livingston Taylor, Courier Journal.

Chairman Brinkley announced that a quorum was present and called the meeting to order. On motion of Representative Bruce, seconded by Representative Stumbo, the minutes of the February 23, 1983, meeting were approved.

The following regulations were recommended for deferral by the subcommittee until the April 27 meeting:

CABINET FOR HUMAN RESOURCES

Administration

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

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

Department for Social Insurance

Medical Assistance

904 KAR 1:140. Alternative home and community based services for the mentally retarded.

904 KAR 1:150. Payments for alternative home and community based services for the mentally retarded.

FINANCE AND ADMINISTRATION CABINET

Department for Administration

State Investment Commission

200 KAR 14:010. General rules.

Division of Occupations and Professions

Board of Examiners of Social Work

201 KAR 23:020. Examination fee.

201 KAR 23:070. Specialty certification.

The subcommittee took no action on the following emergency regulations:

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

Utilities

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

CORRECTIONS CABINET **Office of Community Services**

Jail Standards

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

501 KAR 3:120E. Admission; release.

FINANCE AND ADMINISTRATION CABINET **Department for Administration**

Purchasing

200 KAR 5:307E. Competitively negotiated contracts.

CABINET FOR HUMAN RESOURCES **Department for Social Insurance**

Food Stamp Program

904 KAR 3:010E. Definitions.

904 KAR 3:020E. Eligibility requirements.

904 KAR 3:030E. Application process.

904 KAR 3:035E. Certification process.

904 KAR 3:045E. Coupon issuance procedures.

The subcommittee recommended that the following regulations be approved for filing:

FINANCE AND ADMINISTRATION CABINET **Department for Administration**

Purchasing

200 KAR 5:307. Competitively negotiated contracts. (As amended.)

Division of Occupations and Professions

Board of Accountancy

201 KAR 1:065. Annual fees.

Board of Pharmacy

201 KAR 2:050. License and permits; fees.

Board of Nursing Education and Nurse Registration

201 KAR 20:056. Advanced registered nurse practitioner registration.

ENERGY AND AGRICULTURE CABINET **Department of Agriculture**

Fairs and Shows

302 KAR 15:010. Administration; state aid to local fairs. (As amended)

CORRECTIONS CABINET **Office of Community Services**

Jail Standards

501 KAR 3:070. Safety; emergency procedures.

501 KAR 3:120. Admission; release.

TRANSPORTATION CABINET **Department of Vehicle Regulation**

Traffic

603 KAR 5:075. Overload and over-dimension permits.

603 KAR 5:100. Permits for moving houses and buildings.

603 KAR 5:110. Permits for moving mobile homes.

EDUCATION AND HUMANITIES CABINET

Department of Education
Bureau of Administration and Finance
School District Finance
702 KAR 3:030. Insurance requirements.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission**Utilities**

807 KAR 5:008. Winter hardship reconnection of electric and gas services.
807 KAR 5:064. Telephone depreciation filing procedure. (As amended.)

State Racing Commission**Thoroughbred Racing Rules**

810 KAR 1:013. Entries, subscriptions and declarations.

Department of Housing, Buildings and Construction
Standards of Safety

815 KAR 10:020. Fire safety standards. (As amended with technical correction.)

Plumbing

815 KAR 20:050. Installation permits. (As amended.)

Electrical Inspectors

815 KAR 35:010. Electrical inspector's certification. (As amended.)

Local Fire Departments

815 KAR 45:035. Education incentive.

CABINET FOR HUMAN RESOURCES**Department for Health Services****Certificate of Need and Licensure Board**

902 KAR 20:008. License procedures and fee schedule.

902 KAR 20:115. Ambulance services.

902 KAR 20:120. Non-emergency health transportation services.

902 KAR 20:160. Chemical dependency treatment services and facility specifications.

Department for Social Insurance**Medical Assistance**

904 KAR 1:110. Recoupment of overpayments.

Food Stamp Program

904 KAR 3:010. Definitions.

904 KAR 3:020. Eligibility requirements.

904 KAR 3:030. Application process.

904 KAR 3:035. Certification process.

904 KAR 3:045. Coupon issuance procedures.

Unemployment Insurance

904 KAR 5:100. Claimant's reporting requirements.

Department for Social Services**Spouse Abuse Shelters and Crisis Centers**

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

The subcommittee recommended by voice vote that the following regulations be rejected:

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.

FINANCE AND ADMINISTRATION CABINET**Department for Administration****State Investment Commission**

200 KAR 14:020. Public depositories, priorities.

PUBLIC PROTECTION AND REGULATION CABINET**Department of Insurance****Motor Vehicle Reparations (No-Fault)**

806 KAR 39:030. Kentucky no-fault rejection form.

The meeting was adjourned at 2 p.m. on March 23 until April 27, 1983.

Administrative Register ^{of} *kentucky*

Cumulative Supplement

Locator Index—Effective Dates	L 2
KRS Index	L 9
Subject Index to Volume 9	L 15

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	Emergency Regulation	9 Ky.R. Page No.	Effective Date
31 KAR 2:010E	534	10-14-82	301 KAR 2:113E	544	10-6-82	501 KAR 3:080E	902	1-3-83
Replaced	771	12-1-82	Replaced	633	12-1-82	Replaced	644	3-2-83
101 KAR 1:030E	305	7-16-82	302 KAR 20:110E	1089	3-11-83	501 KAR 3:090E	902	1-3-83
Replaced	225	12-1-82	302 KAR 20:130E	673	11-4-82	Replaced	927	3-2-83
101 KAR 1:055E	306	7-16-82	Replaced	747	1-6-83	501 KAR 3:100E	903	1-3-83
Amended	766	12-15-82	Resubmitted	1090	3-11-83	Replaced	645	3-2-83
Reprint	1184	12-15-82	302 KAR 20:140E	1091	3-11-83	501 KAR 3:110E	904	1-3-83
101 KAR 1:110E	310	7-16-82	302 KAR 35:060E	398	8-24-82	Replaced	927	3-2-83
Replaced	561	12-1-82	Replaced	780	2-2-83	501 KAR 3:120E	904	1-3-83
101 KAR 1:130E	311	7-16-82	302 KAR 35:070E	399	8-24-82	Withdrawn		2-7-83
Resubmitted	395	9-7-82	Replaced	781	2-2-83	Resubmitted	998	2-7-83
Replaced	562	12-1-82	302 KAR 45:010E	325	7-16-82	Replaced	1074	4-6-83
101 KAR 1:140E	314	7-16-82	Replaced	572	1-6-83	501 KAR 3:130E	906	1-3-83
Replaced	564	12-1-82	405 KAR 7:050E	545	9-21-82	Replaced	647	3-2-83
101 KAR 1:150E	318	7-16-82	405 KAR 26:001E	2	5-24-82	501 KAR 3:140E	906	1-3-83
Replaced	283	12-1-82	501 KAR 3:010E	893	1-3-83	Replaced	929	3-2-83
101 KAR 1:200E	318	7-16-82	Replaced	635	3-2-83	501 KAR 3:150E	1191	4-8-83
Replaced	569	12-1-82	501 KAR 3:020E	894	1-3-83	601 KAR 9:072E	326	7-26-82
103 KAR 18:110E	107	6-23-82	Replaced	924	3-2-83	601 KAR 21:010E	546	10-15-82
Replaced	10	8-11-82	501 KAR 3:030E	895	1-3-83	Replaced	650	12-1-82
103 KAR 40:035E	322	7-30-82	Replaced	637	3-2-83	601 KAR 21:030E	547	10-15-82
Replaced	387	10-6-82	501 KAR 3:040E	896	1-3-83	Replaced	650	12-1-82
200 KAR 5:307E	995	1-27-83	Replaced	637	3-2-83	601 KAR 21:050E	548	10-15-82
Replaced	1025	4-6-83	501 KAR 3:050E	897	1-3-83	Replaced	651	12-1-82
201 KAR 9:020E	323	7-16-82	Replaced	639	3-2-83	601 KAR 21:070E	548	10-15-82
Replaced	248	9-8-82	501 KAR 3:060E	900	1-3-83	Replaced	651	12-1-82
301 KAR 2:044E	324	7-30-82	Replaced	925	3-2-83	601 KAR 21:090E	548	10-15-82
Replaced	387	10-6-82	501 KAR 3:070E	901	1-3-83	Replaced	652	12-1-82
301 KAR 2:087E	541	9-17-82	Withdrawn		2-7-83	601 KAR 21:110E	549	10-15-82
Replaced	510	11-3-82	Resubmitted	997	2-7-83	Replaced	652	12-1-82
			Replaced	1073	4-6-83			

ADMINISTRATIVE REGISTER

L3

Emergency Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date
601 KAR 21:130E	549	10-15-82	101 KAR 1:110			200 KAR 14:010	982	
Replaced	652	12-1-82	Amended	230		200 KAR 14:020	983	
601 KAR 21:140E	551	10-15-82	Amended	561	12-1-82	Withdrawn		4-4-83
Replaced	654	12-1-82	101 KAR 1:120			200 KAR 14:030	1264	
807 KAR 5:008E	999	2-8-83	Amended	796	2-2-83	201 KAR 1:045		
902 KAR 6:050E	330	7-16-82	101 KAR 1:130			Amended	593	12-1-82
Replaced	262	9-8-82	Amended	231		201 KAR 1:050		
902 KAR 10:060E	332	7-16-82	Amended	562	12-1-82	Amended	594	12-1-82
Replaced	300	9-8-82	101 KAR 1:140			201 KAR 1:065		
904 KAR 1:013E	908	1-3-83	Amended	233		Amended	1026	4-6-83
Replaced	978	3-2-83	Amended	564	12-1-82	201 KAR 1:095		
904 KAR 1:036E	333	7-16-82	101 KAR 1:150	283	12-1-82	Amended	247	10-6-82
Replaced	263	9-8-82	101 KAR 1:200			201 KAR 2:020		
Resubmitted	909	1-3-83	Amended	238		Amended	11	8-11-82
Replaced	842	2-2-83	Amended	569	12-1-82	201 KAR 2:040		
904 KAR 1:045E	337	7-16-82	101 KAR 1:210	847	2-2-83	Amended	247	9-8-82
Replaced	268	9-8-82	102 KAR 1:038			201 KAR 2:050		
904 KAR 2:050E	552	9-28-82	Amended	241	9-8-82	Amended	12	8-11-82
Replaced	506	11-3-82	102 KAR 1:050			Amended	1027	4-6-83
904 KAR 2:105E	108	6-16-82	Amended	242	9-8-82	201 KAR 2:055		
Replaced	100	8-11-82	102 KAR 1:060			Repealed	285	9-8-82
904 KAR 2:115E	914	1-3-83	Amended	1025		201 KAR 2:056	285	9-8-82
Replaced	887	2-2-83	Withdrawn		4-4-83	201 KAR 2:060		
Resubmitted	1000	2-15-83	102 KAR 1:110			Repealed	285	9-8-82
Replaced	1059	4-6-83	Amended	242	9-8-82	201 KAR 2:105	77	8-11-82
904 KAR 3:010E	1092	2-25-83	102 KAR 1:122			201 KAR 2:110	285	
Replaced	1061	4-6-83	Amended	243	9-8-82	Amended	688	1-6-83
904 KAR 3:020E	1095	2-25-83	102 KAR 1:125			201 KAR 2:115	285	
Replaced	1063	4-6-83	Amended	244	9-8-82	Amended	688	1-6-83
904 KAR 3:030E	1097	2-25-83	102 KAR 1:200	284	9-8-82	201 KAR 2:120	285	
Replaced	1066	4-6-83	102 KAR 1:210	284		Amended	689	1-6-83
904 KAR 3:035E	1098	2-25-83	Amended	400	9-8-82	201 KAR 2:125	286	1-6-83
Replaced	1067	4-6-83	103 KAR 1:010			201 KAR 2:130	286	1-6-83
904 KAR 3:045E	110	6-16-82	Amended	1150		201 KAR 2:135	286	
Replaced	67	8-11-82	103 KAR 8:060			Amended	689	1-6-83
Resubmitted	1099	2-25-83	Amended	1151		201 KAR 2:140	286	1-6-83
Replaced	1068	4-6-83	103 KAR 15:050			201 KAR 2:145	287	
905 KAR 3:010E	112	6-16-82	Amended	1151		Amended	689	1-6-83
Replaced	101	8-11-82	103 KAR 16:170	1177		201 KAR 2:150	287	
905 KAR 3:020E	112	6-16-82	103 KAR 18:110			Amended	690	1-6-83
Replaced	102	8-11-82	Amended	10	8-11-82	201 KAR 2:155	288	1-6-83
905 KAR 3:030E	113	6-16-82	103 KAR 26:050			201 KAR 2:160	633	
Replaced	103	8-11-82	Amended	1152		Amended	778	12-1-82
			103 KAR 28:010			201 KAR 2:165	1264	
			Amended	1153		201 KAR 2:170	1264	
			103 KAR 30:190			201 KAR 2:175	1265	
			Amended	1153		201 KAR 9:020		
			103 KAR 31:110			Amended	248	9-8-82
			Amended	1154		Amended	1229	
			103 KAR 31:120			201 KAR 9:040		
			Amended	1155		Amended	594	12-1-82
			103 KAR 31:140			201 KAR 9:050		
			Amended	1155		Amended	731	1-6-83
			103 KAR 40:030			201 KAR 11:005		
			Repealed	387	10-6-82	Repealed	746	1-6-83
			103 KAR 40:035	387	10-6-81	201 KAR 11:006	746	1-6-83
			103 KAR 40:050			201 KAR 11:010		
			Amended	1156		Repealed	288	9-8-82
			103 KAR 40:100			201 KAR 11:030		
			Amended	1157		Amended	249	9-8-82
			103 KAR 44:010			201 KAR 11:035		
			Amended	1157		Repealed	288	9-8-82
			105 KAR 1:010			201 KAR 11:037		
			Amended	1160		Repealed	288	9-8-82
			105 KAR 1:020			201 KAR 11:050		
			Amended	1162		Repealed	288	9-8-82
			106 KAR 1:030			201 KAR 11:055		
			Amended	244		Repealed	288	9-8-82
			Amended	553	10-6-82	201 KAR 11:060		
			108 KAR 1:010			Repealed	288	9-8-82
			Amended	246		201 KAR 11:065		
			Withdrawn		9-17-82	Repealed	288	9-8-82
			Amended	730	1-6-83	201 KAR 11:070		
			115 KAR 2:010	847	2-2-83	Amended	249	10-6-82
			200 KAR 5:307			201 KAR 11:075		
			Amended	1025		Repealed	288	9-8-82
			Amended	1194	4-6-83	201 KAR 11:085		
			200 KAR 8:020			Repealed	288	9-8-82
			Amended	10	8-11-82	201 KAR 11:095		
						Amended	250	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
201 KAR 11:110			201 KAR 25:061	80	8-11-82	401 KAR 2:065		
Amended	250	9-8-82	201 KAR 25:071	80	8-11-82	Recodified	993	3-1-83
201 KAR 11:120			201 KAR 26:120	291	9-8-82	401 KAR 2:070		
Repealed	288	9-8-82	301 KAR 1:015			Amended	195	8-24-82
201 KAR 11:125			Amended	495	11-3-82	Recodified	993	3-1-83
Repealed	288	9-8-82	301 KAR 1:055			401 KAR 2:073		
201 KAR 11:130			Amended	14	8-11-82	Amended	201	
Repealed	288	9-8-82	Amended	495	11-3-82	Amended	471	8-24-82
201 KAR 11:135			301 KAR 1:075			Recodified	993	3-1-83
Amended	250	9-8-82	Amended	933	3-2-83	401 KAR 2:075		
201 KAR 11:140			301 KAR 1:145			Amended	203	8-24-82
Repealed	288	9-8-82	Amended	252	9-8-82	Recodified	993	3-1-83
201 KAR 11:147			301 KAR 1:150			401 KAR 2:080		
Amended	797		Amended	934	3-2-83	Recodified	993	3-1-83
Withdrawn		2-14-83	301 KAR 2:044	387	10-6-82	401 KAR 2:085		
201 KAR 11:165	288	9-8-82	301 KAR 2:045			Recodified	993	3-1-83
201 KAR 11:170	850	2-2-83	Amended	1163		401 KAR 2:090		
201 KAR 12:030			301 KAR 2:047			Recodified	993	3-1-83
Amended	12	8-11-82	Amended	1230		401 KAR 2:095		
201 KAR 12:083			301 KAR 2:055			Recodified	993	3-1-83
Amended	932	3-2-83	Amended	598	12-1-82	401 KAR 2:101		
201 KAR 18:140	288	9-8-82	301 KAR 2:060			Recodified	993	3-1-83
201 KAR 19:025			Repealed	14	8-11-82	401 KAR 2:105		
Amended	490		301 KAR 2:080			Recodified	993	3-1-83
Amended	674	11-3-82	Amended	14	8-11-82	401 KAR 2:111		
201 KAR 19:030			301 KAR 2:086			Recodified	993	3-1-83
Amended	491		Repealed	510	11-3-82	401 KAR 2:180	512	
Amended	674	11-3-82	301 KAR 2:087	510	11-3-82	Amended	782	
201 KAR 19:035			301 KAR 2:111			Rejected		4-6-83
Amended	491		Amended	1233		401 KAR 2:185	514	
Amended	675	11-3-82	301 KAR 2:113	633	12-1-82	Amended	784	
201 KAR 19:040			301 KAR 2:140			Rejected		4-6-83
Amended	492		Amended	600	12-1-82	401 KAR 2:190	516	
Amended	676	11-3-82	301 KAR 2:150	1177		Amended	786	
201 KAR 19:050			301 KAR 4:040			Rejected		4-6-83
Amended	493		Amended	16	8-11-82	401 KAR 5:050	852	
Amended	677	11-3-82	302 KAR 15:010			Amended	1100	
201 KAR 19:085			Amended	1031		401 KAR 5:055	854	
Amended	494		Amended	1195	4-6-83	Amended	1103	
Amended	677	11-3-82	302 KAR 20:110			401 KAR 5:060	858	
201 KAR 20:056			Amended	1164		Amended	1119	
Amended	1027	4-6-83	302 KAR 20:130	747	1-6-83	401 KAR 5:065	866	
201 KAR 20:070			Amended	1165		Amended	1127	
Amended	251	9-8-82	302 KAR 20:140	1179		401 KAR 5:070	872	
201 KAR 20:080			302 KAR 25:045			Amended	1133	
Repealed	289	9-8-82	Amended	496		401 KAR 5:075	874	
201 KAR 20:085	289	9-8-82	Reprint	668	11-3-82	Amended	1136	
201 KAR 20:095			302 KAR 35:060	388		401 KAR 5:080	879	
Amended	595	12-1-82	Amended	780	2-2-83	Amended	1141	
201 KAR 20:205			302 KAR 35:070	389		401 KAR 5:085	885	
Amended	596	12-1-82	Amended	781	2-2-83	Amended	1147	
201 KAR 20:215			302 KAR 45:010	292		401 KAR 5:090	1070	
Amended	596	12-1-82	Amended	572		401 KAR 5:100	1268	
201 KAR 20:220			Amended	917	1-6-83	401 KAR 6:015		
Amended	597	12-1-82	303 KAR 1:100			Amended	797	
201 KAR 20:225			Amended	1166		401 KAR 30:010		
Amended	598	12-1-82	306 KAR 1:010	748	1-6-83	Recodified	993	3-1-83
201 KAR 20:230	289		306 KAR 1:020	749	1-6-83	401 KAR 30:020		
Amended	400	9-8-82	306 KAR 1:030	750	1-6-83	Recodified	993	3-1-83
201 KAR 20:240	290	9-8-82	306 KAR 1:040	750	1-6-83	401 KAR 30:030		
201 KAR 22:031			306 KAR 1:050	751	1-6-83	Recodified	993	3-1-83
Amended	731	1-6-83	306 KAR 1:060	751	1-6-83	401 KAR 30:040		
201 KAR 22:130	746	1-6-83	306 KAR 1:070	751	1-6-83	Recodified	993	3-1-83
201 KAR 23:020			306 KAR 1:080	752	1-6-83	401 KAR 31:010		
Amended	933		306 KAR 1:090	752	1-6-83	Recodified	993	3-1-83
201 KAR 23:070			307 KAR 1:010	1266		401 KAR 31:020		
Amended	1028		401 KAR 2:050			Recodified	993	3-1-83
Withdrawn		4-13-83	Amended	126		401 KAR 31:030		
201 KAR 23:080			Amended	401	8-25-82	Recodified	993	3-1-83
Amended	732	1-6-83	Recodified	993	3-1-83	401 KAR 31:040		
201 KAR 23:110	747	1-6-83	401 KAR 2:055			Recodified	993	3-1-83
201 KAR 24:020			Recodified	993	3-1-83	401 KAR 31:050		
Repealed	850	2-2-83	401 KAR 2:060			Recodified	993	3-1-83
201 KAR 24:030	850	2-2-83	Amended	132		401 KAR 31:060		
201 KAR 25:011			Amended	407	8-24-82	Recodified	993	3-1-83
Amended	12	8-11-82	Recodified	993	3-1-83	401 KAR 31:070		
201 KAR 25:012	77	8-11-82	401 KAR 2:063			Recodified	993	3-1-83
201 KAR 25:031			Amended	150		401 KAR 31:100		
Amended	13	8-11-82	Amended	425	8-24-82	Recodified	993	3-1-83
201 KAR 25:051	78	8-11-82	Recodified	993	3-1-83			

ADMINISTRATIVE REGISTER

L5

Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date
401 KAR 31:110			401 KAR 34:330			401 KAR 61:055		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	210	8-24-82
401 KAR 31:120			401 KAR 34:340			401 KAR 61:056		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	211	8-24-82
401 KAR 31:160			401 KAR 35:010			401 KAR 61:080		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	380	
401 KAR 31:170			401 KAR 38:010			Amended	922	3-2-83
Recodified	993	3-1-83	Recodified	993	3-1-83	401 KAR 61:122		
401 KAR 32:010			401 KAR 38:020			Amended	373	9-22-82
Recodified	993	3-1-83	Recodified	993	3-1-83	401 KAR 61:140		
401 KAR 32:020			401 KAR 38:030			Amended	584	12-1-82
Recodified	993	3-1-83	Recodified	993	3-1-83	401 KAR 61:170		
401 KAR 32:030			401 KAR 38:040			Amended	923	3-2-83
Recodified	993	3-1-83	Recodified	993	3-1-83	401 KAR 63:031		
401 KAR 32:040			401 KAR 38:050			Amended	212	8-24-82
Recodified	993	3-1-83	Recodified	993	3-1-83	405 KAR 2:010	81	8-11-82
401 KAR 32:050			401 KAR 38:060			405 KAR 7:020		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	690	1-6-83
401 KAR 33:010			401 KAR 38:070			405 KAR 7:050	634	
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	1148	
401 KAR 33:020			401 KAR 38:080			405 KAR 12:010		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	697	1-6-83
401 KAR 33:030			401 KAR 39:010			405 KAR 16:060		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	698	1-6-83
401 KAR 34:010			401 KAR 39:020			405 KAR 16:090		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	700	1-6-83
401 KAR 34:020			401 KAR 39:030			405 KAR 16:110		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	702	1-6-83
401 KAR 34:030			401 KAR 39:040			405 KAR 16:130		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	703	1-6-83
401 KAR 34:040			401 KAR 39:050			405 KAR 16:140		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	706	1-6-83
401 KAR 34:050			401 KAR 40:010			405 KAR 16:220		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	707	1-6-83
401 KAR 34:070			401 KAR 40:020			405 KAR 18:060		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	709	1-6-83
401 KAR 34:080			401 KAR 40:030			405 KAR 18:090		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	711	1-6-83
401 KAR 34:090			401 KAR 40:040			405 KAR 18:110		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	713	1-6-83
401 KAR 34:100			401 KAR 40:050			405 KAR 18:130		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	714	1-6-83
401 KAR 34:110			401 KAR 47:020			405 KAR 18:140		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	718	1-6-83
401 KAR 34:120			401 KAR 47:040			405 KAR 18:230		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	718	1-6-83
401 KAR 34:130			401 KAR 47:050			405 KAR 24:030		
Recodified	993	3-1-83	Recodified	993	3-1-83	Amended	721	1-6-83
401 KAR 34:140			401 KAR 47:060			405 KAR 26:001	81	1-6-83
Recodified	993	3-1-83	Recodified	993	3-1-83	405 KAR 30:010		
401 KAR 34:144			401 KAR 47:070			Amended	17	
Recodified	993	3-1-83	Recodified	993	3-1-83	Withdrawn		10-19-82
401 KAR 34:148			401 KAR 50:010			Amended	941	
Recodified	993	3-1-83	Amended	573	12-1-82	405 KAR 30:020		
401 KAR 34:152			401 KAR 50:015			Amended	21	
Recodified	993	3-1-83	Amended	345	9-22-82	Withdrawn		10-19-82
401 KAR 34:156			401 KAR 50:025			Amended	945	
Recodified	993	3-1-83	Amended	935		405 KAR 30:025		
401 KAR 34:159			401 KAR 50:035			Amended	947	
Recodified	993	3-1-83	Amended	347	9-22-82	405 KAR 30:070		
401 KAR 34:162			401 KAR 51:017			Amended	948	
Recodified	993	3-1-83	Amended	350	9-22-82	405 KAR 30:121		
401 KAR 34:165			401 KAR 51:052			Amended	949	
Recodified	993	3-1-83	Amended	358	9-22-82	405 KAR 30:130		
401 KAR 34:172			401 KAR 51:055			Amended	23	
Recodified	993	3-1-83	Amended	363	9-22-82	Withdrawn		10-19-82
401 KAR 34:176			401 KAR 59:010			Amended	951	
Recodified	993	3-1-83	Amended	576	12-1-82	405 KAR 30:160	82	
401 KAR 34:180			401 KAR 59:018			Withdrawn		10-19-82
Recodified	993	3-1-83	Amended	368	9-22-82	Resubmitted	983	
401 KAR 34:190			401 KAR 59:101			405 KAR 30:190		
Recodified	993	3-1-83	Amended	208	8-24-82	Amended	28	
401 KAR 34:200			401 KAR 59:212			Withdrawn		10-19-82
Recodified	993	3-1-83	Amended	371	9-22-82	405 KAR 30:200		
401 KAR 34:210			401 KAR 59:260			Amended	30	
Recodified	993	3-1-83	401 KAR 61:015			Withdrawn		10-19-82
401 KAR 34:240			Amended	577	12-1-82	405 KAR 30:201		
Recodified	993	3-1-83	Amended	935		405 KAR 30:250		
401 KAR 34:290			401 KAR 61:020			Amended	31	
Recodified	993	3-1-83	Amended	583	12-1-82	Withdrawn		10-19-82
						Amended	957	

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
405 KAR 30:280			602 KAR 50:030			704 KAR 10:022		
Amended	960		Amended	603		Amended	257	9-8-82
405 KAR 30:320	34		602 KAR 50:040			Amended	1038	
Amended			Amended	603		Amended	1209	
Withdrawn		10-19-82	Amended	1204		704 KAR 20:005		
Amended	962		602 KAR 50:050			Amended	734	1-6-83
405 KAR 30:360	84		Amended	604		704 KAR 20:135		
Withdrawn		10-19-82	Amended	1205		Amended	734	1-6-83
Resubmitted	1072		602 KAR 50:060			704 KAR 20:205		
405 KAR 30:370	85		Amended	605		Repealed	753	1-6-83
Withdrawn		10-19-82	Amended	1206		704 KAR 20:206	753	1-6-83
Resubmitted	986		602 KAR 50:070			704 KAR 20:275	753	1-6-83
405 KAR 30:390			Amended	605		705 KAR 1:010		
Amended	35		602 KAR 50:080			Amended	42	8-11-82
Withdrawn		10-19-82	Amended	605		705 KAR 2:030		
Amended	964		Amended	1206		Amended	257	9-8-82
501 KAR 3:010	635	3-2-83	602 KAR 50:090			705 KAR 4:010		
501 KAR 3:020	636		Amended	606		Amended	259	9-8-82
Amended	924	3-2-83	602 KAR 50:100			705 KAR 4:020		
501 KAR 3:030	637	3-2-83	Amended	607		Repealed	297	9-8-82
501 KAR 3:040	637	3-2-83	Amended	1207		705 KAR 4:060		
501 KAR 3:050	639	3-2-83	602 KAR 50:110			Repealed	297	9-8-82
501 KAR 3:060	642		Amended	608		705 KAR 4:070		
Amended	925	3-2-83	602 KAR 50:115			Repealed	297	9-8-82
501 KAR 3:070	643		Amended	608		705 KAR 4:090		
Withdrawn		2-7-83	602 KAR 50:120			Repealed	297	9-8-82
Resubmitted	1073	4-6-83	Amended	609		705 KAR 4:100		
501 KAR 3:080	644	3-2-83	603 KAR 4:035	518		Repealed	297	9-8-82
501 KAR 3:090	644		Amended	678	11-3-82	705 KAR 4:105		
Amended	927	3-2-83	603 KAR 5:075			Repealed	297	9-8-82
501 KAR 3:100	645	3-2-83	Amended	1033	4-6-83	705 KAR 4:110		
501 KAR 3:110	646		603 KAR 5:096			Repealed	297	9-8-82
Amended	927	3-2-83	Amended	253	9-8-82	705 KAR 4:120		
501 KAR 3:120	646		603 KAR 5:100			Repealed	297	9-8-82
Amended	928		Amended	1034	4-6-83	705 KAR 4:131		
Withdrawn		2-7-83	603 KAR 5:110			Repealed	297	9-8-82
Resubmitted	1074	4-6-83	Amended	1034	4-6-83	705 KAR 4:140		
501 KAR 3:130	647	3-2-83	701 KAR 1:020			Repealed	297	9-8-82
501 KAR 3:140	648		Amended	253	9-8-82	705 KAR 4:151		
Amended	929	3-2-83	702 KAR 1:005			Repealed	297	9-8-82
501 KAR 3:150	1270		Amended	36	8-11-82	705 KAR 4:160		
601 KAR 9:070			702 KAR 1:020			Repealed	297	9-8-82
Repealed	326	7-26-82	Repealed	487	6-20-83	705 KAR 4:170		
601 KAR 9:071			702 KAR 1:025	87		Repealed	297	9-8-82
Repealed	326	7-26-82	Amended	487		705 KAR 4:180		
601 KAR 9:072	293		Amended	681	11-9-82	Repealed	297	9-8-82
Amended	587		702 KAR 1:110	296	9-8-82	705 KAR 4:190		
Rejected		1-6-83	702 KAR 2:020			Repealed	297	9-8-82
601 KAR 20:010			Amended	253	9-8-82	705 KAR 4:200	297	9-8-82
Repealed	551	10-15-82	702 KAR 3:030			705 KAR 7:050		
601 KAR 20:030			Amended	254		Amended	261	9-8-82
Repealed	551	10-15-82	Amended	488		706 KAR 1:010		
601 KAR 20:040			Amended	779	12-1-82	Amended	610	12-1-82
Repealed	551	10-15-82	Amended	1036	4-6-83	707 KAR 1:003		
601 KAR 20:050			702 KAR 5:120			Amended	1167	
Repealed	551	10-15-82	Amended	733	1-6-83	707 KAR 1:100		
601 KAR 20:070			703 KAR 2:010			Amended	214	8-24-82
Repealed	551	10-15-82	Amended	1036		707 KAR 1:110		
601 KAR 20:080			Amended	1207		Amended	215	8-24-82
Repealed	551	10-15-82	704 KAR 3:010			740 KAR 1:010	521	11-3-82
601 KAR 20:090			Amended	255	9-8-82	740 KAR 1:020	522	11-3-82
Repealed	551	10-15-82	704 KAR 3:285			740 KAR 1:030	522	11-3-82
601 KAR 20:110			Amended	40	8-11-82	740 KAR 1:040	523	11-3-82
Repealed	551	10-15-82	704 KAR 3:292			740 KAR 1:050	523	11-3-82
601 KAR 20:130			Amended	1167		740 KAR 1:060	524	11-3-82
Repealed	551	10-15-82	704 KAR 3:304			740 KAR 1:070	524	11-3-82
601 KAR 21:010	650	12-1-82	Amended	256	9-8-82	740 KAR 1:080	525	11-3-82
601 KAR 21:030	650	12-1-82	Amended	1037		740 KAR 1:090	525	11-3-82
601 KAR 21:050	651	12-1-82	Amended	1208		740 KAR 1:100	526	11-3-82
601 KAR 21:070	651	12-1-82	704 KAR 3:305			740 KAR 1:110	526	11-3-82
601 KAR 21:090	652	12-1-82	Amended	1037		803 KAR 1:050		
601 KAR 21:110	652	12-1-82	Amended	1208		Repealed	42	8-11-82
601 KAR 21:130	652	12-1-82	704 KAR 3:312			803 KAR 1:075		
601 KAR 21:140	654	12-1-82	Repealed	88	8-11-82	Amended	42	8-11-82
602 KAR 15:010	1235		704 KAR 3:314	88	8-11-82	803 KAR 2:020		
602 KAR 50:010			704 KAR 5:010			Amended	812	2-2-83
Amended	601		Repealed	88	8-11-82	803 KAR 2:090		
Amended	1203		704 KAR 5:011	88	8-11-82	Amended	43	8-11-82
602 KAR 50:020			704 KAR 5:050			803 KAR 2:190	89	8-11-82
Amended	602		Amended	41	8-11-82	804 KAR 1:100		
			Amended	256	9-8-82	Amended	261	9-8-82

ADMINISTRATIVE REGISTER

L7

Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date
804 KAR 4:230	297	9-8-82	807 KAR 5:026			900 KAR 2:030	661	
804 KAR 11:010			Amended	742		Amended	1012	
Amended	381	10-6-82	Amended	917	1-6-83	900 KAR 2:040	756	
806 KAR 2:080			807 KAR 5:027	755		Amended	1018	
Amended	382	10-6-82	Amended	920	1-6-83	902 KAR 4:030		
806 KAR 2:090			807 KAR 5:064	1076		Amended	386	
Amended	383	10-6-82	Amended	1198	4-6-83	Amended	555	10-6-82
806 KAR 2:095			808 KAR 1:090	391	10-6-82	902 KAR 6:050		
Amended	383	10-6-82	808 KAR 3:010			Amended	262	9-8-82
806 KAR 7:090	89		Repealed	92	8-11-82	902 KAR 8:010		
Amended	375	10-6-82	808 KAR 3:050	92		Repealed	391	10-6-82
806 KAR 9:030			Amended	340	8-11-82	902 KAR 8:011	391	10-6-82
Amended	610	12-1-82	808 KAR 5:040			902 KAR 9:010		
806 KAR 9:040			Amended	965	3-2-83	Amended	53	
Amended	1168		808 KAR 6:105			Withdrawn		8-24-82
806 KAR 9:060			Amended	966	3-2-83	902 KAR 10:060	300	9-8-82
Amended	611		808 KAR 10:010			902 KAR 10:070	1180	
Amended	779	12-1-82	Amended	613	12-1-82	902 KAR 11:010		
806 KAR 9:070			808 KAR 10:090			Amended	498	11-3-82
Amended	611	12-1-82	Amended	46	8-11-82	902 KAR 12:020		
806 KAR 9:160			808 KAR 10:150			Amended	499	
Repealed	91	9-8-82	Amended	613	12-1-82	Amended	682	11-3-82
806 KAR 9:161	91	9-8-82	810 KAR 1:013			902 KAR 12:030		
806 KAR 10:010			Amended	1038	4-6-83	Amended	501	11-3-82
Repealed	753	1-6-83	811 KAR 1:020			902 KAR 12:040		
806 KAR 10:015	753	1-6-83	Amended	967	3-2-83	Amended	502	
806 KAR 12:031			811 KAR 1:055			Amended	685	11-3-82
Repealed	1004	2-2-83	Amended	968	3-2-83	902 KAR 12:050		
806 KAR 12:080			811 KAR 1:070			Amended	502	
Amended	655		Amended	970	3-2-83	Amended	685	11-3-82
Amended	789		815 KAR 7:012			902 KAR 14:010	94	
Amended	1004	2-2-83	Amended	497	12-1-82	Amended	341	8-11-82
806 KAR 13:005			815 KAR 7:020			902 KAR 14:020	94	8-11-82
Repealed	391	10-6-82	Amended	971	3-2-83	902 KAR 20:006		
806 KAR 13:006	391	10-6-82	815 KAR 7:060			Amended	55	
806 KAR 13:010			Amended	815		Amended	479	9-8-82
Repealed	656	12-1-82	Amended	1217		902 KAR 20:008		
806 KAR 13:011	656	12-1-82	815 KAR 10:020			Amended	61	8-11-82
806 KAR 13:015			Amended	1041	4-6-83	Amended	745	1-6-83
Repealed	91	9-8-82	815 KAR 20:010			Amended	1055	4-6-83
806 KAR 13:016	91	9-8-82	Amended	827	2-2-83	902 KAR 20:111		
806 KAR 13:030			815 KAR 20:050			Amended	1056	
Repealed	91	9-8-82	Amended	832		902 KAR 20:115		
806 KAR 13:031	91	9-8-82	Amended	1200		Amended	976	
806 KAR 13:040			815 KAR 20:070			902 KAR 20:120		
Amended	44	9-8-82	Amended	46	8-11-82	Amended	1057	4-6-83
806 KAR 13:050			Amended	833	2-2-83	902 KAR 20:126		
Repealed	92	9-8-82	Amended	1237		Amended	62	8-11-82
806 KAR 13:051	92	9-8-82	815 KAR 20:072			902 KAR 20:127		
806 KAR 13:060			815 KAR 20:073	657	12-1-82	Amended	63	
Repealed	92	9-8-82	815 KAR 20:074	658	12-1-82	Amended	342	8-11-82
806 KAR 13:061	92	9-8-82	815 KAR 20:080			902 KAR 20:130		
806 KAR 13:070			Amended	47	8-11-82	Repealed	95	8-11-82
Amended	45	9-8-82	815 KAR 20:090			902 KAR 20:131	95	8-11-82
806 KAR 13:080			Amended	834	2-2-83	902 KAR 20:150	95	8-11-82
Repealed	92	9-8-82	Amended	1238		902 KAR 20:155	886	2-2-83
806 KAR 13:081	92	9-8-82	815 KAR 20:100			902 KAR 20:160	1078	
806 KAR 14:005			Amended	48	8-11-82	902 KAR 25:010		
Amended	45	9-8-82	815 KAR 20:120			Amended	590	12-1-82
806 KAR 14:080			Amended	49	8-11-82	902 KAR 45:045		
Amended	383	10-6-82	Amended	1242		Amended	1168	
Amended	965		815 KAR 20:191			902 KAR 45:110	300	
806 KAR 30:010			Amended	837	2-2-83	Amended	593	12-1-82
Amended	612	12-1-82	815 KAR 25:010			902 KAR 45:120	300	12-1-82
806 KAR 30:080	656	12-1-82	Amended	615	12-1-82	904 KAR 1:004		
806 KAR 38:020			815 KAR 35:010			Amended	6	7-28-82
Amended	496	12-1-82	Amended	1050		Amended	1171	
806 KAR 38:070	754	2-2-83	Amended	1201	4-6-83	904 KAR 1:009		
806 KAR 39:030			815 KAR 45:010			Amended	1243	
Amended	384		Repealed	659	12-1-82	904 KAR 1:011		
Amended	790		815 KAR 45:015	659	12-1-82	Amended	1174	
Withdrawn		3-30-83	815 KAR 45:035			904 KAR 1:012		
806 KAR 43:010	526	12-1-82	Amended	51	8-11-82	Amended	223	8-24-82
807 KAR 5:002	298	9-8-82	Amended	1053	4-6-83	904 KAR 1:013		
807 KAR 5:006			900 KAR 2:010	299	12-1-82	Amended	489	10-27-82
Amended	217		Amended	975		Amended	978	3-2-83
Amended	473	8-24-82	Reprint	1085		904 KAR 1:020		
Amended	735		900 KAR 2:020	527		Amended	1244	
Amended	1210		Amended	931		904 KAR 1:026		
807 KAR 5:008	1075					Amended	503	11-3-82
						Amended	980	3-2-83

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
904 KAR 1:027			904 KAR 5:250	301				
Amended	1245		Amended	555	10-6-82			
904 KAR 1:028			905 KAR 1:140	667	12-1-82			
Amended	1246		905 KAR 2:010					
904 KAR 1:033			Amended	68				
Amended	66	8-11-82	Amended	723				
904 KAR 1:036			Amended	1005	2-2-83			
Amended	263	9-8-82	905 KAR 2:020					
Amended	842	2-2-83	Repealed	1005	2-2-83			
904 KAR 1:037	99	8-11-82	905 KAR 2:025					
904 KAR 1:042	99	8-11-82	Repealed	1005	2-2-83			
904 KAR 1:045			905 KAR 2:030					
Amended	268	9-8-82	Repealed	1005	2-2-83			
904 KAR 1:095	666	3-2-83	905 KAR 2:035					
904 KAR 1:100	667	3-2-83	Repealed	1005	2-2-83			
904 KAR 1:110	1082	4-6-83	905 KAR 2:040					
904 KAR 1:140	1082		Repealed	1005	2-2-83			
904 KAR 1:150	1084		905 KAR 2:060					
904 KAR 1:160	1180		Repealed	1005	2-2-83			
904 KAR 1:170	1182		905 KAR 3:010	101	8-11-82			
904 KAR 1:180	1183		905 KAR 3:020	102	8-11-82			
904 KAR 1:190	1183		905 KAR 3:030	103	8-11-82			
Withdrawn		4-14-83	905 KAR 3:040	761	1-6-83			
Resubmitted	1273		905 KAR 5:010	103				
904 KAR 1:200	1273		Amended	485	9-8-82			
904 KAR 1:210	1274		905 KAR 5:020	761				
904 KAR 2:006			Amended	1024	4-6-83			
Amended	504	11-3-82	905 KAR 6:010	1274				
904 KAR 2:015								
Amended	269	9-8-82						
Amended	624	12-1-82						
904 KAR 2:016								
Amended	271	9-8-82						
904 KAR 2:020								
Amended	1247							
904 KAR 2:050								
Amended	506	11-3-82						
Amended	1176							
904 KAR 2:055								
Amended	1249							
904 KAR 2:100								
Repealed	100	8-11-82						
904 KAR 2:105	100	8-11-82						
904 KAR 2:110								
Amended	981	3-2-83						
904 KAR 2:115	887	2-2-83						
Amended	1059	4-6-83						
904 KAR 3:010								
Amended	275	9-8-82						
Amended	1061	4-6-83						
Amended	1251							
904 KAR 3:020								
Amended	277	9-8-82						
Amended	1063	4-6-83						
Amended	1253							
904 KAR 3:030								
Amended	1066	4-6-83						
904 KAR 3:035								
Amended	279	9-8-82						
Amended	1067	4-6-83						
Amended	1256							
904 KAR 3:045								
Amended	67	8-11-82						
Amended	1068	4-6-83						
904 KAR 3:050								
Amended	507	11-3-82						
Amended	1257							
904 KAR 3:060								
Amended	507	11-3-82						
Amended	1258							
904 KAR 3:070								
Amended	1261							
904 KAR 5:100								
Amended	1069	4-6-83						
904 KAR 5:120								
Repealed	301	9-8-82						
904 KAR 5:121	301	9-8-82						
904 KAR 5:240								
Repealed	301	9-8-82						

KRS Index

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
Chapter 13	1 KAR 1:010	96.640	31 KAR 2:010	139.990	103 KAR 31:110
16.505 to 16.645	105 KAR 1:020	96.860	31 KAR 2:010		103 KAR 31:140
16.505 to 16.652	105 KAR 1:010	96A.350	31 KAR 2:010	141.042	103 KAR 15:050
17.210	815 KAR 45:015	97.610	31 KAR 2:010	141.170	103 KAR 15:050
18A.005	101 KAR 1:110	107.360	31 KAR 2:010	141.300	103 KAR 15:050
	101 KAR 1:120	108.100	31 KAR 2:010	141.310	103 KAR 18:110
18A.030	101 KAR 1:055	108.160	31 KAR 2:010	141.370	103 KAR 18:110
	101 KAR 1:080	116.025	31 KAR 2:010	150.010	301 KAR 1:055
	101 KAR 1:110	116.065	31 KAR 2:010		301 KAR 1:075
18A.045	101 KAR 1:140	117.075	31 KAR 1:030		301 KAR 1:145
18A.070	101 KAR 1:030	117.255	31 KAR 2:010		301 KAR 1:150
18A.075	101 KAR 1:030	117.375	31 KAR 2:010		301 KAR 2:045
	101 KAR 1:055	117.377	31 KAR 2:010		301 KAR 2:047
	101 KAR 1:080	117.379	31 KAR 2:010		301 KAR 2:087
	101 KAR 1:120	117.381	31 KAR 2:010		301 KAR 2:111
	101 KAR 1:130	117.383	31 KAR 2:010		301 KAR 2:140
18A.095	101 KAR 1:140	117.385	31 KAR 2:010		301 KAR 2:150
	101 KAR 1:110	117.387	31 KAR 2:010	150.025	301 KAR 1:015
	101 KAR 1:120	117.389	31 KAR 2:010		301 KAR 1:055
18A.100	101 KAR 1:130	117.391	31 KAR 2:010		301 KAR 1:075
	101 KAR 1:130	117.393	31 KAR 2:010		301 KAR 1:145
18A.110	101 KAR 1:210	118.015	31 KAR 2:010		301 KAR 1:150
	101 KAR 1:055	118A.010	31 KAR 2:010		301 KAR 2:047
	101 KAR 1:080	119.005	31 KAR 2:010		301 KAR 2:055
	101 KAR 1:110	131.110	103 KAR 1:010		301 KAR 2:080
	101 KAR 1:120		103 KAR 28:010		301 KAR 2:087
	101 KAR 1:140	131.182	103 KAR 31:140		301 KAR 2:111
18A.115	101 KAR 1:150	131.340	103 KAR 1:010		301 KAR 2:113
18A.155	101 KAR 1:110		103 KAR 30:190		301 KAR 2:140
	101 KAR 1:200	131.345	103 KAR 1:010		301 KAR 2:150
18A.165	101 KAR 1:210	131.360	103 KAR 1:010	150.090	301 KAR 4:040
	101 KAR 1:055	131.370	103 KAR 1:010	150.120	301 KAR 1:015
	101 KAR 1:080	131.990	103 KAR 31:140	150.170	301 KAR 1:145
18A.202	101 KAR 1:120	132.120	31 KAR 2:010		301 KAR 1:150
29A.180	101 KAR 1:150	132.380	31 KAR 2:010		301 KAR 1:075
39.400	200 KAR 8:020	136.392	815 KAR 45:015		301 KAR 1:145
39.427	106 KAR 1:030	Chapter 138	601 KAR 9:072		301 KAR 1:150
39.470	106 KAR 1:030	138.450	103 KAR 44:010		301 KAR 2:047
Chapter 42	200 KAR 14:010	138.460	103 KAR 44:010		301 KAR 2:087
42.420	200 KAR 14:030	138.470	103 KAR 44:010		301 KAR 2:111
44.070	108 KAR 1:010	139.090	103 KAR 26:050		301 KAR 2:113
44.080	108 KAR 1:010	139.100	103 KAR 28:010	150.175	301 KAR 2:150
44.086	108 KAR 1:010		103 KAR 30:190		301 KAR 1:075
44.090	108 KAR 1:010	139.120	103 KAR 26:050		301 KAR 1:145
45.350 to 45.359	1 KAR 4:005		103 KAR 28:010		301 KAR 1:150
45.352	1 KAR 4:010	139.130	103 KAR 28:010		301 KAR 2:047
45.700	1 KAR 2:010	139.140	103 KAR 28:010		301 KAR 2:087
45.705	1 KAR 2:010	139.150	103 KAR 30:190		301 KAR 2:111
45.710	1 KAR 2:010	139.190	103 KAR 26:050		301 KAR 2:113
45.715	1 KAR 2:010	139.260	103 KAR 30:190		301 KAR 2:140
45.720	1 KAR 2:010		103 KAR 31:110	150.176	301 KAR 4:040
45.750 to 45.800	1 KAR 3:005	139.270	103 KAR 31:110		301 KAR 2:047
Chapter 45A	200 KAR 5:307	139.280	103 KAR 31:110		301 KAR 2:140
61.510 to 61.700	105 KAR 1:020	139.290	103 KAR 31:110	150.180	301 KAR 2:150
61.510 to 61.702	105 KAR 1:010	139.300	103 KAR 30:190		301 KAR 2:080
61.870 to 61.884	405 KAR 30:121	139.400	103 KAR 31:110	150.235	301 KAR 4:040
61.874	401 KAR 2:180		103 KAR 31:110		301 KAR 1:075
64.300	31 KAR 2:010	139.410	103 KAR 31:110		301 KAR 2:087
65.170	31 KAR 2:010	139.420	103 KAR 31:110	150.240	301 KAR 2:055
67.260	31 KAR 2:010	139.430	103 KAR 31:110	150.280	301 KAR 2:080
67A.020	31 KAR 2:010	139.440	103 KAR 31:110	150.290	301 KAR 2:080
68.540	31 KAR 2:010	139.470	103 KAR 26:050	150.300	301 KAR 2:044
78.510 to 78.852	105 KAR 1:010		103 KAR 30:190		301 KAR 2:045
78.510 to 78.990	105 KAR 1:020	139.480	103 KAR 26:050	150.305	301 KAR 2:044
81A.030	31 KAR 2:010	139.482	103 KAR 28:010		301 KAR 2:045
81A.420	31 KAR 2:010	139.486	103 KAR 30:190		301 KAR 2:080
81A.430	31 KAR 2:010	139.487	103 KAR 30:190		301 KAR 2:087
83A.100	31 KAR 2:010	139.488	103 KAR 30:190		301 KAR 2:111
83A.120	31 KAR 2:010	139.490	103 KAR 31:120		301 KAR 2:113
83A.170	31 KAR 2:010	139.495	103 KAR 28:010		301 KAR 2:140
91A.080	806 KAR 2:090	139.570	103 KAR 31:140		301 KAR 2:150
	806 KAR 2:095	139.610	103 KAR 31:140	150.320	301 KAR 2:044
	806 KAR 14:080	139.640	103 KAR 31:140		301 KAR 2:080
Chapter 95A	815 KAR 45:035	139.650	103 KAR 31:140	150.330	301 KAR 2:140
96.183	31 KAR 2:010	139.710	103 KAR 31:140		301 KAR 2:044
96.360	31 KAR 2:010	139.760	103 KAR 1:010		301 KAR 2:045
96.540	31 KAR 2:010		103 KAR 31:110		301 KAR 2:047
96.543	31 KAR 2:010	139.980	103 KAR 1:010		301 KAR 2:080
			103 KAR 31:140		301 KAR 2:087

ADMINISTRATIVE REGISTER

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
150.330 (cont'd)	301 KAR 2:111	156.112	705 KAR 1:010	183.861 to 183.990	602 KAR 50:010
	301 KAR 2:113		705 KAR 4:010		602 KAR 50:020
	301 KAR 2:140		705 KAR 7:050		602 KAR 50:100
150.340	301 KAR 2:150	156.160	704 KAR 3:304		602 KAR 50:110
	301 KAR 2:044		704 KAR 3:305		602 KAR 50:115
	301 KAR 2:045		704 KAR 10:022	183.865	602 KAR 50:030
	301 KAR 2:047	156.400 to 156.476	702 KAR 1:005		602 KAR 50:040
	301 KAR 2:087	157.100 to 157.190	702 KAR 1:005	183.867	602 KAR 50:030
	301 KAR 2:111	157.200 to 157.290	707 KAR 1:003		602 KAR 50:050
	301 KAR 2:113	157.280	702 KAR 5:120	183.869	602 KAR 50:080
150.360	301 KAR 2:150	157.312	704 KAR 5:050		602 KAR 50:090
	301 KAR 1:075	157.315	704 KAR 5:050	183.870	602 KAR 50:030
	301 KAR 2:044	157.360	702 KAR 1:110		602 KAR 50:070
	301 KAR 2:045		704 KAR 3:010		602 KAR 50:080
	301 KAR 2:047		704 KAR 5:050		602 KAR 50:090
	301 KAR 2:080		705 KAR 2:030	183.871	602 KAR 50:080
	301 KAR 2:087	157.390	702 KAR 1:025		602 KAR 50:090
	301 KAR 2:111	158.030	704 KAR 5:050		602 KAR 50:120
	301 KAR 2:113	158.060	703 KAR 2:010	189.222	603 KAR 5:075
	301 KAR 2:140	158.070	703 KAR 2:010		603 KAR 5:096
	301 KAR 2:150	158.090	704 KAR 5:050		603 KAR 5:100
150.365	301 KAR 2:045	158.600 to 158.620	704 KAR 3:285	189.270	603 KAR 5:100
	301 KAR 2:140	160.105	702 KAR 3:030		603 KAR 5:110
150.370	301 KAR 2:045	160.220	31 KAR 2:010	190.010	601 KAR 21:050
	301 KAR 2:047	160.230	31 KAR 2:010		601 KAR 21:110
	301 KAR 2:080	160.250	31 KAR 2:010	190.030	601 KAR 21:030
	301 KAR 2:111	160.260	31 KAR 2:010		601 KAR 21:050
	301 KAR 2:113	160.470	31 KAR 2:010		601 KAR 21:070
	301 KAR 2:150	160.597	31 KAR 2:010	190.035	601 KAR 21:050
150.390	301 KAR 2:045	161.020	704 KAR 20:005	190.040	601 KAR 21:090
	301 KAR 2:111		704 KAR 20:135	190.058	601 KAR 21:010
	301 KAR 2:113		704 KAR 20:275		601 KAR 21:130
	301 KAR 2:140	161.025	704 KAR 20:005	190.062	601 KAR 21:130
150.400	301 KAR 2:150		704 KAR 20:135	194.025	902 KAR 25:010
	301 KAR 2:045		704 KAR 20:275	194.050	902 KAR 25:010
	301 KAR 2:150	161.030	704 KAR 20:005		904 KAR 2:105
150.411	301 KAR 4:040		704 KAR 20:135		904 KAR 2:110
150.415	301 KAR 2:150		704 KAR 20:275		904 KAR 2:115
150.416	301 KAR 2:150	161.515	102 KAR 1:050		904 KAR 3:010
150.440	301 KAR 1:075	161.545	102 KAR 1:038		904 KAR 3:020
150.445	301 KAR 1:075		102 KAR 1:110		904 KAR 3:030
	301 KAR 1:145	161.560	102 KAR 1:125		904 KAR 3:035
150.450	301 KAR 1:150		102 KAR 1:210		904 KAR 3:045
	301 KAR 1:145	161.620	102 KAR 1:200		904 KAR 3:050
	301 KAR 1:150	161.705	102 KAR 1:122		904 KAR 3:060
150.470	301 KAR 1:055	163.020	705 KAR 1:010		904 KAR 3:070
	301 KAR 1:075		705 KAR 2:030	Chapter 198B	815 KAR 7:012
	301 KAR 2:080		705 KAR 4:010		815 KAR 7:020
150.600	301 KAR 2:055	163.030	705 KAR 1:010		815 KAR 7:060
	301 KAR 2:087		705 KAR 2:030	199.420	905 KAR 3:010
150.620	301 KAR 1:015		705 KAR 4:010		905 KAR 3:020
150.625	301 KAR 1:015	163.140	706 KAR 1:010		905 KAR 3:030
150.630	301 KAR 2:055	163.160	740 KAR 1:040	199.467	905 KAR 1:140
150.990	301 KAR 1:055	164.410	11 KAR 5:010	199.892 to 199.896	905 KAR 2:010
Chapter 151	401 KAR 5:090	164.740 to 164.764	11 KAR 5:010	Chapter 202A	902 KAR 12:020
151.125	405 KAR 7:050	164.780	11 KAR 5:010		902 KAR 12:050
151.250	405 KAR 30:020	164.785	15 KAR 1:010	202A.181	902 KAR 12:040
151.297	405 KAR 7:050	164A.060	15 KAR 1:020	202A.196	902 KAR 12:020
152A.125	115 KAR 2:010		740 KAR 1:010	202A.201	902 KAR 12:030
Chapter 154	307 KAR 1:010	164A.560	740 KAR 1:030	Chapter 202B	902 KAR 12:020
154.655	306 KAR 1:010		740 KAR 1:110		902 KAR 12:050
154.660	306 KAR 1:020		740 KAR 1:020	205.010	904 KAR 2:006
154.665	306 KAR 1:030	164A.570	740 KAR 1:050	205.200	904 KAR 2:006
154.680	306 KAR 1:040	164A.580	740 KAR 1:060		904 KAR 2:016
	306 KAR 1:050	164A.585	740 KAR 1:070	205.204	905 KAR 3:010
	306 KAR 1:060	164A.590	740 KAR 1:010		905 KAR 3:020
	306 KAR 1:070	164A.595	740 KAR 1:080		905 KAR 3:030
154.690	306 KAR 1:080		740 KAR 1:090	205.210	904 KAR 2:016
154.695	306 KAR 1:090	164A.600	740 KAR 1:100	205.220	904 KAR 2:050
154.700	704 KAR 3:292	164A.605	31 KAR 2:010	205.231	904 KAR 2:055
156.010	706 KAR 1:010	165.175	201 KAR 24:030	205.245	904 KAR 2:015
	707 KAR 1:003	165A.310	201 KAR 24:030	205.520	904 KAR 1:004
156.022	702 KAR 2:020	165A.370	707 KAR 1:100		904 KAR 1:009
156.031	701 KAR 1:020	167.150	707 KAR 1:110		904 KAR 1:011
	706 KAR 1:010		31 KAR 2:010		904 KAR 1:012
156.035	701 KAR 1:020	173.470	31 KAR 2:010		904 KAR 1:013
	704 KAR 3:292	173.610	31 KAR 2:010		904 KAR 1:026
	705 KAR 7:050	173.620	31 KAR 2:010		904 KAR 1:027
	707 KAR 1:003	173.630	31 KAR 2:010		904 KAR 1:028
156.070	704 KAR 3:292	177.830 to 177.890	603 KAR 4:035		904 KAR 1:033
	705 KAR 2:030	183.200 to 183.213	602 KAR 15:010		904 KAR 1:036
	705 KAR 7:050	183.861	602 KAR 50:030		904 KAR 1:037
	706 KAR 1:010	183.861 to 183.890	602 KAR 50:060		904 KAR 1:042

ADMINISTRATIVE REGISTER

L11

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
205.520 (cont'd)	904 KAR 1:045	217.037	902 KAR 45:110	224.036	401 KAR 38:010
	904 KAR 1:095	217.125	902 KAR 45:110		401 KAR 38:020
	904 KAR 1:100	217.992	902 KAR 45:045		401 KAR 38:030
	904 KAR 1:110	219.031	902 KAR 45:120		401 KAR 38:040
	904 KAR 1:140	219.041	902 KAR 45:120		401 KAR 38:050
	904 KAR 1:150	Chapter 224	401 KAR 5:050		401 KAR 38:060
	904 KAR 1:160		401 KAR 5:055		401 KAR 38:070
	904 KAR 1:170		401 KAR 5:060		401 KAR 38:080
	904 KAR 1:180		401 KAR 5:065	224.060	401 KAR 5:085
	904 KAR 1:190		401 KAR 5:070	224.071	401 KAR 32:010
	904 KAR 1:200		401 KAR 5:080		401 KAR 32:020
	904 KAR 1:210		401 KAR 5:090		401 KAR 32:030
205.550	904 KAR 1:020		401 KAR 5:100		401 KAR 32:040
205.560	904 KAR 1:095		401 KAR 6:015		401 KAR 32:050
	904 KAR 1:110		401 KAR 50:010		401 KAR 34:010
205.795	904 KAR 2:020		401 KAR 50:015		401 KAR 34:020
209.030	905 KAR 3:010		401 KAR 50:025		401 KAR 34:030
	905 KAR 3:020		401 KAR 50:035		401 KAR 34:040
	905 KAR 3:030		401 KAR 51:017		401 KAR 34:050
	905 KAR 5:010		401 KAR 51:052		401 KAR 34:070
209.160	905 KAR 5:010		401 KAR 51:055		401 KAR 34:080
	905 KAR 5:020		401 KAR 59:010		401 KAR 34:090
210.420	902 KAR 6:050		401 KAR 59:018		401 KAR 34:100
210.440	902 KAR 6:050		401 KAR 59:101		401 KAR 34:110
211.350	902 KAR 10:060		401 KAR 59:212		401 KAR 34:120
211.375	902 KAR 10:070		401 KAR 59:260		401 KAR 34:130
211.920 to 211.945	902 KAR 9:010		401 KAR 61:015		401 KAR 34:140
211.950 to 211.958	902 KAR 14:010		401 KAR 61:020		401 KAR 34:144
	902 KAR 14:020		401 KAR 61:055		401 KAR 34:148
212.080	31 KAR 2:010		401 KAR 61:056		401 KAR 34:152
212.720	31 KAR 2:010		401 KAR 61:080		401 KAR 34:156
214.155	902 KAR 4:030		401 KAR 61:122		401 KAR 34:159
215.120	31 KAR 2:010		401 KAR 61:140		401 KAR 34:162
215.140	31 KAR 2:010		401 KAR 61:170		401 KAR 34:165
216.317	31 KAR 2:010	224.005	401 KAR 63:031		401 KAR 34:172
216.318	31 KAR 2:010	224.020	401 KAR 5:075		401 KAR 34:176
216.537	900 KAR 2:010	224.033	401 KAR 5:085		401 KAR 34:180
216.540	900 KAR 2:010		401 KAR 5:085		401 KAR 34:190
216.550	900 KAR 2:030		401 KAR 30:010		401 KAR 34:200
	900 KAR 2:040		401 KAR 30:020		401 KAR 34:210
216.555	900 KAR 2:040		401 KAR 30:030		401 KAR 34:240
216.557	900 KAR 2:040		401 KAR 30:040		401 KAR 34:290
216.560	900 KAR 2:040		401 KAR 34:010		401 KAR 34:330
216.563	900 KAR 2:040		401 KAR 34:020		401 KAR 34:340
216.565	900 KAR 2:040		401 KAR 34:030		401 KAR 38:010
216.567	900 KAR 2:020		401 KAR 34:040		401 KAR 38:020
216.577	900 KAR 2:040		401 KAR 34:050		401 KAR 38:030
216B.010 to 216B.130	902 KAR 20:006		401 KAR 34:070		401 KAR 38:040
	902 KAR 20:008		401 KAR 34:080		401 KAR 38:050
	902 KAR 20:111		401 KAR 34:090		401 KAR 38:060
	902 KAR 20:115		401 KAR 34:100		401 KAR 38:070
	902 KAR 20:120		401 KAR 34:110		401 KAR 38:080
	902 KAR 20:126		401 KAR 34:120	224.073	405 KAR 7:050
	902 KAR 20:127		401 KAR 34:130	224.087	401 KAR 5:085
	902 KAR 20:150		401 KAR 34:140		401 KAR 38:010
	902 KAR 20:155		401 KAR 34:144		401 KAR 38:020
216B.010 to 216B.131	902 KAR 20:160		401 KAR 34:148		401 KAR 38:030
216B.990	902 KAR 20:006		401 KAR 34:152		401 KAR 38:040
	902 KAR 20:008		401 KAR 34:156		401 KAR 38:050
	902 KAR 20:111		401 KAR 34:159		401 KAR 38:060
	902 KAR 20:115		401 KAR 34:162		401 KAR 38:070
	902 KAR 20:120		401 KAR 34:165	224.830 to 224.846	401 KAR 38:080
	902 KAR 20:126		401 KAR 34:172		401 KAR 30:020
	902 KAR 20:127		401 KAR 34:176	224.835	401 KAR 30:030
	902 KAR 20:150		401 KAR 34:180		401 KAR 30:010
	902 KAR 20:155		401 KAR 34:190		401 KAR 30:040
	902 KAR 20:160		401 KAR 34:200		401 KAR 32:010
Chapter 217	201 KAR 2:110		401 KAR 34:210		401 KAR 32:020
	201 KAR 2:115		401 KAR 34:240		401 KAR 32:030
	201 KAR 2:120		401 KAR 34:290		401 KAR 32:040
	201 KAR 2:125		401 KAR 34:330		401 KAR 32:050
	201 KAR 2:130		401 KAR 34:340		401 KAR 34:010
	201 KAR 2:135		401 KAR 35:010		401 KAR 34:020
	201 KAR 2:140		401 KAR 38:010		401 KAR 34:030
	201 KAR 2:145		401 KAR 38:020		401 KAR 34:040
	201 KAR 2:150		401 KAR 38:030		401 KAR 34:050
	201 KAR 2:155		401 KAR 38:040		401 KAR 34:070
	201 KAR 2:170		401 KAR 38:050		401 KAR 34:080
	201 KAR 2:175		401 KAR 38:060		401 KAR 34:090
217.005 to 217.215	902 KAR 45:045		401 KAR 38:070		401 KAR 34:100
217.025	902 KAR 45:110		401 KAR 38:080		401 KAR 34:110
217.035	902 KAR 45:110	224.034	401 KAR 5:085		401 KAR 34:120
					401 KAR 34:130

ADMINISTRATIVE REGISTER

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
224.835 (cont'd)	401 KAR 34:140	224.855 (cont'd)	401 KAR 34:152	224.864 (cont'd)	401 KAR 31:170
	401 KAR 34:144		401 KAR 34:156		401 KAR 32:010
	401 KAR 34:148		401 KAR 34:159		401 KAR 32:020
	401 KAR 34:152		401 KAR 34:162		401 KAR 32:030
	401 KAR 34:156		401 KAR 34:165		401 KAR 32:040
	401 KAR 34:159		401 KAR 34:172		401 KAR 32:050
	401 KAR 34:162		401 KAR 34:176		401 KAR 38:010
	401 KAR 34:165		401 KAR 34:180		401 KAR 38:020
	401 KAR 34:172		401 KAR 34:190		401 KAR 38:030
	401 KAR 34:176		401 KAR 34:200		401 KAR 38:040
	401 KAR 34:180		401 KAR 34:210		401 KAR 38:050
	401 KAR 34:190		401 KAR 34:240		401 KAR 38:060
	401 KAR 34:200		401 KAR 34:290		401 KAR 38:070
	401 KAR 34:210		401 KAR 34:330	224.866	401 KAR 38:080
	401 KAR 34:240		401 KAR 35:010		401 KAR 34:010
	401 KAR 34:290		401 KAR 38:010		401 KAR 34:020
	401 KAR 34:330		401 KAR 38:020		401 KAR 34:030
	401 KAR 34:340		401 KAR 38:030		401 KAR 34:040
	401 KAR 35:010		401 KAR 38:040		401 KAR 34:050
	401 KAR 38:010		401 KAR 38:050		401 KAR 34:070
	401 KAR 38:020		401 KAR 38:060		401 KAR 34:080
	401 KAR 38:030		401 KAR 38:070		401 KAR 34:090
	401 KAR 38:040		401 KAR 38:080		401 KAR 34:100
	401 KAR 38:050	224.855 to 224.889	401 KAR 30:010		401 KAR 34:110
	401 KAR 38:060		401 KAR 30:020		401 KAR 34:120
	401 KAR 38:070		401 KAR 30:030		401 KAR 34:130
	401 KAR 38:080	224.860	401 KAR 30:040		401 KAR 34:140
224.842	401 KAR 34:010		401 KAR 34:010		401 KAR 34:144
	401 KAR 34:020		401 KAR 34:020		401 KAR 34:148
	401 KAR 34:030		401 KAR 34:030		401 KAR 34:152
	401 KAR 34:040		401 KAR 34:040		401 KAR 34:156
	401 KAR 34:050		401 KAR 34:050		401 KAR 34:159
	401 KAR 34:070		401 KAR 34:070		401 KAR 34:162
	401 KAR 34:080		401 KAR 34:080		401 KAR 34:165
	401 KAR 34:090		401 KAR 34:090		401 KAR 34:172
	401 KAR 34:100		401 KAR 34:100		401 KAR 34:176
	401 KAR 34:110		401 KAR 34:110		401 KAR 34:180
	401 KAR 34:120		401 KAR 34:120		401 KAR 34:190
	401 KAR 34:130		401 KAR 34:130		401 KAR 34:200
	401 KAR 34:140		401 KAR 34:140		401 KAR 34:210
	401 KAR 34:144		401 KAR 34:144		401 KAR 34:240
	401 KAR 34:148		401 KAR 34:148		401 KAR 34:290
	401 KAR 34:152		401 KAR 34:152		401 KAR 34:330
	401 KAR 34:156		401 KAR 34:156		401 KAR 34:340
	401 KAR 34:159		401 KAR 34:159		401 KAR 35:010
	401 KAR 34:162		401 KAR 34:162		401 KAR 38:010
	401 KAR 34:165		401 KAR 34:165		401 KAR 38:020
	401 KAR 34:172		401 KAR 34:172		401 KAR 38:030
	401 KAR 34:176		401 KAR 34:176		401 KAR 38:040
	401 KAR 34:180		401 KAR 34:180		401 KAR 38:050
	401 KAR 34:190		401 KAR 34:190		401 KAR 38:060
	401 KAR 34:200		401 KAR 34:200		401 KAR 38:070
	401 KAR 34:210		401 KAR 34:210	224.868	401 KAR 38:080
	401 KAR 34:240		401 KAR 34:240		401 KAR 31:010
	401 KAR 34:290		401 KAR 34:290		401 KAR 31:030
	401 KAR 34:330		401 KAR 34:330		401 KAR 31:040
	401 KAR 34:340		401 KAR 34:340		401 KAR 31:050
	401 KAR 35:010		401 KAR 35:010		401 KAR 31:100
	401 KAR 38:010		401 KAR 38:010		401 KAR 31:110
	401 KAR 38:020		401 KAR 38:020		401 KAR 31:120
	401 KAR 38:030		401 KAR 38:030		401 KAR 31:160
	401 KAR 38:040		401 KAR 38:040		401 KAR 31:170
	401 KAR 38:050		401 KAR 38:050		401 KAR 38:010
	401 KAR 38:060		401 KAR 38:060		401 KAR 38:020
	401 KAR 38:070		401 KAR 38:070		401 KAR 38:030
224.846	401 KAR 38:080		401 KAR 38:080		401 KAR 38:040
	401 KAR 30:010		401 KAR 38:080		401 KAR 38:050
224.855	401 KAR 30:040	224.862	401 KAR 38:010		401 KAR 38:060
	401 KAR 34:010		401 KAR 38:020		401 KAR 38:070
	401 KAR 34:020		401 KAR 38:030		401 KAR 38:080
	401 KAR 34:030		401 KAR 38:040	224.869	401 KAR 32:050
	401 KAR 34:040		401 KAR 38:050	224.871	401 KAR 38:010
	401 KAR 34:050		401 KAR 38:060		401 KAR 38:020
	401 KAR 34:070		401 KAR 38:070		401 KAR 38:030
	401 KAR 34:080		401 KAR 38:080		401 KAR 38:040
	401 KAR 34:090	224.864	401 KAR 31:010		401 KAR 38:050
	401 KAR 34:100		401 KAR 31:030		401 KAR 38:060
	401 KAR 34:110		401 KAR 31:040		401 KAR 38:070
	401 KAR 34:120		401 KAR 31:050		401 KAR 38:080
	401 KAR 34:130		401 KAR 31:100	224.873	401 KAR 38:010
	401 KAR 34:140		401 KAR 31:110		401 KAR 38:020
	401 KAR 34:144		401 KAR 31:120		401 KAR 38:030
	401 KAR 34:148		401 KAR 31:160		401 KAR 38:040

ADMINISTRATIVE REGISTER

L13

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
224.873 (cont'd)	401 KAR 38:050	262.130	31 KAR 2:010	314.071	201 KAR 20:225
	401 KAR 38:060	262.220	31 KAR 2:010		201 KAR 20:230
	401 KAR 38:070	262.370	31 KAR 2:010		201 KAR 20:240
	401 KAR 38:080	262.540	31 KAR 2:010	314.073	201 KAR 20:085
224.874	401 KAR 38:010	262.730	31 KAR 2:010		201 KAR 20:205
	401 KAR 38:020	262.735	31 KAR 2:010		201 KAR 20:215
	401 KAR 38:030	262.748	31 KAR 2:010		201 KAR 20:220
	401 KAR 38:040	262.778	31 KAR 2:010		201 KAR 20:225
	401 KAR 38:050	273.410 to 273.468	905 KAR 6:010		201 KAR 20:230
	401 KAR 38:060	273.446	905 KAR 3:040		201 KAR 20:240
	401 KAR 38:070	273.453 to 273.466	1 KAR 4:005	314.131	201 KAR 20:056
	401 KAR 38:080	273.458	1 KAR 4:010		201 KAR 20:240
224.876	401 KAR 31:010	Chapter 278	807 KAR 5:002	314.161	201 KAR 20:056
	401 KAR 31:030		807 KAR 5:006		201 KAR 20:240
	401 KAR 31:040		807 KAR 5:008	Chapter 315	201 KAR 2:020
	401 KAR 31:050		807 KAR 5:026		201 KAR 2:040
	401 KAR 31:100		807 KAR 5:027		201 KAR 2:050
	401 KAR 31:110		807 KAR 5:064		201 KAR 2:105
	401 KAR 31:120	287.690	808 KAR 1:090		201 KAR 2:160
	401 KAR 31:160	Chapter 288	808 KAR 6:105		201 KAR 2:165
	401 KAR 31:170	290.020	808 KAR 3:050		201 KAR 2:170
	401 KAR 38:010	290.030	808 KAR 3:050		201 KAR 2:175
	401 KAR 38:020	290.040	808 KAR 3:050	317A.010	201 KAR 12:030
	401 KAR 38:030	290.050	808 KAR 3:050	317A.020	201 KAR 12:030
	401 KAR 38:040	Chapter 291	808 KAR 5:040	317A.050	201 KAR 12:083
	401 KAR 38:050	Chapter 292	808 KAR 10:010	317A.060	201 KAR 12:030
	401 KAR 38:060		808 KAR 10:090		201 KAR 12:083
	401 KAR 38:070	292.410	808 KAR 10:150	317A.140	201 KAR 12:083
	401 KAR 38:080	304.2-330	806 KAR 2:080	317A.990	201 KAR 12:083
224.877	401 KAR 38:010	304.4-010	806 KAR 14:005	Chapter 318	815 KAR 20:010
	401 KAR 38:020	304.7-360	806 KAR 7:090		815 KAR 20:050
	401 KAR 38:030	304.9-070	806 KAR 9:030		815 KAR 20:070
	401 KAR 38:040	304.9-160	806 KAR 9:070		815 KAR 20:072
	401 KAR 38:050	304.9-170	806 KAR 9:040		815 KAR 20:073
	401 KAR 38:060	304.9-190	806 KAR 9:070		815 KAR 20:074
	401 KAR 38:070	304.9-320	806 KAR 9:070		815 KAR 20:080
	401 KAR 38:080	304.9-390	806 KAR 9:060		815 KAR 20:090
Chapter 227	815 KAR 10:020	304.9-430	806 KAR 9:030		815 KAR 20:100
	815 KAR 35:010		806 KAR 9:070		815 KAR 20:120
227.570	815 KAR 25:010	304.12-030	806 KAR 12:080		815 KAR 20:191
230.210 to 230.360	810 KAR 1:013	304.12-080	806 KAR 14:080	319.040	201 KAR 26:120
230.630	811 KAR 1:020	304.13-121	806 KAR 13:040	319.055	201 KAR 26:120
	811 KAR 1:055	304.13-151	806 KAR 13:070	319.065	201 KAR 26:120
	811 KAR 1:070	304.14-030	806 KAR 14:080	322.050	201 KAR 18:140
230.640	811 KAR 1:020	304.14-120	806 KAR 14:005	322.180	201 KAR 18:140
	811 KAR 1:055	304.14-190	806 KAR 14:005	322.190	201 KAR 18:140
	811 KAR 1:070	304.15-320	806 KAR 9:040	322.200	201 KAR 18:140
230.700	811 KAR 1:070	304.30-030	806 KAR 30:010	322.290	201 KAR 18:140
230.710	811 KAR 1:070	304.30-040	806 KAR 30:080	322.350	201 KAR 18:140
242.050	31 KAR 2:010	304.38-050	806 KAR 38:070	322.430	201 KAR 18:140
242.070	31 KAR 2:010	304.38-070	806 KAR 38:070	323.050	201 KAR 19:025
242.080	31 KAR 2:010	304.38-110	806 KAR 38:020		201 KAR 19:035
242.120	31 KAR 2:010	304.43-080	806 KAR 43:010	323.060	201 KAR 19:040
242.125	31 KAR 2:010	311.420	201 KAR 25:011	323.080	201 KAR 19:035
242.129	31 KAR 2:010		201 KAR 25:012	323.090	201 KAR 19:085
242.1292	31 KAR 2:010		201 KAR 25:071	323.110	201 KAR 19:050
242.1294	31 KAR 2:010	311.450	201 KAR 25:031	323.210	201 KAR 19:085
243.050	804 KAR 4:230	311.475	201 KAR 25:061	323.215	201 KAR 19:050
243.710	103 KAR 40:035	311.490	201 KAR 25:051		201 KAR 19:025
243.720	103 KAR 40:035	311.530 to 311.620	201 KAR 9:020		201 KAR 19:040
	103 KAR 40:100		201 KAR 9:040	324.010	201 KAR 11:170
	103 KAR 40:100		201 KAR 9:050	324.045	201 KAR 11:070
243.730	103 KAR 40:050	311.990	201 KAR 9:020		201 KAR 11:135
243.850	103 KAR 40:035		201 KAR 9:040	324.115	201 KAR 11:070
243.884	804 KAR 1:100		201 KAR 9:050	324.160	201 KAR 11:095
244.130	804 KAR 11:010	314.011	201 KAR 20:056		201 KAR 11:110
244.500	302 KAR 45:010		201 KAR 20:205	324.310	201 KAR 11:147
246.650	302 KAR 45:010		201 KAR 20:215	324.330	201 KAR 11:030
246.660	303 KAR 1:100		201 KAR 20:220		201 KAR 11:147
247.145	302 KAR 15:010	314.041	201 KAR 20:070	325.261	201 KAR 1:050
247.220	31 KAR 2:010		201 KAR 20:085	325.265	201 KAR 1:045
247.487	31 KAR 2:010		201 KAR 20:095	325.270	201 KAR 1:045
247.560	31 KAR 2:010		201 KAR 20:230	325.280	201 KAR 1:050
247.660	31 KAR 2:010		201 KAR 20:240	325.330	201 KAR 1:065
247.760	31 KAR 2:010	314.042	201 KAR 20:056	325.340	201 KAR 1:095
247.860	302 KAR 35:060		201 KAR 20:240	327.050	201 KAR 22:031
251.480	302 KAR 35:070	314.051	201 KAR 20:070	327.060	201 KAR 22:031
	302 KAR 20:130		201 KAR 20:085	327.080	201 KAR 22:130
257.020	302 KAR 20:110		201 KAR 20:095		902 KAR 11:010
257.070	302 KAR 20:140		201 KAR 20:230	Chapter 333	201 KAR 23:080
	302 KAR 25:045		201 KAR 20:240	335.010 to 335.150	201 KAR 23:110
260.675 to 260.760	31 KAR 2:010				
262.120					

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
335.010 to 335.160	201 KAR 23:020	350.600 (cont'd)	405 KAR 30:070		
335.990	201 KAR 23:020		405 KAR 30:121		
337.275	803 KAR 1:075		405 KAR 30:130		
337.285	803 KAR 1:075		405 KAR 30:160		
337.520	803 KAR 1:075		405 KAR 30:190		
Chapter 338	803 KAR 2:020		405 KAR 30:200		
338.121	803 KAR 2:090		405 KAR 30:250		
341.350	803 KAR 2:190		405 KAR 30:280		
341.380	904 KAR 5:100		405 KAR 30:320		
341.415	904 KAR 5:100		405 KAR 30:360		
Chapter 350	904 KAR 5:250		405 KAR 30:370		
	405 KAR 7:020		405 KAR 30:390		
	405 KAR 26:001	350.610	405 KAR 24:030		
350.020	405 KAR 7:050	350.990	405 KAR 12:010		
	405 KAR 12:010	393.095	103 KAR 8:060		
	405 KAR 16:090	424.290	31 KAR 2:010		
	405 KAR 16:220	436.165	31 KAR 2:010		
	405 KAR 18:090	Chapter 441	501 KAR 3:150		
	405 KAR 18:230	441.011	501 KAR 3:010		
350.028	405 KAR 12:010		501 KAR 3:020		
	405 KAR 16:220		501 KAR 3:030		
	405 KAR 18:230		501 KAR 3:040		
350.050	405 KAR 12:010		501 KAR 3:050		
350.085	405 KAR 12:010		501 KAR 3:060		
	405 KAR 16:220		501 KAR 3:070		
	405 KAR 18:230		501 KAR 3:080		
305.090	405 KAR 16:130		501 KAR 3:090		
	405 KAR 18:130		501 KAR 3:100		
350.100	405 KAR 16:060		501 KAR 3:110		
	405 KAR 16:090		501 KAR 3:120		
	405 KAR 16:110		501 KAR 3:130		
	405 KAR 18:060		501 KAR 3:140		
	405 KAR 18:090	c. 109, 1980 Acts	1 KAR 3:005		
	405 KAR 18:110	c. 398, 1982 Acts	1 KAR 3:005		
305.113	405 KAR 12:010		106 KAR 1:030		
350.130	405 KAR 12:010		702 KAR 1:110		
350.151	405 KAR 12:010		702 KAR 5:120		
	405 KAR 18:060		704 KAR 5:050		
	405 KAR 18:090		905 KAR 5:010		
	405 KAR 18:110	c. 444, 1982 Acts	115 KAR 2:010		
	405 KAR 18:130				
	405 KAR 18:140				
	405 KAR 18:230				
350.405	405 KAR 16:110				
	405 KAR 18:110				
350.410	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				
350.600	405 KAR 30:010				
	405 KAR 30:020				
	405 KAR 30:025				

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)

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 20:110 to 302 KAR 20:140
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

Development Finance Authority
State development; 307 KAR 1:010
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 2:150
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
Hearings, procedures, disposition; 501 KAR 3:150; 301 KAR 3:150E
Inmate programs, services; 501 KAR 3:130; 501 KAR 3:130E
Inmate rights; 501 KAR 3:140; 501 KAR 3:140E

CORRECTIONS (Cont'd)

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
Sanitation, hygiene; 501 KAR 3:080; 501 KAR 3:080E
Security, control; 501 KAR 3:060; 501 KAR 3:060E

DEVELOPMENT FINANCE AUTHORITY

Bond financed loan program; 307 KAR 1:010

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 1:003 to 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
 Unclassified service; 101 KAR 1:200; 101 KAR 1:200E
 Unclassified service employees, appeals; 101 KAR 1:210
 Retirement; 105 KAR 1:010; 105 KAR 1:020

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
 Annual program plan; 707 KAR 1:003

FAIRGROUNDS, EXHIBITION CENTER

Sales, fixtures, goods, solicitation; 303 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
 Review procedures; 200 KAR 14:030

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
 Giggling, snagging, etc.; 301 KAR 1:025
 Game
 Birds, small game; seasons, limits; 301 KAR 2:045; 301 KAR 2:047
 Deer hunting, Blue Grass Ordnance Depot; 301 KAR 2:113; 301 KAR 2:113E
 Deer hunting seasons; 301 KAR 2:150

FISH AND WILDLIFE (Cont'd)

Deer, turkey; special areas; 301 KAR 2:111
 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 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
 Sanitation, retail food markets; 902 KAR 45:045
 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; 902 KAR 10:070
 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 7:015
 Elect
 Fire
 4
 Mot
 Plur
 Saf

HU

Hea
 Cel
 2
 Con
 Eme
 14:010, 14:010E
 Food, cosmetics; 902 KAR 45:045 to 902 KAR 45:120
 Health boards, district; 902 KAR 8:011
 Maternal, child health; 902 KAR 4:030
 Medical laboratories; 902 KAR 11:010
 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 10:070
 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 3:070
 Medical assistance; 904 KAR 1:004 to 904 KAR 1:210
 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
 Community action agencies; 905 KAR 6:010
 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
 Migrant plan; 704 KAR 3:292
 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
Variable annuity agents; 806 KAR 9:040
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 Repairation (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
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

Breeding shed; 302 KAR 20:140; 302 KAR 20:140E
Contagious equine metritis; 302 KAR 20:130; 302 KAR 20:130E
Treatment of imported mares; 302 KAR 20:110; 302 KAR 20:110E

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 59:260
Performance, general standards; 401 KAR 63:031
Water; 401 KAR 5:050 to 401 KAR 5:100; 401 KAR 6:015
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 2:175
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
Bioinequivalence problems; 201 KAR 2:135
Controlled release tablets, capsules, injectables; 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
Information transfer; 201 KAR 2:165
Interns, registration of; 201 KAR 2:040
Licenses, inactive status; 201 KAR 2:160
Licenses, permits; fees; 201 KAR 2:050
Recordkeeping, computerized; 201 KAR 2:170
Refills, emergency; 201 KAR 2:175
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

PODIATRY (Cont'd)

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 repair (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
 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
 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

KERS
 Contributions, interest rates; 105 KAR 1:010
 Reciprocal programs; 105 KAR 1:020
 Teachers
 Absence, leave of; 102 KAR 1:038
 Contributions, omitted; 102 KAR 1:125

RETIREMENT (Cont'd)

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

Ad Valorem Tax
 State assessment; 103 KAR 8:060
 Excise Tax, Selective
 Alcoholic beverages; 103 KAR 40:035 to 103 KAR 40:100
 Motor vehicle usage tax; 103 KAR 44:010
 General Administration
 Protests, appeals; 103 KAR 1:010
 Income Tax
 Administration; 103 KAR 15:050
 Corporations; 103 KAR 16:170
 Withholding; 103 KAR 18:110; 103 KAR 18:110E
 Sales and Use Tax
 Administration, accounting; 103 KAR 31:110 to 103 KAR 31:140
 Exemptions, general; 103 KAR 30:190
 Retail transactions; 103 KAR 28:010
 Services; professional occupations; 103 KAR 26:050

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; 904 KAR 3:030E
 Certification process; 904 KAR 3:035; 904 KAR 3:035E
 Coupon issuance procedures; 904 KAR 3:045; 904 KAR 3:045E
 Definitions; 904 KAR 3:010; 904 KAR 3:010E
 Disqualification hearings, penalties; 904 KAR 3:060
 Eligibility requirements; 904 KAR 3:020; 904 KAR 3:020E
 Fair hearings; 904 KAR 3:070
 Medical Assistance
 Alternate birth center services; 904 KAR 1:180; 904 KAR 1:190
 Dental services; 904 KAR 1:026; 904 KAR 1:027
 Drug payments; 904 KAR 1:020
 Home, community based services; 904 KAR 1:160; 904 KAR 1:170
 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
 Laboratory, x-ray services; 904 KAR 1:028
 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 anesthetist services; 904 KAR 1:200; 904 KAR 1:210
 Nurse-midwife services; 904 KAR 1:100
 Nurse-midwife services, payment; 904 KAR 1:095
 Payments; 904 KAR 1:013; 904 KAR 1:013E

SOCIAL INSURANCE (Cont'd)

Pediatric services; 904 KAR 1:033
 Physician services; 904 KAR 1:009
 Recoupment of overpayments; 904 KAR 1:110
 Technical eligibility; 904 KAR 1:011
 Public Assistance
 AFDC, standards; 904 KAR 2:016
 Aged, blind, disabled; supplemental programs; 904 KAR 2:015
 Child support; 904 KAR 2:020
 HEAP, eligibility criteria; 904 KAR 2:115; 904 KAR 2:115E
 Hearings, appeals; 904 KAR 2:055
 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
 Community Action Agencies
 Standards; 905 KAR 6:010
 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

Administration
 Protests, appeals; 103 KAR 1:010
 Ad Valorem; State Assessment
 Pari-mutuel tickets, unclaimed; 103 KAR 8:060
 Excise, Selective; Alcoholic Beverages
 Customs, consumer tax; 103 KAR 40:100
 Exemptions; 103 KAR 40:035; 103 KAR 40:035E
 Transportation; 103 KAR 40:050
 Excise, Selective; Motor Vehicle Usage
 Usage; 103 KAR 44:010
 Income, Administration
 Filing dates, extension; 103 KAR 15:050
 Income, Corporations
 Repeal; 103 KAR 16:170
 Income, Withholding
 Methods; 103 KAR 18:110; 103 KAR 18:110E
 Sales and Use; Administration, Accounting
 Certificates, exemption; 103 KAR 31:120
 Certificates, resale; 103 KAR 31:110
 Interest, penalties, compensation; 103 KAR 31:140
 Sales and Use; Exemptions
 Commerce; 103 KAR 30:190

TAXATION (Cont'd)

Sales and Use; Retail Transactions
 Admissions; 103 KAR 28:010
 Sales and Use; Service, Professional
 Carriers, common; 103 KAR 26:050

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
 Mass transportation; 602 KAR 15:010
 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
 Funds; acquisition, disbursement; 740 KAR 1:010
 Property proceeds, disposal of; 740 KAR 1:040
 Purchasing, inventory; 740 KAR 1:030

VEHICLE REGULATION

Mass Transportation
 Airport development loans; 602 KAR 15:010
 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
 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
 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
 Laboratory certification; 401 KAR 5:100
 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

