

# *of* **Administrative Register** *of Kentucky*

LEGISLATIVE RESEARCH COMMISSION  
FRANKFORT, KENTUCKY



VOLUME 11, NUMBER 11  
WEDNESDAY, MAY 1, 1985

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UNLESS WRITTEN NOTIFICATION OF INTENT TO ATTEND  
A PUBLIC HEARING IS RECEIVED BY THE PROMULGATING  
AGENCY AT LEAST FIVE (5) DAYS BEFORE THE HEARING  
DATE, THE HEARING MAY BE CANCELLED.

MEETING NOTICE: The next meeting of the Administrative Regulation  
Review Subcommittee is May 13 and 14, 1985. For information, call  
502-564-8100, ext. 535.

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly advance sheets service for the 1984 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

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#### **ADMINISTRATIVE REGISTER OF KENTUCKY**

(ISSN 0096-1493)

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

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## PUBLIC HEARINGS

The administrative body shall schedule a public hearing on proposed administrative regulations, proposed amendments to administrative regulations, and proposed repeal of administrative regulations to be held not less than twenty (20) nor more than thirty (30) days following publication of the administrative regulation. The time, date, and place of the hearing and the name and address of the agency contact person shall be included on the last page of the administrative regulation when filed with the Compiler's office.

This information shall be published in the "Administrative Register" at the same time as the initial publication of the administrative regulation. Any person interested in attending the hearing must submit written notification of such to the administrative body at least five (5) days before the scheduled hearing. If no written notice is received at least five (5) days before the hearing, the administrative body may cancel the hearing.

If the hearing is cancelled, the administrative body shall notify the Compiler immediately by telephone of the cancellation with a follow-up letter and the Compiler will note upon the face of the original administrative regulation that the hearing was cancelled.

No transcript of the hearing need be taken unless a written request for a transcript is made, and the person requesting the transcript shall have the responsibility of paying for same. A recording may be made in lieu of a transcript.

If an administrative body has several proposed administrative regulations published at the same time, the proposed administrative regulations may be grouped at the convenience of the administrative body for purposes of hearings.

## EMERGENCY REGULATIONS NOW IN EFFECT

(NOTE: Emergency regulations expire 90 days from publication or upon replacement or repeal.)

## STATEMENT OF EMERGENCY

Department Amusement Ride Inspectors have begun their inspections for the 1985 season. It is imperative that the inspection handbook be removed as a subsection in 302 KAR 16:020 and promulgated as a separate regulation to assist the inspectors in the inspection program. Ordinary regulations will follow this emergency regulation but will not be effective in time to assist the Amusement Ride Inspectors. An emergency therefore exists and emergency regulations are needed.

This emergency regulation will be followed by an ordinary regulation.

MARTHA LAYNE COLLINS, Governor  
DAVID E. BOSWELL, Commissioner

## DEPARTMENT OF AGRICULTURE

**302 KAR 16:020E. Operation of amusement rides or attractions.**

RELATES TO: KRS 247.232, 247.234, 247.236  
PURSUANT TO: KRS 246.040, 247.232, 247.234, 247.236, 247.990

EFFECTIVE DATE: April 11, 1985  
NECESSITY AND FUNCTION: To establish guidelines for the operation and inspection of amusement rides or attractions.

Section 1. All amusement rides or attractions must bear a seal as required by regulation. If the required seal does not appear on the ride, the ride may be stopped until proof of a valid

permit is furnished.

Section 2. All amusement rides or attractions must be maintained in good electrical and mechanical condition and be under the supervision of a competent operator at all times when the ride or attraction is in operation.

Section 3. All amusement rides or attractions that are potentially hazardous to bystanders must be adequately fenced so as to provide protection to spectators and riders. In the case of aerial rides or swings, a barrier must be present providing a safe distance from the outmost arc of such swing or aerial ride. All power units must be shielded so as to afford public safety.

Section 4. No amusement ride or attraction or its power unit shall be so located as to present a fire hazard to adjacent buildings, exhibits or other structures. In the case of a riding device using gasoline engines, storage of gasoline in or adjacent to the riding device must be in an approved safety container and at a safe distance from any ride. All electrical wires leading to and from a riding device must be protected and insulated so as to present no shock hazard. All electrical equipment must be properly grounded. All electrical junction boxes must be locked or sealed.

Section 5. The operator of an amusement ride or attraction must ensure that no one is permitted on such ride who appears to be in an intoxicated condition, is not wearing some foot

protection such as shoes or sandals, or carrying any article which may be dropped from the ride.

Section 6. Properly charged fire extinguishers shall be present at all rides or attractions in accordance with state and local standards.

Section 7. The permit issued pursuant to KRS 247.232 through 247.236 shall be posted at all times while the ride or attraction is in operation in a conspicuous place on or near the ride or attraction.

[Section 8. The Kentucky Department of Agriculture guideline handbook for inspection of amusement rides and attractions plus amendments thereto are incorporated by reference.]

DAVID E. BOSWELL, Commissioner  
APPROVED BY AGENCY: April 4, 1985  
FILED WITH LRC: April 11, 1985 at 9 a.m.

#### STATEMENT OF EMERGENCY

Department Amusement Ride Inspectors have begun their inspections for the 1985 season. It is imperative that this handbook be in place immediately to assist the inspectors in the inspection program. Ordinary regulations will follow this emergency regulation but will not be effective in time to assist the Amusement Ride Inspectors. An emergency therefore exists and emergency regulations are needed.

This emergency regulation will be followed by an ordinary regulation.

MARTHA LAYNE COLLINS, Governor  
DAVID E. BOSWELL, Commissioner

#### DEPARTMENT OF AGRICULTURE

302 KAR 16:060E. Guideline handbook incorporated by reference.

RELATES TO: KRS 247.232, 247.234, 247.236  
PURSUANT TO: KRS 246.040, 247.232, 247.234, 247.236, 247.990  
EFFECTIVE DATE: April 11, 1985  
NECESSITY AND FUNCTION: To provide detailed guidelines for the operation and inspection of amusement rides or attractions.

Section 1. The Kentucky Department of Agriculture Guideline Handbook for Inspection of Amusement Rides and Attractions, Division of Weights and Measures, 106 W. Second Street, Frankfort, Kentucky 40601, in effect at the time of the effective date of this regulation, is incorporated by reference.

DAVID E. BOSWELL, Commissioner  
APPROVED BY AGENCY: April 4, 1985  
FILED WITH LRC: April 11, 1985 at 9 a.m.

#### STATEMENT OF EMERGENCY

This regulation is necessary to further control Equine Viral Arteritis in Kentucky. The 1985 breeding season has begun and this additional measure will assist the Department of Agriculture and the industry in their efforts to successfully complete the breeding season. This

regulation is necessary immediately and therefore ordinary regulations will take too long to promulgate. An emergency therefore exists and an emergency regulation is needed.

This regulation will be followed with an ordinary regulation.

MARTHA LAYNE COLLINS, Governor  
DAVID E. BOSWELL, Commissioner

#### DEPARTMENT OF AGRICULTURE

302 KAR 20:190E. Sero-positive mares.

RELATES TO: KRS 257.020, 257.030, 257.040  
PURSUANT TO: KRS 257.030  
EFFECTIVE DATE: April 11, 1985  
NECESSITY AND FUNCTION: To specify requirements for mares sero-positive to Equine Viral Arteritis in Kentucky.

Section 1. Sero-positive Mares. (1) Owners and/or agents of sero-positive mares booking or seeking to book to stallions shall notify the stallion owner and/or agent in writing of the classification of the mare at the time of booking. A copy of the written notification shall be sent to the chief livestock sanitary official.

(2) Sero-positive mares shall be bred only to sero-positive or vaccinated stallions.

(3) Definitions found in 302 KAR 20:180 shall apply to this regulation.

DAVID E. BOSWELL, Commissioner  
APPROVED BY AGENCY: April 4, 1985  
FILED WITH LRC: April 11, 1985 at 9 a.m.

#### STATEMENT OF EMERGENCY

302 KAR 31:025 is an amendment to a regulation governing pesticide operators. The amendment requires pesticide operators to submit monthly reports regarding contracts for that month. This regulation needs to be effective immediately in order for the Department of Agriculture to effectively carryout its statutory duties.

This emergency regulation will be replaced by an ordinary regulation.

MARTHA LAYNE COLLINS, Governor  
DAVID E. BOSWELL, Commissioner

#### DEPARTMENT OF AGRICULTURE

302 KAR 31:025E. Commercial structural pest control and fumigation.

RELATES TO: KRS Chapter 217B  
PURSUANT TO: KRS 217B.050, Executive Order # 79-1065  
EFFECTIVE DATE: April 11, 1985  
NECESSITY AND FUNCTION: KRS 217B.050 requires the [Department for] Natural Resources and Environmental Protection Cabinet to adopt rules and regulations relating to the use and application of pesticides. This regulation sets forth requirements applicable to commercial structural pest control and fumigation. By Executive Order 79-1065, Governor Julian M. Carroll transferred the pesticide control program including regulatory authority to the Department of Agriculture.



Section 1. Applicability. No person shall engage in commercial structural pest control or fumigation without first obtaining a license from the department. A person may apply for a license in one (1) or more of the following categories:

- (1) Commercial structural pest control applicator;
- (2) Commercial structural pest control manager;
- (3) Commercial structural fumigation applicator; or
- (4) Commercial structural fumigation manager.

Section 2. License Application. (1) All applications for applicator or manager licenses shall contain the following:

- (a) Name and address;
- (b) Date of birth;
- (c) Social security number;
- (d) Photograph;
- (e) A statement that the applicant has never been convicted of fraud or misrepresentation;
- (f) Home telephone number;
- (g) Written verification of pesticide work experience; and
- (h) College transcripts where applicable.

(2) All applicants for applicator or manager examinations shall be sworn to and notarized.

(3) All applicants for applicator or manager licenses shall be postmarked thirty (30) days prior to the next scheduled testing date. Any application received after the thirty (30) day deadline shall be returned.

(4) Manager license examinations shall be given the second Tuesday of each month at a location specified by the department. If the second Tuesday falls on a holiday, the examination shall be given on the following Tuesday.

(5) The manager's license examination shall be timed and shall be completed within two (2) hours.

(6) Any false or misleading statements made in a license application shall be grounds to deny or revoke the license.

Section 3. License Renewal. (1) Each license shall expire on June 30 of each year.

(2) Failure to submit by July 1 of each year a completed renewal registration form along with a fee of \$100 for each place of business maintained in Kentucky shall result in the lapse of said license.

(3) Any license holder who fails to submit a completed renewal registration form and the required fee by July 1 of each year, or whose license has been suspended or revoked, shall be required to take and pass a manager or applicator licensing examination before a new license may be issued.

(4) At the time of license renewal, each company shall submit to the department a list with the following information on each employee:

- (a) Name, address, and home telephone number;
- (b) Social security number; and
- (c) Job title.

(5) Within thirty (30) days of the addition or termination of an employee, the company must submit to the department the information required in subsection (4) of this section for each new or terminated employee.

Section 4. Change of Address Notices. Each license holder shall be required to notify the

department of any change of address within ten (10) days after such change has been made.

Section 5. Treatment for Wood-destroying Organisms. Unless the structure is substandard, the following minimum standards shall apply: (1) Treatment measures taken for the preventative control of wood-destroying organisms shall be based upon the types of wood-destroying organisms determined to be present in the structure by an inspection. Treatment for the prevention of wood-destroying organisms shall be based on conditions conducive to infestation, relation to neighboring infestation or by the request of the customer.

(2) Termite treatment measures. The following minimum standards shall apply to the treatment of all structures for the control or prevention of termite infestations:

(a) Remove cellulose debris from beneath structures;

(b) Remove all accessible termite tubes from foundation walls, piers and supports;

(c) In structures with a crawl space, the applicator shall trench, rod or flood to apply approved termiticides to the soil adjacent to the inside and outside of foundation walls, piers and chimneys and other supports. The soil adjacent to the outside of structures with basements and supported slabs shall be treated with an approved termiticide by trenching and/or rodding;

(d) Drill and flood (at not more than eight (8) inch intervals) the cavities in hollow pillars, tile brick, concrete block, other building materials that have cavities, chimneys or any other structures likely to be penetrated by termites by injecting an approved termiticide in accordance with that pesticide's registered labeling. Drilling and flooding should be done above the top of the outside grade level where possible. If foundation walls are uncapped, flooding from the top is acceptable. Rubble stone foundations should be drilled and flooded at intervals of not more than sixteen (16) inches, where possible;

(e) Void, drill (at maximum of eighteen (18) inch intervals) or rod and treat structures, stoops, concrete slabs, patios or driveways that obstruct trenching or rodding of the soil adjacent to the foundation;

(f) In treating structures on a concrete slab on the ground, the soil beneath plumbing, pipes, passing through the slabs, bath trap, expansion joints and other like termite entry points shall be saturated with an approved termiticide by drilling, if necessary, and treating from above or by rodding beneath the slab at no more than eighteen (18) inch intervals;

(g) All the above standards apply to the treatment of structures with finished basements that have poured concrete floors. Poured concrete floors shall be treated according to the standards established for concrete slabs unless the applicator is expressly prohibited by the owner in writing from drilling the poured concrete floor;

(h) The selection and use of termiticides or any other chemicals used for control of wood-destroying organisms shall be in accordance with label instructions approved by the United States Environmental Protection Agency and registered with the department; and

(i) Pretreatment of new construction will be

carried out in accordance with the registered label instructions of the chemical used.

(3) Powderpost and old house borer treatment measures:

(a) No treatment for the control of powderpost beetle, old house borer infestations, or both shall be made for any structure unless actual notice of the proposed treatment is given to the department at least three (3) days prior to the start of treatment. Actual notice may be given by telephone provided that written confirmation is postmarked within one (1) day of the telephone call;

(b) Treatment for the control of powderpost beetle and/or old house borer infestations may be performed by spraying or painting infested areas with a pesticide labeled for their control; and

(c) Fumigation by licensed fumigators may be used to control powderpost beetle and/or old house borer infestations where other control measures have failed or are inappropriate.

(4) Requirements for prevention and control of wood-destroying fungi. The following are the minimum requirements for control of wood-destroying fungi in crawl space areas of buildings after the buildings have been constructed:

(a) Determine moisture content of joists, sills and subfloor of at least six (6) points in the building. Where moisture content readings above twenty (20) percent are obtained, determine the source of moisture. Wood which has been discolored by stain or mold fungi shall not be treated for decay fungi if its moisture content is less than twenty (20) percent.

(b) Where excess dampness from the soil under a building contributes to high moisture readings, the applicator shall install a vapor barrier over approximately seventy (70) percent of the soil; or install additional ventilation so that there is at least one (1) square foot of vent space per 150 square feet of crawl space area without a vapor barrier, or install vents to give cross ventilation with a vapor barrier; or improve drainage; or waterproof the foundations. One (1) or more of these measures shall be used as appropriate.

(c) The only situation where surface application of fungicides may be used in the control of existing decay problems is when rapid kill of surface fungi is requested. In such instances, moisture control techniques must be used in combination with chemical treatment.

Section 6. Wood-destroying Organism Reports. All persons holding a commercial structural pest control applicator's license shall be required to submit to the department a monthly report of all work done for control or prevention of wood-destroying organisms. Each office or branch office shall file a separate report. Reports shall be made on a form prescribed and supplied by the department and received not later than the 15th of the month following treatment. All reports shall be signed by the licensed applicator for that company. Upon performance of treatment for control or prevention of wood-destroying organisms, a contract shall be made between the company and the property owner. This shall be at the least a triplicate contract, one (1) copy being issued to the property owner, one (1) copy retained by the company and one (1) copy filed with the

department at the time of the monthly wood-destroying organism report. All contracts issued shall be accompanied by a graph showing areas of damage, if any, and location and type of treatment made. In the case of substandard treatments, it shall be so noted on the contract with reasons as to why the job is substandard. [Inspections by the Department. At such times as may be necessary, at the discretion of the department, inspector(s) may examine properties treated or to be treated for termites and/or other structural pests for the purpose of determining compliance with KRS 217B.500 to 217B.585 and these regulations.]

Section 7. Inspections by the Department. At such times as he may deem desirable the commissioner or his authorized representative shall examine properties treated for the purpose of determining the efficiency of the treatment given. Whenever unsatisfactory or substandard treatments are found, the license holder will be notified and given a reasonable length of time in which to correct such conditions. If the license holder shall neglect or refuse to make such corrections, his license will be suspended as provided for by law, unless he can show to the satisfaction of the Department of Agriculture why such action should not be taken. While his license is suspended for this cause, the license holder shall have the privilege of retreating all properties on which he has current contracts but shall not solicit any new business. He shall notify the Department of Agriculture of the dates of all re-examinations and retreatments. When all properties previously reported in unsatisfactory condition have been re-examined and retreated the Department of Agriculture shall then make the re-inspections at its earliest convenience. If the Department of Agriculture, on reinspection, shall find all the properties in satisfactory condition, the suspension shall be removed, otherwise, the license shall be permanently revoked. A license may be suspended or revoked for gross neglect of contracts and general failure to give satisfactory service.

Section 8. [7.] Rodent Control. Since most rodenticides are poisonous to humans and domestic animals, care shall be exercised and precautionary steps taken to avoid accidental poisoning of human beings and domestic animals. Rodenticides shall be used only according to label directions.

Section 9. [8.] Fumigation. (1) Fumigation crews. For purposes of safety, at least two (2) individuals shall compose a crew for the release of any fumigant or fumigants; and no fumigation operation shall be conducted unless and until at least two (2) individuals shall work jointly and concurrently in the release of a fumigant or fumigants. This subsection shall not apply to spot fumigation.

(2) Official notice of fumigation. Each license or certification holder, before performing general fumigation in any structure or enclosed space, must notify, in writing, the fire department and the police department having jurisdiction over the location where the fumigation operation is to be performed. This written information must be given to each fire department and police department no later than

three (3) hours prior to the time set forth in the notice for the release of the fumigant. A shorter time for filing written notice of fumigation of vessels, aircraft, box cars, truck and/or common carriers shall be permitted, and the time for such notification shall only be in advance of the fumigating operation. Such notice shall in each and every case give the following information:

(a) Location of structure or enclosed space to be fumigated as well as its character and use;

(b) The fumigant to be used;

(c) The date and time of release of fumigant and approximate exposure period; and

(d) The name of the operator in charge, together with his day and night telephone numbers.

(3) If trucks, box cars, and/or other common carriers are in transit during the fumigation operation, the carrier and the receiver must be notified that fumigation stated in this section has taken place. Other than the aforementioned carriers, this section shall not apply to spot fumigation.

(4) Structures to be vacant. Neither the structure to be fumigated, nor any part or parts thereof, shall be occupied by human beings or domestic animals during the period of fumigation. In addition, structures or enclosed spaces which are physically joined to or in contact with the structure to be fumigated shall not be occupied by human beings or domestic animals during the period of fumigation. It shall be the duty of the operator in charge, himself, to make a careful examination of all parts of the structure to be fumigated, and structures or enclosed spaces physically joined to or in contact with said structure, to verify that no human beings or domestic animals have remained therein, and that all necessary precautions have been undertaken to safeguard the lives and health of all persons occupying structures or enclosed spaces adjoining the structure in which fumigation operation is to be performed. For the purpose of this section, "operator in charge" means a person certified to apply fumigants and charged with the duty of overseeing the fumigation operation.

(5) Notice of warning must be served upon the occupants of the structure or enclosed space to be fumigated no later than three (3) hours in advance of any fumigation operation, by leaving said notice with a responsible person therein and if not present, by attaching same in a conspicuous manner on the entrance or entrances of such structures or enclosed space occupied by human beings.

(6) The operator in charge must make a personal inspection and examination of the structure or enclosed space to be fumigated.

(7) Danger signs. Prior to releasing the fumigant, suitable warning signs must be posted at the ground level on all doors or entrances as follows:

(Skull and Crossbones)	Danger fumigation with (Name of Fumigant) Deadly Poison	(Skull and Crossbones)
---------------------------	--	---------------------------

All persons are warned to keep away

Name of Fumigator \_\_\_\_\_  
Address \_\_\_\_\_ Telephone \_\_\_\_\_  
Operator in charge \_\_\_\_\_  
Day Phone \_\_\_\_\_ Night Phone \_\_\_\_\_

Such signs must be printed in indelible red ink or insoluble paint on a white background. The words "danger" and "deadly poison" shall be in block letters two (2) inches high and all other letters in proportion.

(8) Final pre-fumigation inspection. Immediately before the fumigant is to be released, the operator in charge must then make a final inspection and shall ascertain, himself, the following:

(a) That all preparations have been completed;

(b) That no human beings or domestic animals are present within the structure or enclosed space to be fumigated, or in any adjacent structures or enclosed spaces that were to be vacated because of danger from the fumigation operation;

(c) That no open fires or open flames, pilot lights or oil lamps are burning;

(d) That all personnel engaged in the fumigation operation are outside the structure or enclosed space to be fumigated unless proper application of the fumigant requires personnel to be within the enclosed space at the time of application; and

(e) That all doors, windows and all other means of access have been locked, barred or guarded. All doors or other entrances which can be opened from the outside must be locked.

(9) Guards and watchmen. During the period of fumigation, and until the structure has been ventilated and declared safe, a capable, alert watchman, or guard, or watchmen and guards, shall remain on duty at the structure or enclosed space being fumigated. One (1) guard or watchman shall be considered sufficient for each fumigation operation unless, in the judgment of the operator in charge, the conditions and circumstances necessitate additional guards or watchmen. It shall be the duty of said individual(s) to prevent the entrance of unauthorized personnel into said structure or enclosed space during the exposure period and while the structure or enclosed space is being ventilated after the exposure period. For the purpose of this subsection, "unauthorized personnel" shall mean any individual or individuals not belonging to or a part of the fumigating crew performing the fumigation operation. Spot fumigation does not require a guard or watchman, unless deemed necessary in the judgment of the operator in charge. If a warning agent is used, the above subsection does not apply, unless specified by the label.

(10) Declaring structure or enclosed space fumigated safe for reoccupancy. The operator in charge shall not permit or allow any unauthorized person to enter the structure or enclosed space fumigated until he has ascertained that it is safe for human occupancy.

(11) Spot fumigation. Spot fumigation may be performed by persons under the full-time supervision of a person certified to apply fumigants. Spot fumigation may be performed without the posting of guards as required for general fumigation. This does not relieve the operator in charge from the duty to comply with all other safety precautions and requirements.

(12) The following pesticides shall not be considered fumigants:

(a) Paradichlorobenzene;

(b) Naphthalene; and

(c) Calcium cyanide used as labeled to kill rodents in their burrows.

(13) The following procedures shall not be considered fumigation operations where non-restricted use pesticides are used according to label directions:

- (a) Aerosol dispersions; and
- (b) Any equipment or device which produces a fog, smoke, or mist.

Section 10. [9.] Termite, General Pest, and Fumigation Licenses. (1) Persons holding termite, general pest, or fumigation licenses issued under the now-repealed sections of KRS Chapter 249, and renewed under Section 3 of this regulation, may continue to do business in those categories of pest control for which they were licensed under KRS Chapter 249. That is, a person holding a termite license or renewal may treat buildings for wood-destroying organisms, a person holding a general pest license or renewal may continue to treat for general pests, and a person holding a fumigation license or renewal may treat for pests using poison gas. A termite, general pest, or fumigation license issued under KRS Chapter 249 and renewed under Section 3 of this regulation is not a manager's or applicator's license and does not entitle the holder to engage in business in all the categories that a manager or applicator may engage in business.

Licenses issued under KRS Chapter 249 must be renewed under Section 3 of this regulation by June 30 of each year and are subject to all the terms and conditions of other licenses issued under this regulation. A license issued under KRS Chapter 249 and renewed under Section 3 may be modified, suspended, or revoked for the same reasons, and using the same procedures that a manager's or applicator's license may be modified, suspended or revoked. A person holding a license issued under KRS Chapter 249 and renewed under Section 3 of this regulation must meet the application standards and obey the requirements for contracting, recordkeeping, and reporting, established by statute and by 302 KAR 31:005 for persons licensed as applicators or managers.

(3) A person licensed under KRS Chapter 249 for termite, fumigation, or general pest control is, by reason of KRS 217B.180(3), certified to purchase or use restricted-use pesticides, as a matter of state law. This does not relieve persons holding termite, fumigation, or general pest control licenses from obtaining certification under the federal law as contained in the Federal Insecticides, Fungicide, and Rodenticide Act of 1972 as amended. The certification of persons certified under KRS 217B.180(3) may be modified, suspended, or revoked pursuant to 302 KAR 31:005. To maintain certification, persons certified pursuant to KRS 217B.180(3) shall meet the requirements of 302 KAR 31:015.

DAVID E. BOSWELL, Commissioner  
APPROVED BY AGENCY: April 4, 1985  
FILED WITH LRC: April 11, 1985 at 9 a.m.

#### STATEMENT OF EMERGENCY

A separate license for each grain dealer location operated as a separate business is necessary to properly implement Chapter 251 of the Kentucky Revised Statutes. A separate

license for each location is already required under Kentucky's warehouse law. The Department needs this regulation to make the grain dealer requirement consistent with the warehouse requirement. The new licensing year is swiftly approaching and ordinary regulations will not enable dealers to be properly licensed for the coming year. An emergency therefore exists and an emergency regulation is needed.

An ordinary regulation will follow this regulation.

MARTHA LAYNE COLLINS, Governor  
DAVID E. BOSWELL, Commissioner

#### DEPARTMENT OF AGRICULTURE

302 KAR 34:030E. License and records required for each location.

RELATES TO: KRS 251.610, 251.640, 251.720

PURSUANT TO: KRS 251.700

EFFECTIVE DATE: April 11, 1985

NECESSITY AND FUNCTION: To specify that a grain dealer's license is required for each location, if operated as a separate business establishment.

Section 1. A person, firm, or corporation operating at more than one (1) location must have a license for each location if operated as separate business establishments. The license shall be posted in a conspicuous place in the office or appropriate section of the business establishment.

Section 2. Each licensee shall keep in a safe place complete and correct records of all grain handled in each establishment which he is licensed to operate, which shall be available for inspection by the Department of Agriculture.

DAVID E. BOSWELL, Commissioner  
APPROVED BY AGENCY: April 4, 1985  
FILED WITH LRC: April 11, 1985 at 9 a.m.

#### STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or law enforcement agencies would not have authority as it relates to abusable controlled substances. Therefore in order to continue enforcement of abusable controlled substances as scheduled by federal regulations the Cabinet for Human Resources needs to implement this regulation. The existing Cabinet regulations are not in harmony with current federal regulations. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor  
E. AUSTIN, JR., Secretary

#### CABINET FOR HUMAN RESOURCES Department for Health Services Division of Consumer Health Protection

902 KAR 55:015E. Schedule I substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS [13.082,] 194.050, 218A.020.

218A.040, 218A.250

EFFECTIVE: March 26, 1985

NECESSITY AND FUNCTION: KRS 218A.020 authorizes the Cabinet [Department] for Human Resources to add substances to or delete or reschedule substances enumerated in KRS Chapter 218A. After considering the criteria set forth in KRS 218A.020 and 218A.040 and applicable federal regulations, the Cabinet [Department] for Human Resources designates the substances set forth in this regulation as Schedule I controlled substances.

Section 1. Opiates. The Cabinet [Department] for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any of the following opiates, including their isomers, esters, ethers, salts, salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Alfentanil;
- (2) Alpha-Methylfentanyl;
- (3) Difenoixin; and
- (4) Tilidine.

Section 2. Opium Derivatives. The Cabinet [Department] for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation: Drotebanol.

Section 3. Hallucinogenic Substances. The Cabinet [Department] for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any material, compound, mixture, or [of] preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is [if] possible within the specific chemical designation (for purpose of this paragraph only, the term "isomer" includes the optical position and geometric isomers):

- (1) 4-bromo-2, 5-dimethoxy-amphetamine;
- (2) 2, 5-dimethoxyamphetamine (2, 5 DMA);
- (3) [(4)] Ethylamine analog of phencyclidine (N-ethyl-1-phenylcyclohexylamine, cyclohexamine, PCE);
- (4) [(3)] 4-methoxyamphetamine (PMA);
- (5) Parahexyl (Synhexyl);
- (6) [(5)] Pyrrolidine analog of phencyclidine (1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP); and
- (7) [(6)] Thiophene analog of phencyclidine (1-(1-(2-thienyl) cyclohexyl) piperidine, TCP, TCPy).

Section 4. Depressants. The Cabinet [Department] for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts,

isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Mecloqualone; and
- (2) Methaqualone (2-methyl-3-o-tolyl-4(3H)-quinazolinone).

Section 5. Stimulants. The Cabinet for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Fenethylline; and
- (2) N-ethylamphetamine.

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: March 18, 1985

FILED WITH LRC: March 26, 1985 at 3 p.m.

#### STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or law enforcement agencies would not have authority as it relates to abusable controlled substances. Therefore in order to continue enforcement of abusable controlled substances as scheduled by federal regulations the Cabinet for Human Resources needs to implement this regulation. The existing Cabinet regulations are not in harmony with current federal regulations. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor

E. AUSTIN, JR., Secretary

#### CABINET FOR HUMAN RESOURCES Department for Health Services Division of Consumer Health Protection

902 KAR 55:020E. Schedule II substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS [13.082,] 194.050, 211.090, 218A.020, 218A.060, 218A.250

EFFECTIVE: March 26, 1985

NECESSITY AND FUNCTION: KRS 218A.020 authorizes the Cabinet [Department] for Human Resources to add substances to or delete or reschedule substances enumerated in KRS Chapter 218A. After considering the criteria set forth in KRS 218A.020 and 218A.060 and applicable federal regulations, the Cabinet [Department] for Human Resources designates the substances set forth in this regulation as Schedule II controlled substances.

[Section 1. Depressants. The Department for Human Resources hereby designates as Schedule II controlled substances, in addition to those specified by KRS 218A.070, any material, compound, mixture, or preparation which contains any quantity of the following substances having

a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: Methaqualone (2-methyl-3-o-tolyl-4 (3H)-quinazolinone).]

Section 1. [2.] Reschedule of Certain Barbituric [Barbiturate] Acid Derivatives to "Schedule II" Controlled Substances; Exceptions. The Cabinet [Department] for Human Resources hereby reschedules the following barbituric acid derivatives from Schedule III to Schedule II controlled substances, viz:

- (1) Amobarbital;
- (2) Secobarbital;
- (3) Pentobarbital;

(4) Provided; however, that any material, compound, mixture, or preparation containing amobarbital, secobarbital and pentobarbital or any salt thereof and one (1) or more other active medicinal ingredient(s) which is not a controlled substance shall be in "Schedule III."

(5) Provided; further, that any suppository dosage form containing amobarbital, secobarbital and pentobarbital or any salt thereof which has been approved by the United States Food and Drug Administration for marketing only as a suppository shall be in "Schedule III."

Section 2. [3.] Immediate Precursors. The Cabinet for Human Resources hereby designates as Schedule II controlled substances, in addition to those specified by KRS 218A.070 and unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) [Placement into Schedule II of] 1-Piperidinocyclohexanecarbonitrile and 1-Phenylcyclohexylamine, immediate precursors to Phencyclidine. [The Department for Human Resources hereby designates 1-Piperidinocyclohexanecarbonitrile and 1-Phenylcyclohexylamine, immediate precursors, to Phencyclidine as "Schedule II" controlled substances.]

(2) Phenylacetone. Some trade or other names include: phenyl-2-propanone, P2P, benzyl methyl ketone, and methyl benzyl ketone, immediate precursors to amphetamine and methamphetamine.

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: March 18, 1985

FILED WITH LRC: March 26, 1985 at 3 p.m.

#### STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or law enforcement agencies would not have authority as it relates to abusable controlled substances. Therefore in order to continue enforcement of abusable controlled substances as scheduled by federal regulations the Cabinet for Human Resources needs to implement this regulation. The existing Cabinet regulations are not in harmony with current federal regulations. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor  
E. AUSTIN, JR., Secretary

#### CABINET FOR HUMAN RESOURCES Department for Health Services Division of Consumer Health Protection

#### 902 KAR 55:030E. Schedule IV substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS [13.082,] 194.050, 211.090, 218A.020, 218A.100, 218A.250

EFFECTIVE: March 26, 1985

NECESSITY AND FUNCTION: KRS 218A.100 authorizes the Cabinet [Department] for Human Resources to place a substance in Schedule IV if it finds that: (1) the substance has a low potential for abuse relative to substances in Schedule III; (2) the substance has currently accepted medical use in treatment in the United States; and (3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III. The Cabinet [Department] for Human Resources, after considering such criteria, hereby designates the substances set forth in this regulation as Schedule IV controlled substances.

Section 1. Stimulants[: New Anorectic Drugs]. The Cabinet [Department] for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers (whether optical position or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

- (1) Fenfluramine;
- (2) Diethylpropion;
- (3) Phentermine;
- (4) Pipradrol; and

(5) SPA ((-)-1-dimethylamino-1, 2-diphenyl ethane).

Section 2. Depressants. The Cabinet [Department] for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Alprazolam;
- (2) Bromazepam;
- (3) Camazepam;
- (4) [(1)] Chlordiazepoxide;
- (5) Clobazam;
- (6) [(2)] Clonazepam;
- (7) [(3)] Clorazepate;
- (8) Clothiazepam;
- (9) Cloxazolam;
- (10) Delorazepam;
- (11) [(4)] Diazepam;
- (12) Estazolam;
- (13) Ethyl loflazepate;
- (14) Fludiazepam;
- (15) Flunitrazepam;
- (16) [(5)] Flurazepam;

- (17) Halazepam;
- (18) Haloxazolam;
- (19) Ketozolam;
- (20) Loprazolam;
- (21) [(6)] Lorazepam;
- (22) Lormetazepam;
- (23) [(7)] Mebutamate;
- (24) Medazepam;
- (25) [(8)] Methohexital;
- (26) Nimetazepam;
- (27) Nitrazepam;
- (28) Nordiazepam;
- (29) [(9)] Oxazepam;
- (30) Oxazolam;
- (31) [(10)] Pemoline;
- (32) Pinazepam;
- (33) [(11)] Prazepam;
- (34) Temazepam;
- (35) Tetrazepam; and
- (36) Triazolam.

Section 3. Analgesics, Non-Narcotics. The Cabinet [Department] for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substance[s], including its salts: Dextropropoxyphene (Alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane).

C. HERNANDEZ, Commissioner  
 E. AUSTIN, JR., Secretary  
 APPROVED BY AGENCY: March 18, 1985  
 FILED WITH LRC: March 26, 1985 at 3 p.m.

#### STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or law enforcement agencies would not have authority as it relates to abusable controlled substances. Therefore in order to continue enforcement of abusable controlled substances as scheduled by federal regulations the Cabinet for Human Resources needs to implement this regulation. The existing Cabinet regulations are not in harmony with current federal regulations. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor  
 E. AUSTIN, JR., Secretary

**CABINET FOR HUMAN RESOURCES**  
 Department for Health Services  
 Division of Consumer Health Protection

902 KAR 55:045E. Exempt prescription preparations.

RELATES TO: KRS Chapter 218A  
 PURSUANT TO: KRS [13.082,] 194.050, 211.090, 218A.020, 218A.250  
 EFFECTIVE: March 26, 1985  
 NECESSITY AND FUNCTION: KRS 218A.020(3) provides that if any controlled substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the Cabinet [Department] for Human Resources, the Cabinet [Department] for Human Resources may similarly

control the substance under KRS Chapter 218A by regulation. The purpose of this regulation is to delete and exempt certain stimulant or depressant compounds from the provisions of KRS Chapter 218A that have been deleted and exempted pursuant to federal regulation.

Section 1. Exempt Prescription Stimulant or Depressant Combination Preparations. Any compound, mixture or preparation containing any depressant or stimulant substance exempted from the provisions of the federal controlled substance law as set forth in the April 1, 1984 [1978], edition of the Code of Federal Regulations, Title 21, Food and Drugs, Chapter II - Drug Enforcement Administration, Department of Justice, [Part 1308,] Section 1308.32, Excepted Prescription Drugs, pages 125 to 162 [117 to 341], filed herein by reference, are hereby exempted from the provisions of KRS Chapter 218A, the Controlled Substances Act. The Code of Federal Regulations is published by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408. A copy of this publication shall be on file in the Office of Drug Control [Inspector General], Cabinet [Department] for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621, and is available for public inspection. A copy of this publication is also available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

C. HERNANDEZ, M.D., Commissioner  
 E. AUSTIN, JR., Secretary  
 APPROVED BY AGENCY: March 18, 1985  
 FILED WITH LRC: March 26, 1985 at 3 p.m.

#### STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or not have the authority to operate. Therefore, in order to continue to operate the Cabinet for Human Resources in accordance with KRS Chapter 194, the Cabinet for Human Resources needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice since no administrative regulation has been filed with respect to this subject matter previously. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor  
 E. AUSTIN, JR., Secretary

**CABINET FOR HUMAN RESOURCES**  
 Department for Social Insurance  
 Division of Management and Development

904 KAR 1:250E. Incorporation by reference of materials relating to the Medical Assistance Program.

RELATES TO: KRS 194.030(6), 205.520  
 PURSUANT TO: KRS 194.050  
 EFFECTIVE: April 3, 1985  
 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 incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Medical Assistance Program and is applicable for both the categorically and medically needy.

Section 1. Incorporation by Reference. The cabinet shall incorporate by reference materials used in the implementation of the Medical Assistance Program, subject to the provisions contained in 904 KAR 2:140, Section 1, Supplementary policies for programs administered by the Department for Social Insurance.

Section 2. Listing of Incorporated Material. The following listed materials are hereby incorporated by reference, effective on the date shown:

(1) Federal Medicaid regulations at 42 CFR Parts 430-456, and interim final regulations at 42 CFR Parts 430-456, effective April [January] 1, 1985. The regulations contain federal supplementary policies, interpretations and implementing instructions for the Medical Assistance Program as authorized by Title XIX of the Social Security Act.

(2) Federal "State Medicaid Manual," effective April [January] 1, 1985. The "State Medicaid Manual" contains federal interpretations and clarifications of policy relating to implementation of the Medical Assistance Program.

(3) Federal action transmittals issued by the Health Care Financing Administration as follows: HCFA-AT-79-63, 79-72, 79-98, 80-9, 80-59, 81-23, 81-33, 81-35, 82-1, 82-2, 82-20, 83-1, 83-4, 83-7, 83-8, 83-11, 84-1, 84-2, 84-4, 84-5, 84-10, [and] 84-16, and 85-1, effective April [January] 1, 1985. Action transmittals contain federal instructions relating to implementation of the Medical Assistance Program.

(4) Federal transmittal notices issued by the Health Care Financing Administration as follows: DQC-1-82, 10-82; DPO-76-81, 77-81, 78-81; MCD-46-81, 48-81, 55-81, 61-81, 62-81, 64-81, 67-81, 82-81, 86-81, 87-81, 89-81, 92-81, 1-82, 2-82, 6-82, 7-82, 10-82, 14-82, 16-82, 17-82, 18-82, 19-82, 25-82, 26-82, 28-82, 30-82, 33-82, 34-82, 35-82, 38-82, 41-82, 42-82, 50-82, 52-82, 2-83, 5-83, 9-83, 11-83, 12-83, 13-83, 14-83, 15-83, 19-83, 20-83, 26-83, 28-83, 29-83, 30-83, 35-83, 39-83, 40-83, 42-83, 1-84, 6-84, 7-84, 8-84, 9-84, 11-84, 13-84, 14-84, 15-84, 16-84, 18-84, 20-84, 23-84, 24-84, 25-84, 26-84, 27-84, 29-84, 34-84, 35-84, 36-84, 39-84, [and] 48-84, 50-84, 51-84, 55-84, 2-85, 4-85, 5-85, 6-85, and 8-85, effective April [January] 1, 1985. Transmittal notices contain federal clarifications of policy relating to implementation of the Medical Assistance Program.

(5) Medicare and Medicaid Guide, Volumes I, II, III, and IV, as published by the Commerce Clearing House, Inc., with the following related new developments transfer binders: 1981-1, 1981-2, 1982, 1983-1, 1983-2, and 1984-1, effective April [January] 1, 1985. The Medicare and Medicaid Guide contains reprints of federal laws and regulations relating to the Medicare and Medicaid programs; reprints of Medicare/Medicaid related court decisions; Medicare principles of reimbursement; summaries

of state plan characteristics; and other items of general information relating to the Medicare and Medicaid programs. Although the cabinet is bound by federal Medicaid law and regulations in the implementation of the Medical Assistance Program, the Guide is used principally as supplementary material for reimbursement issues in situations where the cabinet's vendor reimbursement system uses the Medicare cost principles in unaddressed areas.

(6) State Medicaid Program policies and procedures manuals issued by the cabinet, and which contain benefit descriptions and operating instructions used by agency staff and participating vendors in the provision of, and billing for, Medical Assistance benefits provided eligible program recipients, as follows:

(a) Home and Community Based Services Waiver Project Adult Day Health Care Services, effective May 16, 1984;

(b) Alternative Intermediate Services/Mental Retardation Project, effective October 1, 1984;

(c) Birthing Center Services, effective January 1, 1985;

(d) Community Mental Health Benefits, effective May 16, 1984;

(e) Dental Benefits, effective May 16, 1984;

(f) Early and Periodic Screening, Diagnosis and Treatment Benefits, effective May 16, 1984;

(g) Family Planning Benefits, effective May 16, 1984;

(h) Hearing Services Benefits, effective January 1, 1985;

(i) Home and Community Based Services Waiver Project, effective May 16, 1984;

(j) Home Health Benefits, effective May 16, 1984;

(k) Hospital Services Benefits, effective April [January] 1, 1985;

(l) Independent Laboratory Services Benefits, effective January 1, 1985;

(m) Intermediate Care Facility Benefits, effective January 1, 1985;

(n) Mental Hospital Services Benefits, effective May 16, 1984;

(o) Nurse Anesthetist Services, effective May 16, 1984;

(p) Nurse Midwife, effective May 16, 1984;

(q) Pharmacy Services [Benefits], effective April [January] 1, 1985;

(r) Physician Services Benefits, effective April [January] 1, 1985;

(s) Primary Care Benefits, effective May 16, 1984;

(t) Rural Health Clinic Benefits, effective May 16, 1984;

(u) Skilled Nursing Facility Benefits, effective January 1, 1985;

(v) Ambulance Transportation Benefits, effective May 16, 1984, as revised;

(w) Vision Services Benefits, effective May 16, 1984;

(x) Pharmacy letters, effective April [January] 1, 1985; [and]

(y) Podiatry Letter #A-3, effective January 1, 1985; and

(z) Podiatry Services, effective April 1, 1985.

Section 3. All documents incorporated by reference herein may be reviewed during regular working hours in the Division of Management and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.



JACK F. WADDELL, Commissioner  
E. AUSTIN, JR., Secretary  
APPROVED BY AGENCY: April 2, 1985  
FILED WITH LRC: April 3, 1985 at 4 p.m.

STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or not have the authority to operate. Therefore, in order to continue to operate the Cabinet for Human Resources in accordance with KRS Chapter 194, the Cabinet for Human Resources needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor  
E. AUSTIN, JR., Secretary

**CABINET FOR HUMAN RESOURCES**  
**Department for Social Insurance**  
**Division of Management and Development**

**904 KAR 2:006E. Technical requirements; AFDC.**

RELATES TO: KRS 205.010, 205.200(2),(3)  
PURSUANT TO: KRS 194.050  
EFFECTIVE: April 1, 1985

NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility under the provisions of KRS Chapter 205 to administer the assistance program of Aid to Families with Dependent Children, hereinafter referred to as AFDC, in accordance with Title IV-A of the Social Security Act. KRS 205.200(2) requires that the conditions of eligibility to receive AFDC money grants be prescribed by regulations in conformity with the Social Security Act and federal regulations. This regulation sets forth the technical requirements of residence, deprivation, living with a relative, age, one (1) category of assistance, work registration, cooperation in child support activities and potential entitlement for other programs for eligibility for AFDC.

Section 1. Residence and Citizenship. Residence is determined in accordance with 45 CFR 233.40 which, in summary, provides that a resident is anyone who is living in the state, entered the state with a job commitment or seeking employment, and is not receiving AFDC benefits from another state. Citizenship is determined in accordance with 45 CFR 233.50 which states that AFDC can be provided only to citizens or aliens lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law.

Section 2. Deprivation. (1) To be eligible for AFDC, a child must be in need and must be deprived of parental support or care due to the death, continued absence from the home or physical or mental incapacity of a natural or adoptive parent. A married child living with her/his spouse in the home of her/his parents is not deprived of parental support or care. A married child living in the home of her/his

parents but divorced or legally separated from her/his spouse is deprived of parental support if she/he is dependent on the parent and a parent is dead, incapacitated or continually absent from the home.

(2) Continued absence from the home. To be eligible for AFDC, a needy child must be physically separated from the parent and the nature of the absence of the parent is such as either to interrupt or terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child, and the known or indefinite duration of absence precludes counting on the parent's performance of his/her function in planning for the present support or care of the child. Absence may be voluntary or involuntary. Voluntary absence includes divorce, legal separation, marriage annulment, desertion of thirty (30) days or more, forced separation of seven (7) days or more, or birth out-of-wedlock. Involuntary absence includes commitment to a penal institution for thirty (30) days or more, long term hospitalization, deportation or single parent adoption. A parent who is a convicted offender but is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday is considered absent from the home.

(3) Incapacity defined. Incapacity is any condition of mind or body which makes a parent physically or mentally unable to provide the necessities of life for his/her needy child. The condition must be anticipated to continue for at least thirty (30) days beyond the date of application and may be presumed to continue during a period in which the parent is undergoing diagnostic studies and/or evaluation of rehabilitation potential. Incapacity of the parent must prevent him/her from working in an occupation in which he/she previously engaged, or another job for which he/she is equipped and which is accessible in the county or community where he/she normally resides. If a job opportunity exists in the community or county, it shall be considered accessible regardless of its immediate availability. Scarcity of work does not establish incapacity unless there is a causal relationship between the parent's unemployment and actual physical or mental disability. Lack of paid work experience does not preclude the parent from being considered incapacitated.

Section 3. Living with a Specified Relative. To be eligible for AFDC a needy child must be living in the home of a relative as specified in the Social Security Act and interpreted as follows:

(1) A blood relative, including father, mother, grandfather, grandmother, brother, sister, uncle, aunt, nephew, niece, first cousin.

(2) Also relatives of the half-blood and preceding generations as denoted by prefixes of grand, great or great-great; a stepfather, stepmother, stepbrother, stepsister.

(3) Any person listed above if the parent has acknowledged paternity in a written affidavit.

(4) [(3)] Adoptive parents as well as the natural and other legally adopted children and other relatives of such parents.

(5) [(4)] Husband or wife of any persons listed above even if the marriage may have

terminated, providing termination occurred after the birth of the child.

(6) [(5)] A child is considered as living in the home even when temporarily absent for medical care, attendance at boarding school, college or vocational school, emergency foster care or short visits with friends or relatives, if the parent continues to exercise control over the child.

Section 4. Age and School Attendance. A child may be eligible for AFDC from birth to age eighteen (18), or to age nineteen (19) if a full-time student in a secondary school or the equivalent level of vocational or technical training and if expected to complete the program prior to or during the month of their nineteenth birthday. Full and part-time is defined in 904 KAR 2:016, standards for need and amount; AFDC. A child is considered in regular attendance in months in which he/she is not attending because of official school or training program vacation, illness, convalescence or family emergency unless he/she has indicated an intention not to re-enter school.

Section 5. One Category of Assistance. A child or adult relative shall not be eligible for AFDC if receiving supplemental security income.

Section 6. Strikers. (1) A family shall be ineligible for benefits for any month in which the natural or adoptive parent, with whom the child is living is, on the last day of such month, participating in a strike; and

(2) No individual shall be considered eligible for benefits for any month if, on the last day of such month, such individual is participating in a strike.

(3) Strike shall be defined to include a strike or other concerted stoppage of work by employees (including a stoppage by reason of expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

Section 7. Work Registration. (1) Unless exempt under the criteria specified in Title IV of the Social Security Act and 45 CFR Section 224.20(b), an individual who has applied for or is receiving AFDC shall be ineligible for benefits if he/she refuses to register for the Work Incentive Program, (WIN) or if registered, refuses to participate without good cause. Participation in a strike shall not constitute good cause.

(2) Individuals exempt from WIN registration pursuant to 45 CFR 224.20(b) are as follows:

(a) An individual under age sixteen (16);

(b) A child age sixteen (16) to age eighteen (18), if enrolled as a full-time student; or to age nineteen (19), if a full-time student who meets the requirements set forth in Section 4 of this regulation;

(c) An individual who has a medically determined temporary illness or injury with recovery anticipated within ninety (90) days;

(d) An individual who has a medically determined physical or mental incapacity which is expected to exist longer than ninety (90) days;

(e) An individual age sixty-five (65) or over;

(f) An individual whose presence is required in the home to care for another member of the

household who has been medically determined to be precluded from self-care and for whom alternate care arrangements are not feasible;

(g) A parent or other relative who cares for a child under six (6), and who personally provides full-time care of the child with only very brief and infrequent absences from the child;

(h) A person so far remote from a work incentive project that his/her effective participation is precluded;

(i) An individual who is employed not less than thirty (30) hours per week, in unsubsidized employment expected to last a minimum of thirty (30) days, except when there is a temporary break in such employment expected to last longer than ten (10) days;

(j) A woman who has been medically verified to be in the third trimester of pregnancy.

Section 8. Cooperation in Child Support Activities. (1) Inclusion of a specified relative in the AFDC budget is dependent upon his/her cooperation in child support activities pursuant to 45 CFR 232.12 and refusal, except for "good cause," results in ineligibility of the relative with AFDC payments on behalf of the child(ren) made to a protective payee.

(2) If, after exclusion from the grant for failure to cooperate, the individual states that he/she is willing to cooperate and wishes to be reinstated, a supplemental application must be completed. If eligibility criteria are met, the individual will be added to the grant effective with the month of application and the protective payee will be removed.

(3) Pursuant to 45 CFR Part 232.40, the Cabinet for Human Resources will provide written notice to the applicant or recipient that he/she may claim good cause for refusing to cooperate.

(4) The applicant or recipient will be determined to have "good cause" for failing to cooperate only when one (1) or more of the following criteria is met:

(a) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to the child; or

(b) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to himself/herself to such an extent that it would reduce his/her capacity to care for the child(ren) adequately; or

(c) The child was conceived as a result of incest or forcible rape and the department believes it would be detrimental to the child to require the applicants's/recipient's cooperation; or

(d) Legal proceedings for adoption of the child by a specific family are pending before a court of competent jurisdiction; and the department believes it would be detrimental to the child to require the applicant's/recipient's cooperation; or

(e) The applicant/recipient is being assisted by a public or licensed private social agency to resolve whether to keep the child or release him/her for adoption and discussion has not gone on for more than three (3) months and the cabinet believes it would be detrimental to the child to require the applicant's/recipient's cooperation.

(5) Specific requirements in determining the existence of good cause and the time limits for

providing substantiation of claims are made pursuant to the regulation at 45 CFR 232.42 and 45 CFR 232.43.

Section 9. Potential Entitlement for Other Programs. All applicants/recipients must apply for any statutory benefit(s) if potential entitlement exists. Failure to apply results in ineligibility for AFDC.

Section 10. Furnishing of Social Security Account Numbers. All applicants/recipients must furnish social security account numbers pursuant to 45 CFR 232.10.

Section 11. Assignment of Rights to Support. Pursuant to KRS 205.720, by accepting assistance for or on behalf of a child, a recipient is deemed to have made an assignment to the Cabinet for Human Resources of any child support owed for the child not to exceed the amount of AFDC payments made to the recipient.

Section 12. Assignment of Rights to Medical Support. By accepting assistance for or on behalf of a child, a recipient is deemed to have made an assignment to the Cabinet for Human Resources of any medical support owed for the child not to exceed the amount of medical assistance payments made on behalf of the recipient.

Section 13. Provisions of this regulation shall be effective April 1, 1985 [October 1, 1984].

JACK F. WADDELL, Commissioner  
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: March 28, 1985

FILED WITH LRC: April 1, 1985 at 4:30 p.m.

#### STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or not have the authority to operate. Therefore, in order to continue to operate the Cabinet for Human Resources in accordance with KRS Chapter 194, the Cabinet for Human Resources needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor  
E. AUSTIN, JR., Secretary

#### CABINET FOR HUMAN RESOURCES Department for Social Insurance Division of Management and Development

904 KAR 2:140E. Supplementary policies for programs administered by the Department for Social Insurance.

RELATES TO: KRS 194.030(6), Chapter 205

PURSUANT TO: KRS 194.050

EFFECTIVE: April 3, 1985

NECESSITY AND FUNCTION: KRS 194.010 designates the Cabinet for Human Resources as the primary state agency responsible for the development and

operation of assistance programs, and KRS 194.050 empowers the secretary of the Cabinet for Human Resources to adopt, administer and enforce regulations sufficient to operate the programs and fulfill the responsibilities vested in the cabinet. This regulation states the general policy of the cabinet with regard to program materials incorporated into regulatory form by reference for use by the Department for Social Insurance, and incorporates by reference materials related to the programs of aid to families with dependent children, medical assistance, home energy assistance, refugee assistance, food stamps, child support enforcement, state supplemental payments for the aged, blind or disabled, disability determination, and collections which are essential for the implementation of those programs.

Section 1. General Policy Relating to Program Materials Incorporated by Reference. (1) Kentucky administrative regulations relating to program matters reflect the policy of the cabinet with regard to the issues addressed in the regulation.

(2) Materials incorporated by reference shall be construed and interpreted in such a manner as to be consistent with the intent of agency policy as reflected in Kentucky administrative regulations, and shall be considered the agency statement of policy with regard to issues not otherwise addressed in Kentucky administrative regulations.

Section 2. Incorporation by Reference. The following listed materials are hereby incorporated by reference, effective on the date shown.

(1) Department for Social Insurance Manual of Operations, effective April [January] 1, 1985. The Manual of Operations provides operating instructions, procedural detail, and technical clarification for use of the department's field staff in implementing programs, under the authority of the department, including: aid to families with dependent children; refugee assistance; home energy assistance; child support enforcement; state supplementary payments; and medical assistance.

(2) Department for Social Insurance Manual of Forms, effective April [January] 1, 1985. The Manual of Forms provides forms with instructions for completion, usage, distribution and files maintenance for use of the department's field staff in implementing programs under the authority of the department, including: aid to families with dependent children; refugee assistance; home energy assistance; child support enforcement; state supplementary payments; medical assistance; and the food stamp program.

(3) Federal regulations at 45 CFR Parts 16, 74, and 95, effective May 16, 1984. Part 16, Procedures of the Departmental Grant Appeals Board, provides requirements and procedures applicable to resolution of certain disputes arising under several assistance programs funded by the United States Department of Health and Human Services. Part 74, Administration of Grants, establishes uniform requirements for the administration of grants provided under the authority of the United States Department of Health and Human Services, and principles for

determining costs applicable to activities assisted by Department of Health and Human Services grants. Part 95, General Administration - Grant Programs (Public Assistance and Medical Assistance), establishes requirements of the United States Department of Health and Human Services for various administrative matters relating to grant programs, including time limits for states to file claims, cost allocation plans, and conditions for federal financial participation for automatic data processing equipment and services.

Section 3. All documents incorporated by reference herein may be reviewed during regular working hours in the Division of Management and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

JACK F. WADDELL, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 2, 1985

FILED WITH LRC: April 3, 1985 at 4 p.m.

#### STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or not have the authority to operate. Therefore, in order to continue to operate the Cabinet for Human Resources in accordance with KRS Chapter 194, the Cabinet for Human Resources needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice since no administrative regulation has been filed with respect to this subject matter previously. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor

E. AUSTIN, JR., Secretary

#### CABINET FOR HUMAN RESOURCES Department for Social Insurance Division of Management and Development

904 KAR 2:150E. Incorporation by reference of materials relating to the Aid to Families with Dependent Children Program.

RELATES TO: KRS 194.030(6), 205.200, 205.220, 205.231

PURSUANT TO: KRS 194.050

EFFECTIVE: April 3, 1985

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility under the provisions of KRS Chapter 205 to administer public assistance programs under Title IV-A of the Social Security Act, namely Aid to Families with Dependent Children, herein referred to as AFDC. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the AFDC program.

Section 1. Incorporation by Reference. The cabinet shall incorporate by reference materials used in the implementation of the Aid to Families with Dependent Children Program, subject to the provisions contained in 904 KAR 2:140, Section 1, Supplementary policies for programs administered by the Department for

Social Insurance.

Section 2. Listing of Incorporated Materials. The following listed materials are hereby incorporated by reference, effective on the date shown:

(1) Federal regulations at 45 CFR Parts 200-299, which set forth the federal requirements and guidelines for the administration of the Aid to Families with Dependent Children Program, effective April [January] 1, 1985; and

(2) Federal action transmittals, which provide operating instructions, procedural detail and technical clarification for use by the department's staff in administering the Aid to Families with Dependent Children Program, as follows: SSA-AT-77-44, 78-13, 78-14, 78-16, 78-21, 78-27, 78-28, 78-38, 79-2, 79-4, 79-5, 79-7, 79-11, 79-14, 79-18, 79-22, 79-26, 79-29, 79-31, 79-32, 79-33, 79-35, 79-42, 79-44, 80-2, 80-3, 80-9, 80-11, 80-19, 80-22, 80-24, 80-29, 80-30, 80-36, 80-38, 80-42, 80-44, 80-45, 80-50, 81-2, 81-7, 81-8, 81-10, 81-11, 81-12, 81-15, 81-16, 81-17, 81-18, 81-23, 81-29, 81-31, 81-33, 81-34, 81-35, 81-36, 81-37, 82-1, 82-5, 82-6, 82-9, 82-11, 82-13, 82-15, 82-16, 82-17, 82-18, 82-19, 82-20, 82-28, 82-33, 82-34, 83-6, 83-7, 83-10, 83-11, 83-13, 83-14, 83-17, 83-18, 83-21, 83-22, 83-23, 83-25, 83-27, 84-2, 84-3, 84-5, 84-6, 84-7, 84-8, 84-9, 84-13, 84-16, and 84-25, effective January 1, 1985.

Section 3. All documents incorporated by reference herein may be reviewed during regular working hours in the Division of Management and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

JACK F. WADDELL, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 2, 1985

FILED WITH LRC: April 3, 1985 at 4 p.m.

#### STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or not have the authority to operate. Therefore, in order to continue to operate the Cabinet for Human Resources in accordance with KRS Chapter 194, the Cabinet for Human Resources needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice since no administrative regulation has been filed with respect to this subject matter previously. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor

E. AUSTIN, JR., Secretary

#### CABINET FOR HUMAN RESOURCES Department for Social Insurance Division of Management and Development

904 KAR 2:170E. Incorporation by reference of materials relating to the Child Support Program.

RELATES TO: KRS 205.795

PURSUANT TO: KRS 194.050

EFFECTIVE: April 3, 1985

**NECESSITY AND FUNCTION:** The Cabinet 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. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Child Support Program.

**Section 1. Incorporation by Reference.** The cabinet shall incorporate by reference materials used in the implementation of the Child Support Program, subject to the provisions contained in 904 KAR 2:140, Section 1, Supplementary Policies for Programs Administered by the Department for Social Insurance.

**Section 2. Listing of Incorporated Materials.** The following listed materials are hereby incorporated by reference, effective on the date shown:

(1) Federal child support regulations at 45 CFR Parts 300-399, which set forth the requirements and guidelines for the administration of the Child Support Program, effective October 1, 1984;

(2) Federal Office of Child Support Enforcement Action Transmittals, which provide federal program instructions for the implementation of the child support enforcement program in accordance with federal laws and regulations, as follows: OCSE-AT-75-5, 75-6, 76-1, 76-2, 76-5, 76-7, 76-8, 76-9, 76-14, 76-21, 76-22, 76-23, 77-3, 77-14, 78-2, 78-5, 78-6, 78-8, 78-16, 78-18, 79-2, 79-3, 79-6, 79-7, 79-8, 80-5, 80-9, 80-11, 80-17, 81-7, 81-12, 81-26, 82-17, 83-15, 83-18, and 84-05, effective October 1, 1984;

(3) Department for Social Insurance Child Support Manual of Procedures, which provides operational instructions and procedural detail for the implementation of the child support enforcement program, effective April [January] 1, 1985;

(4) Department for Social Insurance Child Support System Handbook, which provides systems and data processing instructions for the implementation of the child support enforcement program, effective May 16, 1984; and

(5) Department for Social Insurance Child Support Action Memorandums, which provide program clarifications, instructions, and procedural detail for the implementation of the child support enforcement program, as follows: DCSE-AM-82-07, 82-36, [82-53,] 83-16, 83-21, [83-29,] 83-30, 83-31, [83-36,] 83-38, 83-39, 83-48, 84-10, 84-16, 84-18, 84-19, 84-20, 84-29, 84-34, 84-36, [and] 84-41, and 85-10, effective April [January] 1, 1985.

**Section 3.** All documents incorporated by reference herein may be reviewed during regular working hours in the Division of Management and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

JACK F. WADDELL, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 2, 1985

FILED WITH LRC: April 3, 1985 at 4 p.m.

## STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or not have the authority to operate. Therefore, in order to continue to operate the Cabinet for Human Resources in accordance with KRS Chapter 194, the Cabinet for Human Resources needs to implement this emergency regulation. An ordinary administrative regulations cannot suffice since no administrative regulation has been filed with respect to this subject matter previously. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor  
E. AUSTIN, JR., Secretary

### CABINET FOR HUMAN RESOURCES Department for Social Insurance Division of Management and Development

**904 KAR 3:090E. Incorporation by reference of materials relating to the Food Stamp Program.**

RELATES TO: KRS 194.030(6)

PURSUANT TO: KRS 194.050

EFFECTIVE: April 3, 1985

**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 Parts 251-282. KRS 194.050 authorizes the Secretary, Cabinet for Human Resources, to issue regulations necessary for the operation of the cabinet's programs. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Food Stamp Program.

**Section 1. Incorporation by Reference.** The cabinet shall incorporate by reference materials used in the implementation of the Food Stamp Program, subject to the provisions contained in 904 KAR 2:140, Section 1, Supplementary Policies for Programs Administered by the Department for Social Insurance.

**Section 2. Listing of Incorporated Materials.** The following materials are hereby incorporated by reference, effective on the date shown:

(1) Federal food stamp regulations at 7 CFR Parts 250, 251 and 271-282, which set forth the federal requirements and guidelines for the administration of the Food Stamp Program and federal food stamp general notices published through the Federal Register, effective April [January] 1, 1985;

(2) Department for Social Insurance Food Stamp Handbook, which provides operating instructions, procedural detail and technical clarification for use by the department's field staff in administering the Food Stamp Program, effective April [January] 1, 1985; and

(3) Federal food stamp regional letters, which set forth federal clarification of federal food stamp regulations, as follows: 80-5, 80-5.1, 80-6, 80-7, 80-8, 80-9, 80-10, 80-11, 80-13, 80-15, 80-16, 80-17, 80-19, 80-21, 80-22.1, 80-23, 80-30, 80-31, 80-32, 80-33, 80-34, 80-36, 80-38, 80-39, 80-41.1, 80-42, 80-43, 80-44, 80-47, 80-48, 80-49, 80-50, 80-51, 80-52, 80-53, 80-54, 80-58, 80-58.1, 80-58.2, 80-59, 80-62.

80-67, 80-71, 80-72, 80-73, 80-76.1, 80-77, 80-78, 80-79, 80-80, 80-81, 80-82, 80-83, 80-85, 80-86, 80-87, 80-88, 80-89, 80-91, 80-92, 80-93, 80-96, 80-98, 80-99, 80-100, 80-101, 80-102, 80-103, 80-105, 80-106, 81-3, 81-3.1, 81-3.2, 81-4, 81-4.1, 81-4.2, 81-4.3, 81-5, 81-6, 81-8, 81-9, 81-10, 81-10.1, 81-10.2, 81-11, 81-12, 81-13, 81-14, 81-15, 81-16, 81-17, 81-18, 81-19, 81-20, 81-20.1, 81-20.2, 81-21, 81-22, 81-23, 81-24, 81-25, 81-26, 81-27, 81-28, 81-29, 81-30, 81-30.1, 81-33, 81-34, 81-34.1, 81-36, 81-37, 81-38, 81-39, 81-40, 81-41, 81-42, 81-43, 81-44, 81-45, 81-46, 81-46.1, 81-47, 81-48, 81-49, 81-50, 81-51, 81-52, 81-53, 81-54, 81-55, 81-57, 81-57.1, 81-58, 81-59, 81-60, 81-62, 81-64, 81-65, 81-66, 81-67, 81-68, 82-2, 82-3, 82-4, 82-5, 82-6, 82-7, 82-8, 82-9, 82-10, 82-11, 82-12, 82-13, 82-14, 82-15, 82-16, 82-17, 82-18, 82-18.1, 82-19, 82-20, 82-21, 82-23, 82-25, 82-25.1, 82-26, 82-27, 82-29, 82-29.1, 82-30, 82-31, 82-32, 82-35, 82-36, 82-37, 82-38, 82-39, 82-40, 83-1, 83-1.1, 83-1.2, 83-2, 83-2.1, 83-3, 83-4, 83-5, 83-6, 83-7, 83-9, 83-12, 83-14, 83-15, 83-17, 83-18, 83-19, 83-21, 83-22, 83-24, 83-25, 83-26, 83-27, 83-28, 83-30, 83-31, 83-33, 83-36, 84-1, 84-2, 84-3, 84-4, 84-5, 84-6, 84-7,

84-8, 84-9, 84-10, 84-11, 84-12, 84-13, 84-14, 84-15, 84-16, 84-17, 84-18, 84-19, 84-20, 84-21, 84-22, 84-23, 84-24, 84-26, 84-27, 84-28, 84-29, 84-30, 84-31, 84-32, 84-33, 84-34, 84-35, 84-36, 84-37, 84-38, 84-39, 84-40, 84-41, 84-42, 84-43, 84-45, 84-46, 84-47, 84-48, and 84-49, effective January 1, 1985.

(4) Federal Food and Nutrition Service South East Regional Office (SERO) regulations supplement which sets forth federal policy clearances of federal regulations specified in subsection (1) of this section, effective April [January] 1, 1985.

Section 3. All documents incorporated by reference herein may be reviewed during regular working hours in the Division of Management and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

JACK F. WADDELL, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 2, 1985

FILED WITH LRC: April 3, 1985 at 4 p.m.

## AMENDED AFTER HEARING

### NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Environmental Protection Division of Waste Management (Amended After Hearing)

#### 401 KAR 47:050. Landfarming.

RELATES TO: KRS 224.005, 224.830 through 224.860, 224.868, 224.869, 224.994 [224.255, 224.842, 224.855]

PURSUANT TO: KRS 13A.210 [13.082, 224.017], 224.033[(24)]

NECESSITY AND FUNCTION: KRS 224.033 [224.017] and the waste management provisions of KRS Chapter 224 require the Natural Resources and Environmental Protection Cabinet to adopt regulations for the disposal of solid waste. This chapter establishes standards for solid waste sites or facilities. This regulation sets forth the permit application requirements and general design and operating requirements for landfarming facilities.

Section 1. Applicability. (1) The requirements in this regulation apply to any person disposing [the owners and operators of all facilities which dispose] the owners and operators of all facilities which dispose of solid waste by landfarming.

(2) A permit-by-rule may be granted for the landfarming of a maximum of 10,000 gallons or 1,000 pounds (dry weight) each year, whichever is less, provided that: the solid waste is generated by wastewater treatment facilities with a design treatment capacity of less than 100,000 gallons per day, or the solid waste is generated by the food service industry; and has a concentration less than the parameters indicated in Table 1.

Table 1  
Maximum Concentrations for Wastes  
Permitted by Rules

<u>Parameter</u>	<u>Maximum Concentration</u> <u>(mg/kg dry weight)</u>
<u>Cadmium</u>	<u>30</u>
<u>Copper</u>	<u>900</u>
<u>Lead</u>	<u>500 [1000]</u>
<u>Nickel</u>	<u>100</u>
<u>Zinc</u>	<u>1800</u>

(a) Annual waste analyses contained in Section 6(7) of this regulation shall be submitted to the cabinet for solid wastes generated by wastewater treatment facilities with a design treatment capacity greater than 50,000 and less than 100,000 gallons per day as a condition for receiving the permit-by-rule.

(b) Failure to submit the required analyses or any violation of the environmental performance standards in 401 KAR 30:030 shall be grounds for revoking the permit-by-rule.

(c) Requests for a permit-by-rule shall be in a manner prescribed by the cabinet and shall contain the following information:

1. Name(s) and address(es) of the waste generator(s).

2. A written description of the proposed disposal site to include: the current land use; [potential for flooding; soils;] distance to any wells, houses, roads or other manmade structures; and, a current U.S. Geological Survey Topographic Map identifying the location of the proposed site.

3. A description of the source(s) of the solid waste and analyses of the waste(s) to include solids content and the metals listed in Table 1 [as specified in Section 6(7) of this

regulation].

4. Annual application rates per acre in gallons for liquid wastes and dry tons for semi-solid and solid wastes, not to exceed 50,000 gallons or five (5) tons (dry weight) per acre, and the maximum depth at which waste may be spread shall be less than one-half (1/2) inch [as determined by the procedures specified in Section 5 of this regulation].

5. A description of the application method and equipment to be utilized, including their individual capacities.

6. A description of the method and equipment, including their individual capacities, to transport the solid waste from each point of generation to the proposed site.

7. Any additional information required by the cabinet to make a determination of the potential hazards to public health or the environment.

(3) A permit-by-rule may be revoked if analyses over a two (2) year period result in an average concentration exceeding any of the maximum limits contained in Table 1, or the concentration level of any one (1) analysis exceeds any of the maximum limits contained in Table 1 by twenty (20) percent or more.

(4) The requirements of this regulation do not apply to any person who treats and disposes of hazardous waste in a land treatment unit under 401 KAR Chapters 34 or 35.

Section 2. [1.] Contents of Permit Applications. A person or state or federal agency desiring a landfarming facility permit shall submit a complete application to the cabinet. Such applications shall be on a form and presented in a manner prescribed by the cabinet, and shall include, but not be limited to the following:

(1) Names, addresses and telephone numbers of the landowner, applicant and waste generators [sources]. If the applicant is a government agency, corporation, company or partnership, include the name, [and] address and telephone number of process agent or other contact individual.

(2) A written description of the location and address of the proposed landfarming site.

(3) A copy of the deed to the property or [and] a copy of the proposed lease if the landowner is not the applicant.

(4) A geological report of the site, including: [Written certification from the county judge/executive or chairman of the local planning and zoning board that the site meets all local planning and zoning requirements.]

(a) A physical description of soils in the uppermost five (5) feet identifying the soil texture, erodibility available moisture capacity permeability, pH, and cation exchange capacity (CEC) using either the sodium or ammonium acetate method;

(b) A delineation of soil by series on a U.S. Soil Conservation Service soils map, or on a map prepared by the soil conservation officer or a soil scientist;

(c) A description of the surface and subsurface geology including depth to bedrock, seasonal high groundwater table, karst formations, and names and descriptions of geologic formations; and

(d) An assessment of potential hazards to surface and groundwaters.

(5) A description of the wastes to be

disposed, including: [A soils analysis interpreted for landspreading including:]

(a) The type, generator(s), and total estimated quantity of waste per year to be disposed; [A physical description of the soil including type, texture, series, erodibility, and permeability in the most restrictive layer within five (5) feet of the surface.]

(b) A brief description of stabilization methods utilized to reduce volatile solids and pathogens; and [A chemical analysis of the soil including pH, cation exchange capacity (CEC), and an analysis for fertilizer recommendations.]

(c) A physical and chemical analysis including: percent total solids; volatile solids; total potassium; total phosphorus; total nitrogen; ammonium nitrate (NH<sub>4</sub>-N); nitrates (NO<sub>3</sub>-N); pH; and the amount of cadmium, copper, nickel, zinc, lead, chromium, polychlorinated biphenyls (PCB) and any other persistent organics in micrograms per kilogram. [Written recommendation of the county agricultural extension agent or comparable authority for fertilizer requirements of the proposed site based on soil tests.]

(6) A physical and chemical analysis of the waste to be disposed at the site including moisture content, nutrient levels, pH, heavy metals content, polychlorinated biphenyls (PCB's) present, and any other toxic organics.]

(6) [(7) A U.S. Soil Conservation Service soils map or the equivalent;] An original, current U.S.G.S. topographic map with contour intervals at ten (10) feet or less [showing location of the permit area; and an enlarged, current U.S.G.S. topographic map] at a minimum scale of one (1) inch to 400 feet showing the following:

(a) The property lines and the boundaries of the proposed site [to be covered by the permit].

(b) The proposed application zone and subplots within the application zone equal to the area that would be covered in a single application as determined by the application rates in Section 6 of this regulation and the maximum capacity of the landspreading equipment to be utilized. [Buffer zones and proposed application area.]

(c) Access and proposed or existing internal roads.

(d) Blue-line and intermittent streams, areas of standing water such as lakes, ponds or marshes, and sinkholes at the site and [Surface water] within 1000 feet of the proposed site boundary [including boundaries of the 100-year floodplain].

(e) All existing man-made features within 1000 feet of the proposed site boundary including structures, public roads, utilities and water wells.

(f) The boundaries of the ten (10) year floodplain. [Proposed structures including storage buildings or facilities, sheds and sanitary facilities.]

(g) The delineation of existing surface water drainage, and existing or proposed run-off/run-on, and erosion control structures.

[(h) Existing or proposed access control.]

(7) [(8)] The complete application narrative [which] shall include:

(a) A description of the application method(s), equipment, and transportation method from the point of generation to the proposed site; [Source and total estimated quantity of sludge or other residual waste to be disposed at



the proposed facility.]

(b) Waste storage provisions to be utilized during adverse weather conditions or equipment breakdowns: [Projected capacity including number of acres to be permitted and estimated life of the facility and projected application period in years.]

(c) Annual application rates per acre in gallons for liquid wastes and dry tons for semi-solid and solid wastes as specified in Section 5 of this regulation: [A brief description of the waste including origin, method of stabilization, composition and any other pertinent information.]

(d) The cropping program for each subplot and the schedule of waste application for each subplot for five (5) years from the date of permit issuance: [Application method(s) including a description of the process, equipment to be used, labor required and waste storage holding provisions during adverse weather conditions or equipment breakdown.]

(e) A description of the proposed site including any previous waste applications and existing and future land uses at the proposed site: [Application rates and schedules, including depth to which waste will be spread or quantity to be injected, in terms of quantity per acre per year, and maximum liquid application rate in terms of volume per unit area per hour.]

(f) Written recommendations of the county agricultural extension agent or a comparable authority for fertilizer and soil amendment recommendations needed based on the soils and sludge analysis and the crops to be grown: and [Site description including previous waste applications to the site, future use of the land, proposed crops or vegetation, slopes, proximity of surface waters, water wells and man-made features.]

(g) Written certification from the chairman of the local planning and zoning board that the site meets all local planning and zoning requirements. In the absence of a local planning and zoning board, a written certificate from the county judge/executive shall be required stating that the site complies with all laws within the jurisdiction of the county. [Geology of the proposed site including depth to bedrock, names and descriptions of geologic formations and geologic characteristics including karst features.]

[(h) Description of run-off and run-on control provisions, access control provisions and proposed soil amendments, if necessary.]

[(i) Proposed monitoring program for waste, soil, groundwater and surface water quality.]

[(j) A detailed plan for closure of the site including closure cost estimates.]

Section 3. [2.] Siting Considerations [General Design Requirements.] (1) Application zones for the disposal of solid waste shall not be located in the ten (10) year floodplain. Where available, published floodplain maps shall be used to determine the frequency of flood exposure. Where maps are not available, the frequency of flood exposure shall be established by the unit hydrograph technique. [Facility locations shall conform to applicable local zoning laws pursuant to KRS Chapter 100.]

(2) The application zone shall have a minimum of four (4) feet between the deepest part of the

application zone and both the seasonal high water table and bedrock. [Facilities in the 100-year floodplain shall be designed and operated to prevent the washout of wastes. Further, they shall not restrict the flow of the 100-year floodplain or reduce the temporary water storage capacity of the floodplain or increase the likelihood of flooding. Where available, empirical data shall be used to determine the frequency of flood exposure. Where data is not available, the frequency of flood exposure shall be established by the unit hydrograph technique.]

(3) Buffer zones in accordance with Table 2 shall be maintained:

Table 2  
Required Buffer Zones

Structure or Object	Minimum Distance in Feet From the Boundary of the Application Zone		
	Surface Application with Incorporation Within 2 Hours	Surface Injection	Spraying Under Pressure
Residences & occupied Bldgs.	250	500	1000
Drinking water well	250	500	1000
Surface water body	250	500	1000
Blue-line stream	250	500	1000
Sinkholes	250	500	1000
Public road	30	50	100
Intermittent stream	30	50	100
Property line	30	50	100

[Surface contours shall minimize run-off/run-on onto or through the operational or completed area of the facility. Surface storm water features shall be designed for 100-year twenty-four (24) hour storm flows.]

(4) Surface water or waste ponding within the application zone shall be prohibited. [The applicant shall provide such additional information as the cabinet deems necessary for a determination regarding the issuance of a permit.]

(5) Surface run-off shall be controlled to minimize the possibility of applied waste run-off and contamination of nearby surface water or adjacent land areas. Run-on from adjacent land shall be diverted. [Other requirements may be stipulated according to the "Guidelines for Landspreading of Solid Waste" published by the cabinet in order to ensure compliance with the "Environmental performance standards" in 401 KAR 30:030, Section 1(1).]

(6) Waste application shall not be located on soils with a permeability rate greater than twenty (20) inches per hour or less than two-tenths (0.2) inches per hour.

(7) Soil pH shall not be less than six and five-tenths (6.5) at the time of application.

(8) The surface injection or surface application with incorporation of waste shall be prohibited on slopes greater than eight (8) percent when slope length is greater than 200 feet, and greater than twelve (12) percent when



slope length is less than 200 feet. The surface application of waste by spreading [spraying] shall be prohibited on slopes greater than five (5) percent when slope length is greater than 200 feet, and greater than eight (8) percent when slope length is less than 200 feet.

Section 4. [3. General] Operating Requirements. (1) When surface application is used in conjunction with soil incorporation methods, incorporation shall occur within two (2) hours of application. [The facility operation shall be under the direction of a permitted operator who shall be on the site during operating hours.]

(2) Surface application [spraying] without incorporation into the soil shall not be used on land without established vegetative cover of seventy-five (75) percent or more. The spraying of liquid waste shall be conducted so that the formation of aerosols is minimized by utilization of best management practices. [No hazardous wastes shall be discharged to or placed in a landfarming facility.]

(3) No hazardous wastes or mixtures of hazardous and solid waste shall be disposed, discharged to or placed in a landfarming site. [Facilities shall not allow access which might expose the public to potential health and safety hazards. All facilities shall be restricted access and have an entrance gate that shall be locked during closing hours and whenever an attendant is not present. Suitable warning signs shall be posted near public access points indicating the type of operation and hazards associated with it, along with the name and address of a contact person.]

(4) No toxic wastes or mixtures of toxic and non-toxic wastes regulated under the Toxic Substances Control Act shall be disposed, discharged to or placed in a landfarming site. [Wastes shall not be landspread on frozen, ice-covered, or water-saturated soil.]

(5) Landspreading shall not occur on land where leafy vegetables or root crops for human consumption will be harvested within twelve (12) months. Landspreading shall not occur on land where crops for direct human consumption other than leafy vegetables or root crops are harvested within two (2) months. Dairy grazing shall be prohibited for six (6) months after landspreading, other livestock grazing shall be prohibited for three (3) months. [Facilities at which food chain crops are or will be grown shall comply with the cadmium and PCB application limits in the "Environmental performance standards" in 401 KAR 30:030, Section 1(1)(h) and (i), and other heavy metal limits as prescribed by the cabinet.]

(6) Waste shall not be landspread on land where tobacco is harvested within five (5) years of waste application. [No raw or unstabilized biologically treated sludge shall be landspread.]

(7) The general public shall be restricted from the application zone for a period of twelve (12) months after each application. [Facilities which accept sewage sludge and/or septic tank pumpings shall comply with paragraphs (a), (b) and (c) of this subsection:]

[(a) Sewage sludge that is applied to the land surface or is incorporated into the soil is treated by a Process to Significantly Reduce Pathogens (as described in the Guidelines for Landspreading Solid Waste) prior to application

or incorporation. Public access to the facility is controlled for at least twelve (12) months, and grazing by animals whose products are consumed by humans is prevented for at least one (1) month. (These provisions do not apply to sewage sludge disposed of by a trenching or burial operation.)]

[(b) Septic tank pumpings that are applied to the land surface or incorporated into the soil are treated by a Process to Significantly Reduce Pathogens prior to application or incorporation, unless public access to the facility is controlled for at least twelve (12) months and unless grazing by animals whose products are consumed by humans is prevented for at least one (1) month. (These provisions do not apply to septic tank pumpings disposed of by a trenching or burial operation.)]

[(c) Sewage sludge or septic tank pumpings that are applied to the land surface or are incorporated into the soil are treated by a Process to Further Reduce Pathogens prior to application or incorporation. Such treatment is not required if there is no contact between the waste and the edible portion of the crop; however, in this case the waste is treated by a Process to Significantly Reduce Pathogens prior to application; public access to the facility is controlled for at least twelve (12) months; and grazing by animals whose products are consumed by humans is prevented for at least one (1) month. If crops for direct human consumption are grown within eighteen (18) months subsequent to application or the solid waste and the edible portion of the crop; however, in this case the solid waste is treated by a Process to Significantly Reduce Pathogens prior to application; public access to the facility is controlled for at least twelve (12) months; and grazing by animals whose products are consumed by humans is prevented for at least one (1) month. If crops for direct human consumption are not grown within eighteen (18) months of application or incorporation, the requirements of paragraphs (a) and (b) of this subsection apply.]

(8) Waste shall not be landspread on frozen, snow-covered, ice-covered, or water-saturated soil, or during any precipitation event. [Schedules and rates of waste application and schedules of soil and waste monitoring shall be approved by the cabinet.]

(9) No waste shall be applied in excess of schedules and rates of waste application approved by the cabinet. [Landspreading facilities shall not cause a discharge of leachate or pollutants into waters of the Commonwealth that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES) under Section 402 of the Clean Water Act, as amended, or that exceeds the water quality standards for surface waters established in 401 KAR 5:031.]

(10) No raw or unstabilized waste shall be landfarmed. No person shall cause, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor. [The owner/operator shall maintain records of schedules and rates of waste application, all testing and monitoring records, and any other pertinent information as required by the cabinet.]

(11) The amount of any single surface application shall not be greater than an average

one-half (1/2) inch in thickness. [Other requirements may be stipulated according to the "Guidelines for Landspreading of Solid Waste" published by the cabinet in order to ensure compliance with "Environmental performance standards" in 401 KAR 30:030, Section 1(1).]

(12) Subplots determined in Section 2(6)(b) of this regulation shall be staked or otherwise clearly marked in the field.

#### Section 5. [4.] Application Rates

[Applicability of Landfarming Facility Permit].

(1) Annual application rates shall be limited by the nitrogen, cadmium and the polychlorinated biphenyls (PCB) content of the waste. The maximum annual application rate shall be the least amount of solid waste among annual applications rates determined for nitrogen, cadmium and PCB. [Operators of existing landfarming facilities shall register their intent to apply for a landfarming permit within ninety (90) days of the effective date of this regulation on a form as prescribed by the cabinet containing but not limited to:]

(2) The amount of nitrogen landspread shall not exceed the nitrogen utilization rate of the vegetative cover in the application zone. The following steps shall be followed in determining the annual application rate: [Operators of existing landfarming facilities shall submit a complete application to the cabinet within 180 days of the effective date of these regulations.]

(a) Using Table 3, determine the nitrogen utilization of the vegetative cover at the landfarming site. For vegetative cover other than those listed, the cabinet shall determine the nitrogen utilization rate to be used by the applicant. [Name, address and phone number of applicant;]

Table 3  
Nitrogen Utilization Rates for Selected Crops

Vegetative Cover	Yield/Acre	Nitrogen (N) Lbs Per Acre
Corn	150 bushels	185
	180 bushels	240
Corn silage	32 tons	200
Soybeans	50 bushels	175
	60 bushels	210
Grain Sorghum	4 tons	250
Wheat	60 bushels	125
	80 bushels	186
Oats	100 bushels	150
Barley	100 bushels	150
Alfalfa	8 tons	250
Orchard Grass	6 tons	300
Brome Grass	5 tons	166
Tall Fescue	3.5 tons	135
Blue Grass	3 tons	200
Pasture	N/A	250

(b) Determine the percent of available organic nitrogen in the waste using the following calculation:

Percent available organic N = (percent total N) - (percent  $\text{NH}_4\text{-N}$ ) - (percent  $\text{NO}_3\text{-N}$ ). [Location of existing facility; and]

(c) Determine the amount of nitrogen that will be available for plant uptake at the landfarming site using one (1) of the following calculations depending on the application method: [Source(s) of sludge.]

1. Incorporation:  $\text{Lbs available N/ton} = (\text{percent } \text{NH}_4\text{-N} \times 20) + (\text{percent } \text{NH}_2\text{-N} \times 20) + (\text{percent available organic N} \times 4)$ .

2. Surface application:  $\text{Lbs available N/ton} = (\text{percent } \text{NH}_4\text{-N} \times 10) + (\text{percent } \text{NO}_3\text{-N} \times 20) + (\text{percent available organic N} \times 4)$ .

(d) Determine the amount of residual nitrogen in the soil if solid waste has been landspread or fertilizer applied within the past three (3) years using Table 4.

Table 4  
Residual Nitrogen

Years After Application	Organic Nitrogen Content of Sludge (%)					
	2.0	2.5	3.0	3.5	4.0	4.5
	Lbs N released per ton of sludge added					
1	1.0	1.2	1.4	1.7	1.9	2.2
2	0.9	1.2	1.4	1.6	1.8	2.1
3	0.9	1.1	1.3	1.5	1.7	2.0

If the organic nitrogen content of the sludge is not know, assume an organic nitrogen content of three (3) percent.

(e) Determine the maximum number of tons of waste per acre that may be landfarmed without exceeding the nitrogen utilization rate of the vegetative cover in the application zone using the following calculation:

$\text{Tons/Acre} = ((\text{Nitrogen Utilization Rate of the Vegetative Cover}) - (\text{Residual Nitrogen})) / (\text{Lbs available organic N/ton})$ .

(3) The annual application rate of cadmium from solid waste shall not exceed forty-four hundredths (0.44) pounds per acre on land used for the production of leafy vegetables or root crops grown for human consumption. For other food chain crops, the annual cadmium application rate shall not exceed one and one-tenth (1.1) pounds per acre, and after January 1, 1987, shall not exceed forty-four hundredths (0.44) pounds per acre. The annual application rate shall be determined using the following calculation:

$\text{Tons/acre} = \text{pounds of allowable cadmium per acre} / (\text{mg of cadmium per kg in sample}) \times 0.002$ . [Existing landfarming facilities registered with the cabinet are hereby granted a permit by rule to operate for a period not to exceed one (1) year from the effective date of these regulations.]

(4) Solid waste containing concentrations of polychlorinated biphenyls greater than ten (10) mg/kg (dry weight) shall not be landspread on sites where food chain crops are to be harvested within five (5) years of waste application. [Permits shall be issued to the operator and are not necessarily limited to apply to one (1) site. Additional sites may be added through permit modification procedures if the modification does not exceed fifty (50) percent of the originally permitted acreage. No permit modification shall be granted pursuant to this subsection until at least thirty (30) days have expired following publication of a notice of permit modifications, and the conditions specified in 401 KAR 47:020, Section 2(2), have been met.]

(5) The maximum cumulative concentration in

the soil in pounds per acre of metals to be landspread are listed in Table 5. [Landspreading of limited quantities of waste determined by the cabinet to constitute beneficial reuse for agricultural purposes may occur without a permit if, upon request, a variance is granted by the cabinet.]

Table 5  
Maximum Metal Cumulative Concentration  
Soil Exchange Capacity  
(meq/100g)

Para- meter	0-5	5-15	15+
Lead	500 lbs/acre	1000 lbs/acre	2000 lbs/acre
Cadmium	4.46 lbs/ac. [5 lbs/acre]	8.92 lbs/acre [10 lbs/acre]	17.84 lbs/ac. [20 lbs/ac.]
Copper	125 lbs/acre	250 lbs/acre	500 lbs/acre
Nickel	50 lbs/acre	100 lbs/acre	200 lbs/acre
Zinc	250 lbs/acre	500 lbs/acre	1000 lbs/acre

The following equation shall be used to determine the maximum number of tons of waste per acre that may be landspread without exceeding the above limitations:

$\text{Tons waste/acre} = (\text{lbs per acre for each parameter from Table 5}) / (\text{dry mg/kg of metal in waste sample}) \times .002.$

Section 6. Monitoring. (1) Sites receiving one (1) time only applications of less than five (5) dry tons per acre of waste are not subject to the requirements of this section.

(2) Soils shall be monitored in accordance with a monitoring plan approved by the cabinet at all sites that have received waste within the past twelve (12) months. Representative samples shall be taken from at least three (3) points per acre, or in accordance with a sampling plan developed by the county extension agent or U.S. Soil Conservation Service. The samples shall be composited and averaged.

(3) The applicant shall prepare a surface and groundwater quality assurance plan which describes the characteristics of the water resources and potential for contamination. Surface and groundwater at permitted sites shall be monitored in accordance with the assurance plan or as prescribed by the cabinet. Samples shall be taken from at least one (1) upgradient sampling point and one (1) downgradient sampling point.

(4) The cabinet may require food chain crops samples to be taken and analyzed.

(5) The operator shall maintain records of schedules and rates of waste applications, all testing and monitoring records on forms provided by the cabinet throughout the life of the permit. Records shall be available to the cabinet upon request.

(6) If soil monitoring discloses that the cumulative concentration of a contaminant is above the maximum level permitted under Section 5(4) of this regulation, a written notice shall be given to the cabinet within ten (10) days of receipt of the monitoring results. The permittee shall cease further landfarming and submit to the cabinet within forty-five (45) days a report describing proposed corrective actions to be taken by the permittee. A notice shall be recorded on the property deed stating that the

property has received solid waste at concentrations exceeding permitted levels, and that food chain crops should not be grown due to possible health hazards.

(7) Solid waste from wastewater treatment facilities shall be sampled in accordance with Table 6. Other waste shall be sampled at least once a year. In the event that waste is landfarmed less frequently than the sampling frequency indicated, the sampling may be suspended until sludge is to be applied. At the time of sludge application, a sample will be taken which represents the character of the waste at the time of application. Waste shall be monitored for solids content, total nitrogen, pH,  $\text{NH}_4\text{-N}$ ,  $\text{NO}_3\text{-N}$ , phosphorus, total potassium, PCB, chromium, copper, zinc, nickel, lead, and cadmium. Sampling for  $\text{NO}_3$  shall not be required for anaerobically digested waste.

Table 6  
Required Sampling Schedule

Design Treatment Capacity (gpd)	Sample Frequency/Year
Less than 100,000	1
100,000 - 2,000,000	2
2,000,001 - 10,000,000	4
More than 10,000,000	12

Section 7. General Requirements. (1) A solid waste generator may sell or giveaway [dispense] waste to individuals for subsequent landfarming with written approval from the cabinet. Approval may be granted upon submission of a sludge analysis as required in Section 2(5) of this regulation, demonstration that the maximum concentration of contaminants is less than those shown in Table 1 in Section 1 of this regulation, and a description of the proposed distribution system. The maximum amount of waste that may be obtained annually by any individual is limited to 2,000 [1,000] pounds (dry weight). The generator shall be required to maintain a list of names and addresses of all individuals receiving the waste and submit to the cabinet waste monitoring analyses according to the schedule contained in Section 6(7) of this regulation. The solid waste generator shall provide to individuals receiving waste a copy of the waste analysis and a brochure to be published by the cabinet explaining the proper procedures to be utilized in the landspreading of waste.

(2) Permits shall be issued to the operator and may include application zones which are not located contiguously. Sites may be added through permit modification procedures if the modification does not exceed fifty (50) percent of the originally permitted acreage, or a maximum of 100 acres, whichever is less. No permit modification shall be granted pursuant to this subsection until at least thirty (30) days have expired following publication of a public notice of the permit modification, and the conditions specified in 401 KAR 47:020, Section 3(2) have been met. If additional sites exceeding fifty (50) percent of the originally permitted acreage or over 100 acres, are requested, an application for a new permit shall be required by the cabinet.

(3) The cabinet shall not permit the landspreading of solid wastes which may present

a threat to human health and the environment. The landspreading suitability of solid wastes other than sewage sludge or food service industry wastes shall be evaluated by the cabinet on a case-by-case basis. The applicant may submit a request for a determination of suitability prior to submittal of a complete permit application. The cabinet may base a decision as to the landspreading suitability of a particular waste upon the ability of the waste to biodegrade in the environment, the likelihood that waste constituents will contaminate surface or groundwaters, the potential for nuisances from odors or unsightly conditions, in addition to threats to human health or the environment.

CHARLOTTE E. BALDWIN, Secretary  
 APPROVED BY AGENCY: April 12, 1985  
 FILED WITH LRC: April 12, 1985 at 11 a.m.

**NATURAL RESOURCES AND ENVIRONMENTAL  
 PROTECTION CABINET**  
 Department for Surface Mining  
 Reclamation and Enforcement  
 (Amended After Hearing)

**405 KAR 7:070. Certification of blasters.**

RELATES TO: KRS 350.430, 351.380  
 PURSUANT TO: KRS Chapter 13A, 350.020,  
 350.028, 350.050, 350.465

NECESSITY AND FUNCTION: KRS Chapter 350 requires the cabinet to promulgate regulations to implement the Surface Mining Control and Reclamation Act of 1977 (PL 95-87). PL 95-87 and federal regulations promulgated pursuant thereto require the establishment of a blaster training, examination and certification program. This regulation establishes a blaster certification program for blasters using explosives in surface coal mining and reclamation operations including requirements for training, examinations, certification, renewal of certification, and for suspension and revocation of certification.

Section 1. Blasting operations to be conducted under the direction of a certified blaster. (1) "Blaster" means a person who is directly responsible for the use of explosives in surface coal mining and reclamation operations.

(2) On and after twelve (12) months from the approval of Kentucky's blaster certification program by OSM, each permittee or person conducting coal exploration operations shall have all surface blasting operations incident to surface coal mining and reclamation operations and coal exploration operations conducted under the direction of a blaster certified in accordance with this regulation. Notwithstanding the exemption in 405 KAR 7:030, Section 1, this section shall also apply to permittees of operations with an affected area of two (2) acres or less.

Section 2. Requirements for Certification. (1) A person desiring to become certified under this regulation shall file an application upon a form furnished by the cabinet which shall contain such information as the cabinet deems necessary for the purposes of this regulation. The application shall be accompanied by a fee of twenty-five (25) dollars.

(2) The applicant shall demonstrate that he or

she has received training in the technical aspects of blasting operations and state and federal laws and regulations governing the storage, transportation and use of explosives by completing training courses approved by the cabinet. These courses shall provide training and discuss practical applications of the topics listed in subsection (5) of this section.

(3) The applicant shall demonstrate that he or she currently holds a valid Kentucky Blaster's License issue by the Kentucky Department of Mines and Minerals.

(4) The application shall include at least two (2) letters of reference on forms provided by the cabinet. These references shall be from either former or present employers in blasting operations or licensed blasters who have worked with the applicant in blasting operations. The letters of reference shall indicate that the applicant has exhibited a pattern of conduct consistent with the acceptance of responsibility for blasting operations.

(5) The applicant shall pass a written examination on the technical aspects of blasting and state and federal laws governing the storage, use, and transportation of explosives. The exam shall cover, at a minimum, the following topics:

- (a) Explosives, including:
  - 1. Selection of the type of explosive to be used;
  - 2. Determination of the properties of explosives which will produce desired results at an acceptable level of risk; and
  - 3. Handling, transportation, and storage.
- (b) Blast designs, including:
  - 1. Geologic and topographic considerations;
  - 2. Design of a blast hole, with critical dimensions;
  - 3. Pattern design, field layout, and timing of blast holes; and
  - 4. Field applications.
- (c) Loading blastholes, including priming and boosting.
- (d) Initiation systems and blasting machines.
- (e) Blasting vibrations, airblast, and flyrock, including:
  - 1. Monitoring techniques; and
  - 2. Methods to control adverse effects.
- (f) Secondary blasting applications.
- (g) Current federal and state rules applicable to the use of explosives.
- (h) Blast records.
- (i) Schedules.
- (j) Preblasting surveys, including:
  - 1. Availability;
  - 2. Coverage; and
  - 3. Use of in-blast design.
- (k) Blast-plan requirements.
- (l) Certification and training.
- (m) Signs, warning signals, and site control.
- (n) Unpredictable hazards, including:
  - 1. Lightning;
  - 2. Stray currents;
  - 3. Radio waves; and
  - 4. Misfires.

(6) Any person who fails the exam may retake the examination after thirty (30) days. Any person failing the exam twice may not retake the exam until after completing an approved training course and filing a new application.

Section 3. Issuance of Certification. The cabinet shall issue a blaster certificate to any

applicant who meets the requirements of Section 2 of this regulation except that the cabinet shall deny certification if the applicant has exhibited a pattern of conduct inconsistent with the acceptance of responsibility for blasting operations. The certificate shall be valid for three (3) years. Any person aggrieved by a determination under this section may request a formal hearing in accordance with 405 KAR 7:090, Section 5.

Section 4. Renewal of Certification. (1) A certified blaster may apply for renewal of his or her certificate by submitting an application on a form furnished by the cabinet at least sixty (60) days prior to the expiration of the certificate. The application shall be accompanied by a fee of ten (10) dollars.

(2) The applicant shall:

(a) Demonstrate that he or she has worked in blasting operations, in a manner that demonstrates the blaster's competency, during at least one and one-half (1 1/2) years of the three (3) years prior to the expiration of the current certificate; or

(b) Retake and pass the written examination specified in Section 2 of this regulation and submit a re-examination fee of fifteen (15) dollars.

(3) The applicant shall demonstrate that he or she currently holds a valid Kentucky Blaster's License issued by the Kentucky Department of Mines and Minerals.

(4) The cabinet shall renew the certificate of a certified blaster who has met the requirements of this section, except that the cabinet shall deny renewal of certification if the applicant has exhibited a pattern of conduct inconsistent with the acceptance of responsibility for blasting operations. The renewed certificate shall be valid for three (3) years.

(5) A certified blaster who fails to renew his certificate within six (6) months after the expiration date of his last valid certificate shall be required to reapply under Section 2 of this regulation. Certified blasters not falling in this category may have their certificates renewed by applying for renewal under this section.

(6) Any person aggrieved by a determination under this section may request a formal hearing in accordance with 405 KAR 7:090, Section 5.

Section 5. Suspension and Revocation. (1) An authorized representative of the cabinet shall issue a blaster suspension order to the certified blaster, describing the violation and temporarily suspending the certificate until a hearing can be conducted, when any violation listed in subsection (7) of this section is likely to threaten public safety or the environment. The authorized representative may order remedial action where applicable. Temporary relief from a blaster suspension order may be granted in accordance with the procedures and criteria established in 405 KAR 7:090, Section 8, for orders for cessation and immediate compliance.

(2) For violations listed in subsection (7) of this section which are not likely to threaten public safety or the environment, an authorized representative of the cabinet shall issue a blaster citation to the certified blaster describing the violation. The authorized

representative may order remedial action where applicable.

(3) Service of blaster suspension orders and blaster citations shall be made upon the blaster promptly after issuance. Such orders and citations shall be served by hand or by certified mail, return receipt requested, or by registered mail to the blaster. In addition, the notice shall be served by hand to the individual who, based upon reasonable inquiry by the authorized representative, appears to be in charge at the site of the surface coal mining and reclamation operation or coal exploration operation referred to in the order or citation. Service, whether by hand or by mail, shall be complete upon tender of the order or citation and shall not be deemed incomplete because of refusal to accept. Service by mail shall be addressed to the permanent address shown on the blaster certificate application; or if no address is shown on the application, to such other address as is known to the department. If no person is present at the site of the operation, service by mail shall by itself be sufficient notice. A copy shall also be mailed to the permittee at the address shown on the permit application and to the Department of Mines and Minerals.

(4) An authorized representative of the cabinet may by written notice modify a blaster suspension order or blaster citation for good cause.

(5) A blaster suspension order or blaster citation determined to have been issued in error may be vacated by the Director of the Division of Field Services upon the recommendation of the regional administrator and the authorized representative of the cabinet who issued the order or citation.

(6) Upon the issuance of a blaster suspension order or a blaster citation, the cabinet shall provide written notice and schedule a formal hearing in accordance with 405 KAR 7:090, Section 5, to determine whether the certification should be further suspended or revoked. History of the competence of the certified blaster as evidenced by previously issued blaster suspension orders, blaster citations or actions taken as a result of previous hearing shall be considered by the cabinet in making the decision to suspend or revoke.

(7) The cabinet may, and upon a finding of willful conduct shall, suspend the certification for a definite or indefinite period, or revoke the certification of a blaster during the term of the certification or take other necessary action if the certified blaster:

(a) Fails to comply with any order of the cabinet or its authorized representative.

(b) Handles or uses explosives while under the influence of alcohol, narcotics or other dangerous drugs or uses same in the workplace. [Exhibits impairment of performance due to use of alcohol, narcotics or other dangerous drugs.]

(c) Violates any provision of the state or federal explosives laws or regulations.

(d) Provides false information or a misrepresentation to obtain certification.

(e) Fails to comply with the conditions of certification specified in Section 7 of this regulation.

(8) Upon notice of a suspension or revocation,

the certified blaster shall immediately surrender to the cabinet the suspended or revoked certificate.

[(9) Notwithstanding Section 11 of this regulation, this section will become effective on and after twelve (12) months from the approval of Kentucky's blaster certification program by OSM.]

Section 6. Protection of Certification. Certified blasters shall take every reasonable precaution to protect their certificates from loss, theft, or unauthorized duplication. Any such occurrence shall be reported immediately to the cabinet.

Section 7. Conditions. The following are conditions for maintaining certification:

(1) A Kentucky Blaster License and a Kentucky Blaster Certification shall be carried by the certified blaster during blasting operations. A certified blaster shall immediately exhibit his or her certificate, Kentucky Blaster's License, and one (1) other form of identification to any authorized representative of the cabinet or OSM upon request.

(2) Blasters' certifications shall not be assigned or transferred.

(3) Certified blasters shall not delegate their responsibility to any individual who is not a certified blaster.

(4) Certified blasters shall provide direction and on-the-job training to non-certified persons assigned to a blasting crew or who assist in the use of explosives.

(5) Certified blasters shall hold a valid Kentucky Blaster's License throughout the term of the certification.

Section 8. Reciprocity. For any person who is a certified blaster under OSM's blaster certification program or under any OSM approved state blaster certification program, the submission of satisfactory documentation demonstrating that they are so certified shall be considered an adequate demonstration of compliance with Section 2(2), (4), and (5) of this regulation. However, compliance with Section 2(1) and (3) of this regulation shall occur prior to obtaining certification pursuant to this regulation.

Section 9. Reinstatement. A certified blaster who has had his certificate revoked for the term of certification may reapply for certification after the term of certification has passed. The procedure for reinstatement of certification shall be as set forth in Sections 2 and 3 of this regulation except that in addition to those requirements, the applicant must demonstrate, and the cabinet must find, that the conditions that led to the revocation have been corrected and are not likely to reoccur. When these requirements have been met, the cabinet may issue a blaster certification.

Section 10. Delegation to Department of Mines and Minerals. The cabinet and the Kentucky Department of Mines and Minerals may enter into agreements whereby the Department of Mines and Minerals may administer part or all of this regulation.

Section 11. The provisions of Sections 1

through 4 and Sections 6 through 10 of this regulation [This regulation] shall become effective on the date of approval of Kentucky's blaster certification program by OSM. The provisions of Section 5 of this regulation shall become effective on the date twelve (12) months after approval of Kentucky's blaster certification program by OSM.

CHARLOTTE E. BALDWIN, Secretary

APPROVED BY AGENCY: April 12, 1985

FILED WITH LRC: April 12, 1985 at 10 a.m.

NATURAL RESOURCES AND ENVIRONMENTAL  
PROTECTION CABINET  
Department for Surface Mining Reclamation  
and Enforcement  
(Amended After Hearing)

405 KAR 16:120. Use of explosives.

RELATES TO: KRS 350.430

PURSUANT TO: KRS Chapter 13A [13.082], 350.020, 350.028, 350.465

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations establishing performance standards for protection of people and property, land, water and other natural resources, and aesthetic values, during surface mining activities and for restoration and reclamation of surface areas affected by mining activities. This regulation sets forth specific requirements for the use of explosives for surface blasting, including qualified supervision of blasting, pre-blasting surveys, blasting schedules, warning signals, restrictions on timing and location of blasting, limitations on airblast and ground vibration, seismographic measurements, and records of blasting operations.

Section 1. General Requirements. (1) Each permittee and person who conducts blasting operations shall comply with all applicable local, state, and federal laws and regulations in the use of explosives.

(2) Blasts that use more than five (5) pounds of explosives or blasting agents shall be conducted according to the schedule required by Section 3 of this regulation.

(3) (a) During the time before twelve (12) months after the approval of Kentucky's blaster certification program by OSM, all blasting operations shall be conducted, under the supervision of a [certified] blaster licensed by the Kentucky Department of Mines and Minerals, by experienced, trained, and competent persons who understand the hazards involved. During this time a licensed blaster and at least one (1) other person shall be present at the firing of a blast.

(b) On and after twelve (12) months from the approval of Kentucky's blaster certification program by OSM, each permittee shall have all blasting operations conducted under the direction of a blaster certified in accordance with 405 KAR 7:070. On and after this date, a certified blaster and at least one (1) other person shall be present at the firing of a blast.

(c) Persons responsible for blasting operations at a blasting site shall be familiar with the blasting plan and site-specific

performance standards.

(4) (a) An anticipated blast design shall be submitted if blasting operations will be conducted within:

1. 1,000 feet of any building used as a dwelling; public building; school; church; or commercial, community or institutional building outside the permit area; or

2. 500 feet of an active or abandoned underground mine.

(b) The blast design may be presented as part of the permit application or at a time before the blast approved by the cabinet.

(c) The blast design shall contain sketches of the drill patterns, delay periods, and decking; shall indicate the types and amounts of explosives to be used, critical dimensions, and the locations of structures to be protected; shall include a general description of structures to be protected; and shall contain a discussion of design factors to be used, which protect the public and meet the applicable airblast, flyrock, and ground vibration standards in this regulation.

(d) The blast design shall be prepared and signed by a certified blaster.

(e) The cabinet may require changes to the design submitted in order to ensure compliance with KRS Chapter 350; SMCRA; and Title 405, Chapters 7 through 24.

Section 2. Pre-blasting Survey. (1) At least thirty (30) days before initiation of blasting, the permittee shall notify, in writing, all residents or [and] owners of dwellings or other structures located within one-half (1/2) mile of the permit area how to request a pre-blasting survey in accordance with subsection (2) of this section.

(2) A resident or owner of a dwelling or other structure within one-half (1/2) mile of any part of the permit area may request a pre-blasting survey. This request shall be made in writing directly to the permittee or to the cabinet which shall promptly notify the permittee.

[(1) On the request to the cabinet by a resident or owner of a dwelling or structure that is located within one-half (1/2) mile of any part of the permit area,] The permittee shall promptly conduct a pre-blasting survey of the dwelling or structure. If a structure is renovated, modified, or added to subsequent to a pre-blast survey, then, upon request [to the cabinet] a survey of such additions and renovations shall be performed in accordance with this section.

(3) [(2)] The survey shall determine the condition of the dwelling or structure and document any [[pre-blasting[]] damage and other physical conditions [factors] that could reasonably be affected by the blasting. [Assessments of] Structures such as pipelines [pipes], cables, transmission lines and cisterns, wells, and other water systems warrant special attention; however, the assessment of these structures may [shall] be limited to surface condition and readily available data unless additional data are specifically required by the cabinet. [Special attention shall be given to the pre-blasting condition of wells and other water systems used for human, animal, or agricultural purposes and to the quantity and quality of the water.]

(4) [(3)] A written report of the survey shall

be promptly prepared and signed by the person who conducted the survey. The report may include recommendations of any special conditions or proposed adjustments to the blasting procedure which should be incorporated into the blasting plan to prevent damage. If the resident or structure owner or his representative accompanies the surveyor, the report shall contain the name of such person. Copies of the report shall be promptly provided to the person requesting the survey and to the cabinet. If the person requesting the survey disagrees with the results of the survey, he or she may submit [notify], in writing to both the permittee and the cabinet, a detailed description of the specific areas of disagreement. The cabinet may require [resolution of disagreements, additional data on the subjects of disagreements, or] additional measures to ensure that adequate and accurate information is included in the pre-blast survey and to ensure compliance with the requirements of this regulation.

(5) Any surveys requested more than ten (10) days before the planned initiation of blasting shall be completed by the permittee before the initiation of blasting.

Section 3. Public Notice of Blasting Schedule.

(1) Blasting schedule publication.

(a) Each permittee shall publish a blasting schedule at least ten (10) days, but not more than thirty (30) days, before beginning a blasting program in which blasts that use more than five (5) pounds of explosives or blasting agents are detonated. The blasting schedule shall be published in a newspaper of general circulation in the locality of the blasting site.

(b) Copies of the schedule shall be distributed in accordance with the time frame specified in paragraph (a) of this subsection to the appropriate department regional office, [to all owners of dwellings or other structures within one-half (1/2) mile of the blast site,] [by mail] to local governments and public utilities, and [by mail or delivered] to each residence within one-half (1/2) mile of the blasting site [permit area] described in the schedule. [For the purposes of this section, the permit area does not include haul or access roads, coal preparation and loading facilities, and transportation facilities between coal excavation areas and coal preparation or loading facilities, if blasting is not conducted in these areas. Copies sent to residences shall be accompanied by information advising the owner or resident how to request a pre-blasting survey.]

(c) The permittee shall republish and redistribute the schedule [by mail] at least every twelve (12) months and revise, republish, and redistribute the schedule at least ten (10) days, but not more than thirty (30) days, before blasting whenever the area covered by the schedule changes, the actual time periods for blasting significantly differ from those identified in the permittee changes [the prior announcement, or there is substantial non-adherence to] the types or patterns of warning or all-clear signals identified in the prior schedule.

(2) Blasting schedule contents.

[(a) A blasting schedule shall not be so general as to cover the entire permit area or all working hours, but shall identify as



accurately as possible the location of the blasting sites and the time periods when blasting will occur.]

[(b)] The blasting schedule shall contain at a minimum:

(a) The name, address, and telephone number of the permittee;

(b) [1.] Identification of the specific areas in which blasting will take place. [Each specific blasting area described shall be reasonably compact and not larger than 300 acres;]

(c) [2.] Identification of the dates and time periods when explosives are to be detonated. [These periods shall not be less than one (1) hour each and shall not exceed an aggregate of four (4) hours in any one (1) day;]

(d) [3.] Identification of the methods to be used to control access to the blasting area; and

(e) [4.] Identification of the types and patterns of audible warnings and all-clear signals to be used before and after blasting. [; and]

[5. A description of unavoidable hazardous situations referred to in Section 4(2) which have been approved by the cabinet for blasting at times other than those described in the schedule.]

[(3) Public notice of changes to blasting schedules.]

[(a) Before blasting in areas or at times not in a previous schedule, the permittee shall prepare a revised blasting schedule according to the procedures in subsections (1) and (2) of this section. Where notice has previously been mailed to the owner or residents under subsection (1)(b) of this section with advice on requesting a pre-blast survey, the notice of change need not include information regarding pre-blast surveys.]

[(b) If there is a substantial pattern of non-adherence to the published blasting schedule as evidenced by the absence of blasting during scheduled periods, the cabinet may require that the permittee prepare a revised blasting schedule according to the procedures in paragraph (a) of this subsection.]

#### Section 4. Surface Blasting Requirements. (1) General requirements.

(a) The permittee shall conduct blasting operations at times approved by the cabinet and announced in the blasting schedule. The cabinet may limit the area covered, timing, and sequence of blasting as listed in the schedule, if such limitations are necessary and reasonable in order to protect the public health and safety or welfare.

(b) [(1)] All blasting shall be conducted between sunset and sunrise.

[(a)] The cabinet may specify more restrictive time periods based on public requests or other relevant information and [,] according to the need to adequately protect the public from adverse noise and other impacts.

[(b)] Blasting may, however, be conducted between sunset and sunrise if:

1. A blast that has been prepared during the day must be delayed due to the occurrence of an unavoidable hazardous condition and cannot be delayed until the next day because a potential safety hazard could result that cannot be adequately mitigated; [and]

2. Prior approval for conducting the blasting

between sunset and sunrise is obtained from the Kentucky Department of Mines and Minerals;

3. [2.] In addition to the required warning signals, oral notices are provided to all persons within one-half (1/2) mile of the blasting site; and

4. [3.] A complete written report of blasting at night is filed by the permittee with the cabinet not later than three (3) days after the night blasting, not including Saturdays, Sundays, or legal holidays. The report shall include a detailed description [in detail] of the reasons for the delay in blasting including why the blast could not be held over to the next day, identification of the time at which [when] the blast was actually conducted, a description of the warning notices given, and a copy of the blast record [report] required by Section 6 of this regulation.

(c) Unscheduled blasts may be conducted only where public or operator health and safety so require and for emergency blasting actions. When a permittee conducts an unscheduled blast, the permittee, using audible signals, shall notify all persons within one-half (1/2) mile of the blasting site and document the reason for the unscheduled blast in accordance with Section 6(16) of this regulation.

(d) The use of a charge weight of explosives in excess of 40,000 pounds in any blast shall not occur without a valid permit for such blasting from the Kentucky Department of Mines and Minerals. Such a permit shall be present at the blast site while such blasting is being conducted.

[(2) Blasting shall be conducted at times announced in the blasting schedule, except in those unavoidable hazardous situations, previously approved by the cabinet in the permit application, where operator or public safety require unscheduled detonation.]

(2) [(3)] Warnings. Warning and all-clear signals of different character or pattern that are audible within a range of one-half (1/2) mile from the point of the blast shall be given. Each person within the permit area and each person who resides or regularly works within one-half (1/2) mile of the permit area shall be notified of the meanings of the signals as identified in the blasting schedule through appropriate communications [instructions]. These notifications [instructions] shall be periodically delivered or otherwise communicated to such persons in a manner which can [be] reasonably be expected to inform such persons of the meanings of the signals. Delivery or other appropriate communication of the meanings of such signals [instructions] to the [a] head of a household or to the person in charge of a place of business shall constitute sufficient notification of the meanings of such signals [communication of such instructions] to all persons at such household or place of business. Each permittee shall maintain signs in accordance with 405 KAR 16:030, Section 6.

(3) [(4)] Access control. [Access to an area subject to flyrock from blasting shall be regulated to protect the public and livestock.] Access to the blasting area shall be controlled to prevent the presence of livestock or unauthorized personnel during blasting [and] until the blaster [an authorized representative of the permittee] has reasonably determined:

(a) That no unusual circumstances, such as



imminent slides or undetonated charges, exist; and

(b) That access to and travel in or through the blasting area can be safely resumed.

(4) [(5)] (a) Airblast. Airblast shall be controlled so that it does not exceed the values specified in Appendix A of this regulation at any dwelling; public building; school; church; or commercial, community, or institutional building outside the permit area except as provided in subsection (8) of this section [structure, unless such structure is owned by the permittee and is not leased to any other person. If a building owned by the permittee is leased to another person, the lessee may sign a waiver relieving the permittee from meeting the airblast limitations of this subsection].

(b) In all cases except those involving the use of C-weighted, slow-response devices, the measuring systems used shall have a flat frequency response of at least 200 Hz at the upper end. The C-weighted shall be measured with a Type 1 sound level meter that meets the standard American National Standards Institute (ANSI) S1.4-1971 specifications.

(c) If necessary to prevent damage, the cabinet shall specify lower maximum allowable airblast levels than those in Appendix A of this regulation for use in the vicinity of a specific blasting operation. [The permittee may satisfy the provisions of this section by meeting any of the four (4) specifications in the chart in Appendix A of this regulation.]

(d) The permittee shall conduct periodic monitoring to ensure compliance with the airblast standards. The cabinet may require [an] airblast measurements of any or all blasts and may specify the locations of such measurements.

[(6) Except where lesser distances are approved by the cabinet, based upon a pre-blasting survey, seismic investigations, or other appropriate investigations, and based upon the provisions of 405 KAR 24:040, blasting shall not be conducted within:]

[(a) 300 feet of any building used as a dwelling, school, church, hospital, or nursing facility; or]

[(b) 300 feet of facilities including, but not limited to, disposal wells, petroleum or gas-storage facilities, municipal water-storage facilities, fluid-transmission pipelines, gas or oil-collection lines, or water and sewage lines.]

(5) [(7)] Flyrock. Flyrock, including blasted material traveling along the ground, shall not be cast from the blasting vicinity more than half the distance to the nearest dwelling; public building; school; church; commercial, community, or institutional building; or any [other] occupied structure and in no case beyond the boundary of the permit area or beyond the area of regulated access required under subsection (3) [(4)] of this section.

(6) [(8)] Prevention of adverse impacts. Blasting shall be conducted to prevent injury to persons; damage to public and [or] private properties [property] outside the permit area; adverse impacts on any underground mine; [and] changes in the courses, channels, and [or] availability of [ground or] surface waters outside the permit area; and alterations of the ground water flow systems and ground water availability outside the permit area.

(7) Ground vibration.

(a) General. In all blasting operations except

as otherwise authorized by subsection (8) of this section, the maximum ground vibration shall not exceed the values approved in the blasting plan required under 405 KAR 8:030. The maximum ground vibration at the location of any dwelling; public building; school; church; or commercial, community, or institutional building outside the permit area shall be established in accordance with either the maximum peak particle velocity limits of paragraph (b) of this subsection, in accordance with the scale-distance equations of paragraph (c) of this subsection, in accordance with the blasting-level equations of paragraph (d) of this subsection, or by the cabinet pursuant to paragraph (e) of this subsection. All other structures in the vicinity of the blasting area, such as water towers, pipelines, and other utilities; tunnels; dams; impoundments; and underground mines shall be protected from damage by establishment of a maximum allowable limit on the ground vibration proposed by the applicant in the blasting plan and approved by the cabinet.

(b) Maximum peak particle velocity. The maximum ground vibration shall not exceed the limits established in Appendix B of this regulation at the location of any dwelling; public building; school; church; or commercial, community, or institutional building outside the permit area. Seismographic records shall be recorded for each blast.

(c) Scale-distance equations.

1. A permittee may use the scale-distance equations of Appendix C of this regulation to determine the allowable charge weight of explosives to be detonated within any eight (8) millisecond period without seismic monitoring.

2. The development of a modified scale-distance factor may be authorized by the cabinet based on a written request by the permittee supported by seismographic records of blasting at the minesite. The modified scale distance factor shall be determined such that the particle velocity of the predicted ground vibration will not exceed the limits established in Appendix B of this regulation at a ninety-five (95) percent confidence level.

(d) Blasting-level equations. A permittee may use the ground vibration limits calculated from the blasting-level equations in Appendix D of this regulation to determine the maximum allowable ground vibration. If the blasting-level equations are used, a seismographic record including both particle velocity and vibration-frequency levels shall be provided for each blast. The method for the analysis of the predominate frequency contained in the blasting records shall be approved by the cabinet before application of this alternative blasting criterion.

(e) The maximum allowable ground vibration shall be reduced by the cabinet beyond the limits of this subsection if the cabinet determines that lower limits are necessary to provide damage protection and ensure compliance with subsection (6) of this section.

[(9) In all blasting operations, except as otherwise authorized in this section, the maximum peak particle velocity shall not exceed one (1) inch per second at the location of any dwelling, public building, school, church, or commercial or institutional building. The maximum peak particle velocity shall be recorded as either the largest of the peak particle

velocities measured in three (3) mutually perpendicular directions, or the vector sum thereof. The cabinet may reduce the maximum peak particle velocity allowed, if it determines that a lower standard is required because of density of population or land use, age or type of structure, geology or hydrology of the area, frequency of blasts, or other factors.]

(8) [(10) Provided that blasting is conducted in such manner as to prevent adverse impacts on any underground mine and changes in the course, channel, or availability of ground or surface water outside the permit area, then] The maximum airblast and ground vibration standards [peak particle velocity limitation] of this section shall not apply at the following locations:

(a) At structures owned by the permittee [or the person conducting the blasting operation,] and not leased to another party; and

(b) At structures owned by the permittee [or the person conducting the blasting operation,] and leased to another party, if a written waiver by the lessee is submitted to the cabinet prior to blasting.

[(11) An equation for determining the maximum weight of explosives that can be detonated within any eight (8) millisecond period is in Appendix B of this regulation. If the blasting is conducted in accordance with this equation, the peak particle velocity shall be deemed to be within the one (1) inch-per-second limit.]

Section 5. Seismographic Measurements. (1) The maximum peak particle velocity shall be recorded as either the largest of the peak particle velocities measured in three (3) mutually perpendicular directions or the vector sum thereof. [Where a seismograph is used to monitor the velocity of ground motion and the peak particle velocity limit of one (1) inch per second is not exceeded, the equation in Appendix B of this regulation need not be used. If that equation is not used, a seismograph record shall be obtained for each shot.]

[(2) The use of a modified equation to determine maximum weight of explosives per delay for blasting operations at a particular site may be approved by the cabinet on receipt of a petition accompanied by reports including seismograph records of test blasting on the site. In no case shall the cabinet approve the use of a modified equation where the peak particle velocity of one (1) inch per second required in Section 4(9) would be exceeded.]

(2) [(3)] The cabinet may require a permittee to conduct seismic monitoring [seismograph record] of any or all blasts and may specify the location at which such measurements are taken and the degree of detail necessary in the measurement.

Section 6. Records of Blasting Operations. A record of each blast, including any required seismograph reports, shall be retained for at least five (5) [three (3)] years and shall be available for inspection by the cabinet and the public on request. The record shall contain the following data:

(1) Name of the permittee [person conducting the blasting operations].

(2) Location, date, and time of the blast.

(3) Name, signature, certification number, and license number of the blaster in charge of the blast [-in-charge].

(4) Identification of and direction and distance, in feet, from the nearest blast hole to the nearest dwelling; public building; school; church; or commercial, community, or institutional building outside the permit area, except those described in Section 4(8) of this regulation. [either:]

[(a) Not located in the permit area; or]

[(b) Not owned nor leased by the permittee.]

(5) Weather conditions, including those which may cause possible adverse blasting effects. [temperature, wind direction, and approximate velocity.]

(6) Type of material blasted.

(7) Sketches of the blast pattern including number of holes, burden, [and] spacing, decks, and delay pattern.

(8) Diameter and depth of holes.

(9) Types of explosives used.

(10) Total weight of explosives used.

[(11) [(10)] Total weight of explosives used per hole.

[(12) [(11)] Maximum weight of explosives detonated within any eight (8) millisecond period.

[(13) [(12)] Maximum number of holes detonated within any eight (8) millisecond period.

[(14) [(13)] Type of initiation system.

[(15) Type of circuit.

[(16) [(14)] Type and length of stemming.

[(17) [(15)] Mats or other protection used.

[(18) [(16)] Type of delay detonator and delay periods used.

[(17) Sketch of the delay pattern.]

[(18) Number of persons in the blasting crew.]

(19) Seismographic and airblast records, if used, which include for each record:

(a) Type of instrument, sensitivity, and either calibration signal or certification of annual calibration;

(b) Exact location of instrument and the date of, time of, and distance from the blast;

(c) For seismographic records, the actual seismographic record;

(d) Name of the person and firm taking the reading;

(e) Name of the person and firm analyzing the seismographic record; and

(f) As applicable, vibration and airblast levels recorded.

(20) Reasons and conditions for each unscheduled blast.

[(19) Seismographic records, where required, including the calibration signal of the gain setting and;]

[(a) Seismograph reading, including exact location of seismograph and its distance from the blast;]

[(b) Name of the person taking the seismograph reading; and]

[(c) Name of person and firm analyzing the seismograph record.]

# ADMINISTRATIVE REGISTER - 1603

## Appendix A of 405 KAR 16:120

### Airblast Limitations

Lower frequency limit of measuring system in [,] Hz ( $\pm 3\text{dB}$ )      Maximum level in dB

*0.1 Hz or lower - flat response	134[5] peak
2 Hz or lower - flat response	133[2] peak
6 Hz or lower - flat response	129[30] peak
*C-weighted, slow response	105 peak dBC [109C.]

\*These measuring systems shall be used only when approved by the cabinet.

## Appendix B of 405 KAR 16:120

### Peak Particle Velocity Limits

Distance from the blasting site in feet	Maximum allowable peak particle velocity for ground vibration in inches per second
0 to 300	1.25
301 to 5,000	1.00
5,001 and beyond	0.75

## Appendix C of 405 KAR 16:120

### Scale-distance Equations

Distance (D) from the blasting site in feet	Scale-distance equation
0 to 300	$W = (D/50)^2$
301 to 5,000	$W = (D/55)^2$
5,001 and beyond	$W = (D/65)^2$

where: W = the maximum weight of explosives that can be detonated within any eight (8) millisecond period.

where: D = the distance, in feet, from the blasting site to the nearest protected structure.

## Appendix D of 405 KAR 16:120

### Blasting-level Equations

Blasting vibration frequency	Blasting-level equation
Hz < 4	$V = 0.19\text{Hz}^{0.9904}$
4 < Hz < 11	$V = 0.75$
11 < Hz < 30	$V = 0.0719\text{Hz}^{0.9776}$
Hz > 30	$V = 2.00$

where: Hz = the blast vibration frequency in hertz.

where: V = the maximum allowable particle velocity in inches per second.

## [Appendix B of 405 KAR 16:120

Maximum Weight of Explosives to be Detonated Within Any Eight (8) Millisecond Period

$$W = (D/60)^2$$

where W = the maximum weight of explosives, in pounds, that can be detonated in any eight (8) millisecond period

where D = the distance, in feet, from the blast to the nearest dwelling, school, church or commercial or institutional building

For distances between 300 and 5,000 feet, solution of the equation results in the following maximum weight:

Distance in Feet	Maximum Weight in Pounds (W)
(D)	
300	25
350	34
400	44
500	69
600	100
700	136
800	178
900	225
1,000	278
1,100	336
1,200	400
1,300	469
1,400	544
1,500	625
1,600	711
1,700	803
1,800	900
1,900	1,002
2,000	1,111
2,500	1,736
3,000	2,500
3,500	3,403
4,000	4,444
4,500	5,625
5,000	6,944]

CHARLOTTE E. BALDWIN, Secretary  
APPROVED BY AGENCY: April 12, 1985  
FILED WITH LRC: April 12, 1985 at 10 a.m.

### NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Surface Mining Reclamation and Enforcement (Amended After Hearing)

## 405 KAR 18:120. Use of explosives.

RELATES TO: KRS 350.151, 350.430  
PURSUANT TO: KRS Chapter 13A [13.082], 350.020, 350.028, 350.151, 350.465  
NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations establishing performance standards for protection of people and property, land, water and other natural resources, and aesthetic values, during

underground mining activities and for restoration and reclamation of surface areas affected by underground mining activities. This regulation sets forth specific requirements for the use of explosives for surface blasting, including qualified supervision of blasting, preblasting surveys, warning signals, restrictions on timing and location of blasting, limitations on airblast and ground vibration, seismographic measurements, and records of surface blasting operations.

Section 1. General Requirements. (1) This regulation applies only to surface blasting activities incident to underground mining, including [,] but not limited to, initial rounds of slopes and shafts.

(2) Each permittee and each person who conducts blasting operations shall comply with all applicable local, state, and federal laws and regulations in the use of explosives.

(3) (a) During the time before twelve (12) months after the approval of Kentucky's blaster certification program by OSM, all surface blasting operations shall be conducted under the supervision of a blaster licensed by the Kentucky Department of Mines and Minerals by experienced, trained, and competent persons who understand the hazards involved. During this time a licensed blaster and at least one (1) other person shall be present at the firing of a blast.

(b) On and after twelve (12) months from the approval of Kentucky's blasting certification program by OSM, each permittee shall have all surface blasting operations conducted under the direction of a blaster certified in accordance with 405 KAR 7:070. On and after this date, a certified blaster and at least one (1) other person shall be present at the firing of a blast.

(c) Persons responsible for blasting operations at a blasting site shall be familiar with the blasting plan and site-specific performance standards.

(4)(a) An anticipated blast design shall be submitted if blasting operations will be conducted within:

1. 1,000 feet of any building used as a dwelling; public building; school; church; or commercial, community, or institutional building outside the areas affected by surface operations and facilities; or

2. 500 feet of an active or abandoned underground mine.

(b) The blast design may be presented as part of the permit application or at a time before the blast approved by the cabinet.

(c) The blast design shall contain sketches of the drill patterns, delay periods, and decking; shall indicate the types and amounts of explosives to be used, critical dimensions, and the locations of structures to be protected; shall include a general description of structures to be protected; and shall contain a discussion of design factors to be used, which protect the public and meet the applicable airblast, flyrock, and ground vibration standards in this regulation.

(d) The blast design shall be prepared and signed by a certified blaster.

(e) The cabinet may require changes to the design submitted in order to ensure compliance with KRS Chapter 350; SMCRA; and Title 405, Chapters 7 through 24.

Section 2. Preblasting Survey. (1) At least thirty (30) days before initiation of blasting, the permittee shall notify, in writing, all residents or [and] owners of dwellings or other structures located within one-half (1/2) mile of the areas affected by surface operations and facilities how to request a preblasting survey in accordance with subsection (2) of this section.

(2) A resident or owner of a dwelling or other structure within one-half (1/2) mile of any part of the areas affected by surface operations and facilities may request a preblasting survey. This request shall be made in writing directly to the permittee or to the cabinet which shall promptly notify the permittee.

[(1) On the request to the cabinet by a resident or owner of a dwelling or structure that is located within one-half (1/2) mile of any surface blasting activity covered by this regulation,] The permittee shall promptly conduct a preblast survey of the dwelling or structure. If a structure is renovated, modified, or added to[,], subsequent to a preblast survey, then, upon request [to the cabinet,] a survey of such additions and renovations shall be performed in accordance with this section.

(3)[(2)] The survey shall determine the condition of the dwelling or structure and document any [[preblasting]] damage and other physical conditions [factors] that could reasonably be affected by the blasting. [Assessments of] Structures such as pipelines [pipes], cables, transmission lines[,], and cisterns, wells, and other water systems warrant special attention: however, the assessment of these structures may [shall] be limited to surface condition and readily available data unless additional data are specifically required by the cabinet. [Special attention shall be given to the preblasting condition of wells and other water systems used for human, animal, or agricultural purposes and to the quantity and quality of the water.]

(4)[(3)] A written report of the survey shall be promptly prepared and signed by the person who conducted the survey. The report may include recommendations of any special conditions or proposed adjustments to the blasting procedure which should be incorporated into the blasting plan to prevent damage. If the resident or structure owner or his representative accompanies the surveyor, the report shall contain the name of such person. Copies of the report shall be promptly provided to the person requesting the survey and to the cabinet. If the person requesting the survey disagrees with the results of the survey, he or she may submit [notify], in writing[,], to both the permittee and the cabinet, a detailed description of the specific areas of disagreement. The cabinet may require [resolution of disagreements, additional data on the subjects of disagreements, or] additional measures to ensure that adequate and accurate information is included in the preblast survey and to ensure compliance with the requirements of this regulation.

(5) Any surveys requested more than ten (10) days before the planned initiation of blasting shall be completed by the permittee before the initiation of blasting.

Section 3. Surface Blasting Requirements. (1) General requirements.

(a) The permittee shall notify, in writing, all residents and owners of dwellings or other structures within one-half (1/2) mile of the areas affected by surface operations and facilities, the appropriate department regional office, and local governments and public utilities of the proposed times and locations of blasting operations and the characters, patterns, and meanings of the warning and all-clear signals. Such notice shall be served no less than twenty-four (24) hours and no more than thirty (30) days before blasting will occur. [A resident or owner of a dwelling or structure that is located within one-half (1/2) mile of any area affected by surface blasting activities shall be notified approximately twenty-four (24) hours prior to any surface blasting event.]

(b)[(2)] All blasting shall be conducted between sunrise and sunset. [(a)] The cabinet may specify more restrictive time periods[,] based on public requests or other relevant information and according to the need to adequately protect the public from adverse noise and other impacts.

[(b)] Blasting may, however, be conducted between sunset and sunrise if:

1. A blast that has been prepared during the day must be delayed due to the occurrence of an unavoidable hazardous condition and cannot be delayed until the next day because a potential safety hazard could [would] result that cannot be adequately mitigated;

2. Prior approval for conducting the blasting between sunset and sunrise is obtained from the Kentucky Department of Mines and Minerals;

3.[2.] In addition to the required warning signals, oral notices are provided to all persons within one-half (1/2) mile of the blasting site; and

4.[3.] A complete written report of blasting at night is filed by the permittee with the cabinet not later than three (3) days after the night blasting, not including Saturdays, Sundays, or legal holidays. The report shall include a detailed description [in detail] of the reasons for the delay in blasting including why the blasting could not be held over to the next day, identification of the time at which [when] the blast was actually conducted, a description of the warning notices given, and a copy of the blast record [report] required by Section 5.

(c) Unscheduled blasts may be conducted only where public or operator health and safety so require and for emergency blasting actions. When a permittee conducts an unscheduled blast, the permittee, using audible signals, shall notify all persons within one-half (1/2) mile of the blasting site and document the reason for the unscheduled blast in accordance with Section 5(16).

(d) The use of a charge weight of explosives in excess of 40,000 pounds in any blast shall not occur without a valid permit for such blasting from the Kentucky Department of Mines and Minerals. Such a permit shall be present at the blast site while such blasting is being conducted.

(2)[(3)] Warnings. Warning and all-clear signals of different character or pattern that are audible within a range of one-half (1/2)

mile from the point of the blast shall be given. Each person within the areas affected by surface operations and facilities [permit area] and each person who resides or regularly works within one-half (1/2) mile of the areas affected by surface operations and facilities [permit area] shall be notified of the meanings of the signals as identified in the blasting notification required in subsection (1) of this section through appropriate communications [instructions]. These notifications [instructions] shall be periodically delivered or otherwise communicated to such persons in a manner which can reasonably be expected to inform such persons of the meanings of the signals. Delivery or other appropriate communication of the meanings of such signals [instructions] to the [a] head of a household or to the person in charge of a place of business shall constitute sufficient notification of the meanings of such signals [communication of such instructions] to all persons at such household or place of business. Each permittee shall maintain signs in accordance with 405 KAR 18:030, Section 6.

(3)[(4)] Access control. [Access to an area subject to flyrock from blasting shall be regulated to protect the public and livestock.] Access to the blasting area shall be controlled to prevent the presence of livestock or unauthorized personnel during blasting until the blaster [an authorized representative of the permittee] has reasonably determined:

(a) That no unusual circumstances, such as imminent slides or undetonated charges, exist; and

(b) That access to and travel in or through the blasting area can be safely resumed.

(4)[(5)] (a) Airblast. Airblast shall be controlled so that it does not exceed the values specified in Appendix A of this regulation at any dwelling; public building; school; church; or commercial, community, or institutional building[,] outside the areas affected by surface operations and facilities except as provided in subsection (8) of this section. [unless such structure is owned or leased by the permittee and is not leased to any other person. If a building owned by the permittee is leased to another person, the lessee may sign a waiver relieving the permittee from meeting the airblast limitations of Appendix A of this regulation.]

(b) In all cases except those involving the use of C-weighted, slow-response devices, the measuring systems used shall [must] have a flat frequency response of at least 200 Hz at the upper end. The C-weighted shall be measured with a Type 1 sound level meter that meets the standard American National Standards Institute [ANSI] S1.4 1971 specifications.

(c) If necessary to prevent damage, the cabinet shall specify lower maximum allowable airblast levels than those in Appendix A of this regulation for use in the vicinity of a specific blasting operation. [The permittee may satisfy the provisions of this section by meeting any one (1) of the four (4) specifications in Appendix A of this regulation.]

(d) The permittee shall conduct periodic monitoring to ensure compliance with the airblast standards. The cabinet may require [an] airblast measurements of any or all blasts[,] and may specify the locations of such

measurements.

[(6) Except where lesser distances are approved by the cabinet, based upon a preblasting survey, seismic investigations, or other appropriate investigations, and based on the provisions of 405 KAR 24:040, blasting shall not be conducted within:]

[(a) 300 feet of any building used as a dwelling, school, church, hospital, or nursing facility; or]

[(b) 300 feet of facilities including, but not limited to, disposal wells, petroleum or gas-storage facilities, municipal water-storage facilities, fluid-transmission pipelines, gas or oil-collection lines, or water and sewage lines.]

(5) [(7)] Flyrock. Flyrock, including blasted material traveling along the ground, shall not be cast from the blasting vicinity more than half the distance to the nearest dwelling; public building; school; church; commercial, community, or institutional building; or any [other] occupied structure and in no case beyond the boundary of the areas affected by surface operations and facilities [permit area], or beyond the area of regulated access required under subsection (3) [(4)] of this section.

(6) [(8)] Prevention of adverse impacts. Blasting shall be conducted to prevent injury to persons; [,] damage to public and [or] private properties [property] outside the [permit] areas affected by surface operations and facilities; [,] adverse impacts on any underground mine; [, and] changes in the courses, channels, and [or] availability of [ground or] surface waters outside the [permit] areas affected by surface operations and facilities; and alterations of the ground water flow systems and ground water availability outside the areas affected by surface operations and facilities.

(7) Ground vibration. (a) General. In all blasting operations except as otherwise authorized by subsection (8) of this section, the maximum ground vibration shall not exceed the values approved in the blasting plan required under 405 KAR 8:040. The maximum ground vibration at the location of any dwelling; public building; school; church; or commercial, community, or institutional building outside the areas affected by surface operations and facilities shall be established in accordance with either the maximum peak particle velocity limits of paragraph (b), in accordance with the scale-distance equations of paragraph (c), in accordance with the blasting-level equations of paragraph (d), or by the cabinet pursuant to paragraph (e). All other structures in the vicinity of the blasting area, such as water towers, pipelines, and other utilities; tunnels; dams; impoundments; and underground mines shall be protected from damage by establishment of a maximum allowable limit on the ground vibration proposed by the applicant in the blasting plan and approved by the cabinet.

(b) Maximum peak particle velocity. The maximum ground vibration shall not exceed the limits established in Appendix B of this regulation at the location of any dwelling; public building; school; church; or commercial, community, or institutional building outside the areas affected by surface operations and facilities. Seismographic records shall be recorded for each blast.

(c) Scale-distance equations.

1. A permittee may use the scale-distance

equations of Appendix C of this regulation to determine the allowable charge weight of explosives to be detonated within any eight (8) millisecond period without seismic monitoring.

2. The development of a modified scale-distance factor may be authorized by the cabinet based on a written request by the permittee supported by seismographic records of blasting at the minesite. The modified scale distance factor shall be determined such that the particle velocity of the predicted ground vibration will not exceed the limits established in Appendix B of this regulation at a ninety-five (95) percent confidence level.

(d) Blasting-level equations. A permittee may use the ground vibration limits calculated from the blasting-level equations in Appendix D of this regulation to determine the maximum allowable ground vibration. If the blasting-level equations are used, a seismographic record including both particle velocity and vibration-frequency levels shall be provided for each blast. The method for the analysis of the predominate frequency contained in the blasting records shall be approved by the cabinet before application of this alternative blasting criterion.

(e) The maximum allowable ground vibration shall be reduced by the cabinet beyond the limits of this subsection if the cabinet determines that lower limits are necessary to provide damage protection and ensure compliance with subsection (6) of this section.

[(9) In all blasting operations, except as otherwise authorized in this section, the maximum peak particle velocity shall not exceed one (1) inch per second at the location of any dwelling, public building, school, church, or commercial or institutional building. The maximum peak particle velocity shall be recorded as either the largest of the peak particle velocities measured in three (3) mutually perpendicular directions, or the vector sum thereof. The cabinet may reduce the maximum peak particle velocity allowed, if it determines that a lower standard is required because of density of population or land use, age or type of structure, geology or hydrology of the area, frequency of blasts, or other factors.]

(8) [(10)] [Provided that blasting is conducted to prevent adverse impacts on any underground mine and changes in the course, channel, or availability of ground or surface water outside the permit area, then] The maximum airblast and ground vibration standards [peak particle velocity limitation] of [subsection (9) of] this section shall not apply at the following locations:

(a) At structures owned by the permittee [or person conducting the blasting operation,] and not leased to another party; and [.]

(b) At structures owned by the permittee [or person conducting the blasting operation,] and leased to another party, if a written waiver by the lessee is submitted to the cabinet prior to blasting.

[(11) An equation for determining the maximum weight of explosives that can be detonated within any eight (8) millisecond period is in Appendix B of this regulation. If the blasting is conducted in accordance with this equation, the peak particle velocity shall be deemed to be within the one (1) inch-per-second limit.]

Section 4. Seismographic Measurements. (1) The maximum peak particle velocity shall be recorded as either the largest of the peak particle velocities measured in three (3) mutually perpendicular directions or the vector sum thereof. [Where a seismograph is used to monitor the velocity of ground motion and the peak particle velocity limit of one (1) inch per second is not exceeded, the equation in Appendix B of this regulation need not be used. If that equation is not used by the permittee, a seismographic record shall be obtained for each shot.]

[(2) The use of a modified equation from that specified in Appendix B of this regulation, to determine maximum weight of explosives per delay for blasting operations at a particular site, may be approved by the cabinet, on receipt of a petition accompanied by reports including seismograph records of test blasting on the site. In no case shall the cabinet approve the use of a modified equation where the peak particle velocity of one (1) inch per second required in Section 3(9) would be exceeded.]

(2) [(3)] The cabinet may require a permittee to conduct seismic monitoring [seismograph record] of any or all blasts and may specify the location at which such measurements are taken and the degree of detail necessary in the measurement.

Section 5. Records of Blasting Operations. A record of each blast, including any required seismograph reports, shall be retained for at least five (5) [three (3)] years and shall be available for inspection by the cabinet and the public on request. The record shall contain the following data:

(1) Name of the permittee [person conducting the blasting operations].

(2) Location, date, and time of the blast.

(3) Name, signature, certification number, and license number of the blaster in charge of the blast [-in-charge].

(4) Identification of and direction and distance, in feet, from the nearest blast hole to the nearest dwelling; public building; school; church; or commercial, community, or institutional building outside the permit area, except those described in Section 4(8) of this regulation. [either:]

[(a) Not located in the permit area; or]

[(b) Not owned nor leased by the permittee.]

(5) Weather conditions, including those which may cause possible adverse blasting effects. [temperature, wind direction, and approximate velocity.]

(6) Type of material blasted.

(7) Sketches of the blast pattern including number of holes, burden, [and] spacing, decks, and delay pattern.

(8) Diameter and depth of holes.

(9) Types of explosives used.

(10) Total weight of explosives used.

(11) [(10)] Total weight of explosives used per hole.

(12) [(11)] Maximum weight of explosives detonated within any eight (8) millisecond period.

(13) [(12)] Maximum number of holes detonated within any eight (8) millisecond period.

(14) [(13)] Type of initiation system.

(15) Type of circuit.

(16) [(14)] Type and length of stemming.

(17) [(15)] Mats or other protection[s] used.

(18) [(16)] Type of delay detonator and delay periods used.

[(17) Sketch of the delay pattern.]

[(18) Number of persons in the blasting crew.]

(19) Seismographic and airblast records, if used, which include for each record:

(a) Type of instrument, sensitivity, and either calibration signal or certification of annual calibration;

(b) Exact location of instrument and the date of, time of, and distance from the blast;

(c) For seismographic records, the actual seismographic record.

(d) Name of the person and firm taking the reading;

(e) Name of the person and firm analyzing the seismographic record; and

(f) As applicable, vibration and airblast levels recorded.

(20) Reasons and conditions for each unscheduled blast.

[(19) Seismographic records, where required, including the calibration signal of the gain setting and;]

[(a) Seismograph reading, including exact location of seismograph and its distance from the blast;]

[(b) Name of the person taking the seismograph reading; and]

[(c) Name of person and firm analyzing the seismograph record.]

#### Appendix A of 405 KAR 18:120

##### Airblast Limitations

Lower frequency limit of measuring system in [,] Hz ( $\pm 3$ dB)	Maximum level in dB
*0.1 Hz or lower - flat response	134[5] peak
2 Hz or lower - flat response	133[2] peak
6 Hz or lower - flat response	129[30] peak
*C-weighted, slow response	105 peak dBC [109C.]

\*These measuring systems shall be used only when approved by the cabinet.

#### Appendix B of 405 KAR 18:120

##### Peak Particle Velocity Limits

Distance from the blasting site in feet	Maximum allowable peak particle velocity for ground vibration in inches per second
0 to 300	1.25
301 to 5,000	1.00
5,001 and beyond	0.75



Appendix C of 405 KAR 18:120

Scale-distance Equations

Distance (D) from the      Scale-distance equation  
blasting site in feet

0 to 300	$W = (D/50)^2$
301 to 5,000	$W = (D/55)^2$
5,001 and beyond	$W = (D/65)^2$

where: W = the maximum weight of explosives that can be detonated within any eight (8) millisecond period.

where: D = the distance, in feet, from the blasting site to the nearest protected structure.

Appendix D of 405 KAR 18:120

Blasting-level Equations

Blasting vibration      Blasting-level equation  
frequency

Hz < 4	$V = 0.19 \text{ Hz}^{0.9904}$
4 < Hz < 11	$V = 0.75$
11 < Hz < 30	$V = 0.0719 \text{ Hz}^{0.9776}$
Hz > 30	$V = 2.00$

where: Hz = the blast vibration frequency in hertz.

where: V = the maximum allowable particle velocity in inches per second.

[Appendix B of 405 KAR 18:120

Maximum Weight of Explosives to be Detonated  
Within Any Eight (8) Millisecond Period

$$W = (D/60)^2$$

where W = the maximum weight of explosives, in pounds, that can be detonated in any eight (8) millisecond period

where D = the distance, in feet, from the blast to the nearest dwelling, school, church or commercial or institutional building

For distances between 300 and 5,000 feet, solution of the equation results in the following maximum weight:

Distance in Feet	Maximum Weight
(D)	in Pounds (W)
300	25
350	34
400	44
500	69
600	100
700	136
800	178
900	225
1,000	278

1,100	336
1,200	400
1,300	469
1,400	544
1,500	625
1,600	711
1,700	803
1,800	900
1,900	1,002
2,000	1,111
2,500	1,736
3,000	2,500
3,500	3,403
4,000	4,444
4,500	5,625
5,000	6,944]

CHARLOTTE E. BALDWIN, Secretary  
APPROVED BY AGENCY: April 12, 1985  
FILED WITH LRC: April 12, 1985 at 10 a.m.

**CABINET FOR HUMAN RESOURCES**  
**Department for Health Services**  
**Division of Maternal and Child Health**  
**(Amended After Hearing)**

**902 KAR 4:015. Nurse Midwifery.**

RELATES TO: KRS 211.090, 211.180

PURSUANT TO: KRS 194.050, 211.090, 211.180

NECESSITY AND FUNCTION: KRS 211.180 authorizes the Cabinet for Human Resources to regulate the practice of midwifery in Kentucky, including the issuance of permits and the supervision of persons who practice midwifery. [This regulation recognizes the advanced education, training and experience of the nurse midwife and the increasing role of the nurse midwife in the delivery of midwifery services in this state.] This regulation is readopted by the Cabinet for Human Resources due to the failure of the 1984 General Assembly to confirm Executive Order 83-660, which had transferred the cabinet's function of regulating nurse midwifery to the Kentucky Board of Nursing. The function of this regulation is to reinstate the regulatory authority of the cabinet over certain nurse midwives (a total of five (5)) that existed prior to Executive Order 83-660 to the extent that the cabinet may continue in effect permits heretofore issued.

Section 1. Practice of Nurse Midwifery Defined. The practice of nurse midwifery embodies the practice of professional nursing and the extension of that practice into the area of care and management of the essentially healthy woman and newborn during the childbearing processes.

Section 2. Practice of Nurse Midwifery Without Permit Prohibited; Exception. No person shall engage or attempt to engage in the practice of nurse midwifery within this state, unless such person holds a valid and effective permit issued as herein provided. Persons licensed by the Kentucky Board of Nursing as an Advanced Registered Nurse Practitioner ("ARNP" - nurse midwife) are exempt from the provisions of this regulation.

Section 3. Nurse Midwife Permits. New applications to practice nurse midwifery in the



state of Kentucky shall not be accepted by the Cabinet for Human Resources; provided, however that persons who have heretofore been issued permits to practice nurse midwifery by the Cabinet for Human Resources or by the former Department of Health shall be entitled to a renewal of their existing permit. [(1)

Applications for permits to practice nurse midwifery may be obtained from the Cabinet for Human Resources, Department for Health Services, Division of Maternal and Child Health, 275 East Main Street, Frankfort, Kentucky 40621.]

[(2) The Cabinet for Human Resources may issue a nurse midwife permit to any person who is:]

[(a) Licensed as a registered nurse in accordance with KRS Chapter 314;]

[(b) A graduate of a program in nurse midwifery approved by the American College of Nurse Midwives and by the the Cabinet for Human Resources; and]

[(c) Nationally certified by the American College of Nurse Midwives to practice nurse midwifery.]

Section 4. Nurse Midwife Practice Standards. All nurse midwives shall comply with the following practice standards and requirements. In such practice, the nurse midwife shall:

(1) Render service to the mother and baby throughout the maternity cycle in such a way as to make a maximum contribution to their safety, health and welfare, including the control and prevention of complicating conditions and enhancing the childbearing experience;

(2) Attempt to maintain the integrity of the mother and her family and encourage their participation in plans for her maternity care;

(3) Not work as an independent practitioner but function within the boundaries of her professional competencies within the framework of medically approved protocols;

(4) Work in collaboration with the physician and other health professionals;

(5) Perform nurse midwifery services only under terms or conditions which permit the exercise of nurse midwifery judgment and skill and encourage a high quality of nurse midwifery care;

(6) Strive continually to improve knowledge and skills and to make available to patients and co-workers the benefits of professional attainments;

(7) Understand, utilize and encourage the contributions of other professional disciplines and community resources to maternity care; and

(8) Demonstrate interest in and accept responsibility for participating in activities designed to improve the health and well-being of the family and the community.

Section 5. Permit Renewals. Nurse midwife permits issued under this regulation shall expire on December 31st every two (2) years but may, on proper application, be renewed provided the applicant is in full compliance with the provisions of this regulation.

Section 6. Denial, Revocation or Suspension of Permit. The Cabinet for Human Resources may deny, revoke, probate, suspend or refuse to renew the permit of any midwife who has:

(1) Had a license as a registered nurse revoked;

(2) Been convicted of a felony involving moral turpitude;

(3) Become habitually intemperate or is addicted to the use of habit-forming drugs;

(4) Knowingly made or caused to be made or abetted in the making of any false statement in procuring or attempting to procure a permit or in the making of a birth or death certificate;

(5) Developed such physical or mental disabilities that continued practice would be dangerous to the public or patients;

(6) Engaged in dishonorable, unprofessional conduct of a character likely to deceive or defraud the public; or

(7) Violated any of the provisions of this regulation or any other regulation of the Cabinet for Human Resources relating to the practice of nurse midwifery.

C. HERNANDEZ, M.D., M.P.H., Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 4, 1985

FILED WITH LRC: April 5, 1985 at 9:30 a.m.

## PROPOSED AMENDMENTS

### FINANCE AND ADMINISTRATION CABINET Kentucky Retirement Systems (Proposed Amendment)

#### 105 KAR 1:010. Contributions and interest rates.

RELATES TO: KRS 16.505 to 16.652, 61.510 to 61.702, 78.510 to 78.852

PURSUANT TO: KRS 16.576, 16.640, 61.559, 61.645, 78.780

NECESSITY AND FUNCTION: KRS 16.645, 61.565 and 78.545 require the board to determine the employer contribution rate based on an actuarial valuation. KRS 61.552 requires the board to adopt a rate of interest payable on a recontribution of refund. KRS 16.560, 61.575 and 78.640 provide that the board may determine the

rate of interest payable on the members' contribution account. KRS 61.670 provides that the board shall adopt such actuarial tables as are necessary for the administration of the system. This regulation sets the employer contribution rates, and rate of interest on a recontribution of refund and member contribution account and establishes the actuarial tables for computation of retirement allowances for members of the Kentucky Employees Retirement System (KERS), County Employees Retirement System (CERS) and State Police Retirement System (SPRS).

Section 1. The employer contribution rate payable by a participating agency applicable to creditable compensation earned on or after July 1, 1985 [1984], shall be as follows:

# ADMINISTRATIVE REGISTER - 1610

KRS 61.565	State Police Retirement System.....	17 1/2 [18 1/2] %
KRS 61.565	Kentucky Employees Retirement System.....	7 1/4%
KRS 61.565	County Employees Retirement System.....	5 1/4 [6 1/4] %
KRS 61.592	Kentucky Employees Retirement System.....	14 [17] %
KRS 61.592	County Employees Retirement System.....	14 %

Section 2. The interest rate on a retribution of refund as provided under KRS 61.552 shall be as follows:

(1) For time elapsed from date of refund through June 30, 1982, six (6) percent compounded annually.

(2) For time elapsed from July 1, 1982 (or date of refund if after July 1, 1982) seven and one-half (7 1/2) percent compounded annually. The interest rate on retribution of refund made by an employee who has been reinstated by order of the Personnel Board shall be at the rate of zero (0) percent, if the refund is recontributed within a reasonable period of time.

Section 3. The legal rate of interest as referenced in Section 7 of regulation 200 KAR 12:010 (a regulation relating to computing back pay after reinstatement) shall be the actuarial assumed interest rate set forth in Section 1 of 105 KAR 1:040.

Section 4. [3.] Interest creditable on a member's accumulated contributions in accordance with KRS 16.560, 61.575, and 78.640 shall be at the rate of six (6) percent.

Section 5. [4.] Reduction factors to be applied to determine immediate annuity equivalent to annuity deferred to Normal Retirement age under KRS 16.577, 16.578, 61.595, 61.640 and 61.680 shall be as provided in Table G, unless the provisions of subsections (1) through (5) of this section are applicable and result in a higher percentage payable:

(1) A SPRS, CERS Hazardous or KERS Hazardous duty member who is age fifty (50) or older and would attain twenty (20) years of service (fifteen (15) years of which would be current service) prior to age fifty-five (55), if his employment had continued shall have his retirement benefit computed based on the appropriate factors as follows:

TABLE A

Years Required to Complete 20 Years Service	Percentage Payable
1	94.5%
2	89.0%
3	83.5%
4	78.0%
5	72.5%

(2) A KERS or CERS non-hazardous member who is age fifty-five (55) or older and would attain thirty (30) years of service (fifteen (15) years of which would be current service) prior to age sixty-five (65) if employment were continued shall have benefits computed using the appropriate factor as follows:

TABLE B

Years Required to Complete 30 Years Service	Percentage Payable
0	100.0%
1	95.0%
2	90.0%
3	85.0%
4	80.0%
5	75.0%
6	71.0%
7	67.0%
8	63.0%
9	59.0%
10	55.0%

(3) A KERS or CERS non-hazardous member who dies prior to age fifty-five (55) or who retires prior to age fifty-five (55) with twenty-five (25) or more years of service (at least fifteen (15) of which are current service) shall have benefits computed using the appropriate factor as follows:

TABLE C

Years Required to Complete 30 Years Service	Percentage Payable
0	100.0%
1	95.0%
2	90.0%
3	85.0%
4	80.0%
5	75.0%

(4) A KERS or CERS non-hazardous member with less than twenty-five (25) years of service who dies prior to age fifty-five (55) or who retires prior to age fifty-five (55) based on TRS, SPRS, CERS Hazardous or KERS Hazardous Early retirement eligibility, and would have attained thirty (30) or more years of service (fifteen (15) of which would be current service) on or before reaching his 65th birthday, if employment were continued, shall have benefits computed by first multiplying his deferred benefit by the percentage payable as determined from Table B based on the number of years required to complete thirty (30) years of service and then multiply this result by the percentage payable as determined from Table D based on said member's age at the time of death or early retirement.

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TABLE D

Years Prior to Age 55	Percentage Payable
1	97.0%
2	94.0%
3	91.0%
4	88.0%
5	85.0%
6	82.0%
7	79.0%
8	76.0%
9	73.0%
10	70.0%

(5) A SPRS, CERS Hazardous or KERS Hazardous member who dies prior to age fifty (50) and would have attained twenty (20) or more years of service (fifteen (15) of which would be current service) on or before reaching his 55th birthday, if employment were continued, shall have benefits payable as determined from Table E based on the number of years required to complete twenty (20) years of service and then multiply this result by the percentage payable as determined from Table F based on said member's age at the time of death.

TABLE E

Years Required to Complete 20 Years Service	Percentage Payable
0	100.0%
1	95.0%
2	90.0%
3	85.0%
4	80.0%
5	75.0%
6	71.0%
7	67.0%
8	63.0%
9	59.0%
10	55.0%

TABLE F

Years Prior to Age 50	Percentage Payable
1	97.0%
2	94.0%
3	91.0%
4	88.0%
5	85.0%
6	82.0%
7	79.0%
8	76.0%
9	73.0%
10	70.0%

TABLE G

Early Age	Normal Retirement Age 65	Normal Retirement Age 55
64	95.0%	
63	90.0%	
62	85.0%	
61	80.0%	
60	75.0%	
59	71.0%	
58	67.0%	
57	63.0%	
56	59.0%	
55	55.0%	
54	51.3%	94.5%
53	47.9%	89.0%
52	44.9%	83.5%
51	42.1%	78.0%
50	39.5%	72.5%
49	37.1%	68.8%
48	34.9%	65.2%
47	33.0%	61.7%
46	31.3%	58.2%
45	29.9%	54.7%
44	28.7%	51.3%
43	27.6%	47.9%
42	26.7%	44.9%
41	25.8%	42.1%
40	25.1%	39.5%
39	24.4%	37.1%
38	23.8%	34.9%
37	23.2%	33.0%
36	22.5%	31.3%
35	21.9%	29.9%
34	21.2%	28.7%
33	20.6%	27.6%
32	20.0%	26.7%
31	19.5%	25.8%
30	19.0%	25.1%
29	18.5%	24.4%
28	18.0%	23.8%
27	17.5%	23.2%
26	17.0%	22.5%
25	16.5%	21.9%

The member's exact age in years and months shall be determined and the above factors shall be used to extrapolate in order to determine the appropriate factors.

(6) Benefits paid in the event of death prior to retirement pursuant to subsection (1) through (5) of this section, shall be reduced as required by KRS 61.640 and as determined in "Contingent Annuity Factors," "Integrated Survivor Factors" and "Ten Year Certain Factors" incorporated herein by reference in this regulation.

(7) The provisions of this section shall become effective for members retiring on August 1, 1984 and thereafter.

CHARLES L. BRATTON, General Manager  
JOHN D. ROBEY, Chairman

APPROVED BY AGENCY: November 15, 1984

FILED WITH LRC: April 15, 1984 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing is scheduled for 3 p.m. on Thursday, May 23, 1985, for persons interested in the subject matter of this proposed regulation. The hearing will be held at the Kentucky Retirement Systems office at 226 West Second Street in Frankfort, Kentucky. Submit comments or questions to: Charles L. Bratton, General Manager, Kentucky

Retirement Systems, 226 West Second Street,  
Frankfort, Kentucky 40601.

# REGULATORY IMPACT ANALYSIS

Agency Contact Person: Charles L. Bratton

(1) Type and number of entities affected: The Kentucky State Police and eight (8) state agencies that employ individuals classified as "Hazardous" for retirement purposes will be affected by their respective rate reductions. There will be 506 local government agencies employing individuals classified as "non-hazardous" affected by the CERS rate reduction. Agencies affected by interest charged on back pay contributions for reinstated employees will be those state agencies whose employees have appealed dismissals, layoffs, etc., to the State Personnel Board.

(a) Direct and indirect costs or savings to those affected:

1. First year: Savings of \$4,332,930\* for employer contributions. Interest paid for reinstated employers will be minimal.

2. Continuing costs or savings: Savings of \$4,332,930 each year in future. Reinstatement interest will be minimal.

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: Payroll system will have to be changed on a one-time basis to reflect the lower employer contribution rate.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Interest on contributions paid for reinstated employees will be calculated as required.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Employer contribution rates are reviewed annually and adjusted as recommended by the retirement systems' consulting actuary. The procedure is defined by statute leaving no alternatives to consider. Regulation 200 KAR 12:010 requires the Retirement System to calculate interest on contributions paid for reinstated employees. To facilitate this, the legal rate of interest must be defined. The interest rate set forth in 105 KAR 1:040 is the rate adopted by the Board of Trustees in establishing all actuarial tables, therefore, that rate seems logical for the purpose of regulation 200 KAR 12:010.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: There are two changes proposed to this regulation which simply stated are:

(a) The reduction of the employer contribution rate (expressed as a percentage of salaries) for the State Police Retirement System, Kentucky

Employees Retirement System (Hazardous employees only), and County Employees Retirement System (General employees only).

(b) The definition of the legal rate of interest to be used in conjunction with Section 7 of regulation 200 KAR 12:010 in computing interest on back pay contributions for reinstated employees.

Tiering:

Was tiering applied? No. Not applicable.

*Savings for Ky. State Police	\$ 237,180
Savings for Other State Agencies	\$ 208,963
Savings for Local Government Agencies	\$3,886,787
TOTAL	\$4,332,930

## LOCAL MANDATE IMPACT STATEMENT

SUBJECT/TITLE: Contributions and Interest Rates.

SPONSOR: Kentucky Retirement Systems

NOTE SUMMARY

LOCAL GOVERNMENT MANDATE: No

TYPE OF MANDATE:

LEVEL(S) OF IMPACT: City; County; Urban County Government

BUDGET UNIT(S) IMPACT: Reduction of employer contribution - local agencies.

FISCAL SUMMARY: Revenues: None; Expenditures: \$-3,886,727.00; Net Effect: \$-3,886,727.00.

MEASURE'S PURPOSE: To amend employer contribution rates set forth in regulation 105 KAR 1:010 to agree with the contribution rates adopted by the Board of Trustees in its November 15, 1984 meeting. Authority - KRS 78.545.

PROVISION/MECHANICS: All agencies affected have been notified by memorandum of effective date, change in employer contribution rate, and mechanics of implementation.

FISCAL EXPLANATION: Local employers will pay employer contribution at the rate of 5 1/4% rather than 6 1/4% of creditable compensation starting July 1, 1985.

DATA SOURCES(S): Annual Actuarial Valuation - June 30, 1984 - Kentucky Retirement Systems.

PREPARER: Charles L. Bratton

REVIEW: April 12, 1985

## GENERAL GOVERNMENT CABINET

Board of Pharmacy

(Proposed Amendment)

### 201 KAR 2:015. Continuing education.

RELATES TO: KRS Chapter 315

PURSUANT TO: KRS 315.110(1), 315.191(1)

NECESSITY AND FUNCTION: KRS 315.110(1) authorizes the board to promulgate regulations to insure the continuing pharmacy education of registered pharmacists. This regulation requires all registered pharmacists holding a license issued by this board to participate in continuing pharmacy education as a means of renewal of their licenses.

Section 1. (1) A "continuing education unit (CEU)" is defined as ten (10) contact hours of participation in a board accredited continuing pharmacy education program under responsible sponsorship, capable direction, and qualified instruction. The annual course of study year shall be from January 1 through December 31. Each licensee shall be required to complete a

minimum of .5 CEU (five (5) contact hours) in order to renew his/her license for the year 1979, 1.0 CEU (ten (10) contact hours) for the year 1980, and 1.5 CEU (fifteen (15) contact hours) for the year 1981 and each subsequent year thereafter. Continuing pharmacy education hours or units in excess of the number required at the time of renewal of license may not be transferred or applied to future requirements.

(2) A "unit" is defined as a measurement of value applied to a particular continuing pharmacy education activity and is the estimate by the board of the benefit it may contribute to competence in the practice of pharmacy.

Section 2. (1) Continuing education hours for credit may be compiled in the following areas if the sponsor grants the participant a certificate of completion:

- (a) Cassette and audio-visual presentation;
- (b) In-company professional seminars;
- (c) Accredited school of pharmacy continuing education programs;
- (d) Post-graduate courses in pharmaceutical sciences;
- (e) Correspondence courses;
- (f) Programs granted continuing education credit by other states;
- (g) The American Council on Pharmaceutical Education;
- (h) Continuing education television series;
- (i) Programs sponsored by allied professional groups; and
- (j) Professional society and association sponsored programs.

(2) The board approval of each program shall expire at the end of three (3) years.

Section 3. Continuing education sponsors are responsible for submitting to the board for final accreditation continuing education programs for participants.

(1) A sponsor shall be any person, school, association, company, corporation or group who wishes to develop a continuing education program.

(2) Programs should be submitted to the board at least sixty (60) days prior to planned participation so the participants can know the value of such an experience prior to actual participation.

(3) Program changes must be made to and accredited by the board, or the evaluation and accreditation of the program becomes null and void.

(4) Continuing education credit will be given only once for each program per participant.

(5) Sponsors shall retain a file of participants program completion for three (3) years.

Section 4. (1) Sponsors and pharmacists requesting approval of continuing pharmacy education shall submit an application containing such information as the board may require on forms provided by the board. Pharmacists must keep valid records, receipts, and certifications of continuing pharmacy education programs completed for three (3) years and submit such certification to the board on request.

(2) Submission of fraudulent statements or certificates concerning continuing pharmacy education will subject the pharmacist to revocation or suspension of license as provided in KRS 315.127(1).

Section 5. Pharmacists are responsible to submit on forms provided by the board a list of accredited continuing pharmacy education programs with their annual renewal as scheduled in Section 1. In the event any licensee shall fail to submit a list of continuing pharmacy education programs by the 1st day of February, the executive director of the board [secretary] shall notify such licensee at his/her last known address that his/her license may be suspended. A pharmacist may be granted a deferral on a year to year basis at the discretion of the board for such reasons as illness, incapacity, or other extenuating circumstances. A pharmacist first licensed by the board within twelve (12) months immediately preceding the annual renewal date is exempt from the continuing pharmacy education provisions.

Section 6. All pharmacists shall keep the board informed of their correct addresses.

Section 7. CEU may be transferred from another state to Kentucky if the transfer state recognizes Kentucky CEU.

Section 8. In the event a pharmacist fails to renew his license to practice pharmacy, for any reason, for one (1) to five (5) years, the license shall be renewed upon proper application and upon demonstrating to the board that the applicant has completed an acceptable continuing education program. The board may require such an applicant to demonstrate that he or she has completed a maximum of seventy-five (75) hours of continuing education. However, under no circumstances, shall such an applicant be required to complete more than fifteen (15) hours of continuing education for each year the applicant failed to renew his license. The board, in the alternative, may renew a license of a pharmacist who has failed to renew his license upon proper application and upon successful completion of an acceptable examination.

RICHARD L. ROSS, Executive Director

APPROVED BY AGENCY: April 3, 1985

FILED WITH LRC: April 11, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on May 22, 1985, at 11 a.m. (EDT) at the office of the Board of Pharmacy, 1228 U.S. 127 South, Frankfort. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 17, 1985, of their desire to appear and testify at the hearing: Richard L. Ross, Executive Director, Kentucky Board of Pharmacy, 1228 U.S. 127 South, Frankfort, KY 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Richard L. Ross

(1) Type and number of entities affected: All practicing pharmacists in Commonwealth, approximately 2,610.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative

body: None

- (a) Direct and indirect costs or savings: None
- 1. First year:
- 2. Continuing costs or savings:
- 3. Additional factors increasing or decreasing costs:
- (b) Reporting and paperwork requirements: None
- (3) Assessment of anticipated effect on state and local revenues: None
- (4) Assessment of alternative methods; reasons why alternatives were rejected: None
- (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
- (a) Necessity of proposed regulation if in conflict:
- (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
- (6) Any additional information or comments: None

Tiering:

Was tiering applied? No. N/A. Applies equally to all Kentucky pharmacists.

**GENERAL GOVERNMENT CABINET  
Board of Pharmacy  
(Proposed Amendment)**

**201 KAR 2:020. Examinations.**

RELATES TO: KRS Chapter 315  
PURSUANT TO: KRS [13.082,] 315.050(2), 315.191(1), (2), (4)  
NECESSITY AND FUNCTION: The Kentucky Board of Pharmacy is directed by KRS 315.191(4) to prescribe the time, place, method, manner, scope and subjects of examination of applicants for license to practice pharmacy in the Commonwealth. This regulation will establish continued fair and impartial examinations.

Section 1. No license to practice pharmacy, other than one issued by reciprocity [in accordance with the provisions of this regulation], shall be issued except upon the successful passage of an examination prescribed by the Kentucky Board of Pharmacy.

Section 2. All examinations held by the Kentucky Board of Pharmacy shall be conducted at such locations within the state as may be designated by the board and shall be held at least twice annually. Detailed information as to the time and place of examinations may be procured from the executive director [secretary] of the board.

Section 3. Examinations shall be adequate to test the knowledge, education and competency of applicants.

Section 4. No person shall be deemed to have successfully passed an examination conducted by the Kentucky Board of Pharmacy unless he or she obtains the following scores:

- (1) General overall average of seventy-five (75) [on all examinations]; provided, however, that the jurisprudence and operative examination grades shall not be used in computing the average of the applicant;
- (2) At least seventy-five (75) on any

operative/practical examination;

(3) At least eighty (80) [eighty-five (85)] on jurisprudence;

(4) No less than sixty (60) on any other subject. A score of less than sixty (60) represents failure. [provided, however, that the jurisprudence and operative examination grades shall not be used in computing the average of the applicant.]

Section 5. In the event an applicant fails any section [one (1) or two (2) sections or subjects] or fails to obtain a general overall average of seventy-five (75), he may upon proper application retake such section [subject or subjects] upon the payment of a fee of seventy-five (75) dollars [sixty dollars (\$60)]. An applicant for re-examination must sit for such examination within one (1) year from the date he first fails the examination. An applicant shall be permitted only one (1) partial re-examination. An additional fee equal to the original examination fee shall be submitted with the application for each subsequent re-examination.

Section 6. All results of examinations (including one (1) set of questions) shall be preserved. The questions shall be prepared or approved by the board. Written examinations shall be conducted in such manner that the results shall be entirely fair and impartial, the applicant being known only by numbers so that no examiner or member of the board may identify the paper of the applicant until after the examiners certify the results thereof.

Section 7. An examination fee shall not be refunded after an application has been accepted by the board.

RICHARD L. ROSS, Executive Director

APPROVED BY AGENCY: April 3, 1985

FILED WITH LRC: April 11, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on May 22, 1985, at 11 a.m. (EDT) at the office of the Board of Pharmacy, 1228 U.S. 127 South, Frankfort. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 17, 1985, of their desire to appear and testify at the hearing: Richard L. Ross, Executive Director, Kentucky Board of Pharmacy, 1228 U.S. 127 South, Frankfort, KY 40601.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Richard L. Ross

(1) Type and number of entities affected: All applicants for licensure by examination.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

- (b) Reporting and paperwork requirements: None
- (3) Assessment of anticipated effect on state and local revenues: None
- (4) Assessment of alternative methods; reasons why alternatives were rejected: None
- (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
- (a) Necessity of proposed regulation if in conflict:
- (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
- (6) Any additional information or comments: None

**Tiering:**

Was tiering applied? No. N/A. All applicants treated the same.

**GENERAL GOVERNMENT CABINET  
Board of Pharmacy  
(Proposed Amendment)**

**201 KAR 2:095. Dispensing responsibilities.**

RELATES TO: KRS Chapter 315

PURSUANT TO: KRS 315.191(1) [(2)]

NECESSITY AND FUNCTION: The Kentucky Board of Pharmacy is authorized by KRS 315.191(1) [(2)] to adopt rules and regulations necessary to regulate the practice of pharmacists. Pharmacists are responsible for the compounding and dispensing of drugs and prescriptions pursuant to a legal prescription. There is a need for this regulation stating the pharmacists' and the pharmacist interns' responsibilities. This regulation is to further assure protection to the public by defining professional responsibilities.

Section 1. Dispensing responsibilities is defined as but not limited to the [Kentucky's present Pharmacy Law mentions dispensing without definition. Therefore, in the practice of pharmacy "dispensing" is defined as a] practice of selecting, compounding, mixing, measuring, or otherwise preparing the drug or drugs needed to fill the prescription order.

Section 2. The practice of a pharmacist must [The following practices of a pharmacist are not included within the definition of dispensing and must therefore] be performed only by a registered pharmacist or pharmacist intern under the immediate, physical and visual, supervision of a registered pharmacist. These practices are, but not limited to:

- (1) Receipt of an oral prescription order.
- (2) Verification of prescribed dosage.
- [(3) Obtaining, when required by law, and in the best professional practice, permission from authorized prescribers to refill prescriptions.]

Section 3. Kentucky's present Pharmacy Law mentions "immediate supervision" without definition. Therefore, in the practice of pharmacy "immediate supervision" is defined as under the physical and visual supervision of a registered pharmacist.

Section 4. Violation of any provision of this regulation constitutes unethical or

unprofessional conduct in accordance with KRS 315.121(1)(f).

RICHARD L. ROSS, Executive Director

APPROVED BY AGENCY: April 3, 1985

FILED WITH LRC: April 11, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on May 22, 1985, at 11 a.m. (EDT) at the office of the Board of Pharmacy, 1228 U.S. 127 South, Frankfort. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 17, 1985, of their desire to appear and testify at the hearing: Richard L. Ross, Executive Director, Kentucky Board of Pharmacy, 1228 U.S. 127 South, Frankfort, KY 40601.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Richard L. Ross

(1) Type and number of entities affected: All practicing pharmacists in Commonwealth, approximately 2,610.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

**Tiering:**

Was tiering applied? No. N/A. Applies equally to all Kentucky pharmacists.

**GENERAL GOVERNMENT CABINET  
Board of Pharmacy  
(Proposed Amendment)**

**201 KAR 2:100. Security and control of drugs and prescriptions.**

RELATES TO: KRS Chapter 315

PURSUANT TO: KRS 315.035, 315.191(1) [(2)]

NECESSITY AND FUNCTION: The Kentucky Board of Pharmacy is authorized by KRS 315.191(1) [(2)] to adopt rules and regulations necessary to regulate and control pharmacists and pharmacies. This regulation is to assure adequate security and control of drugs and prescriptions.



Section 1. A pharmacy must provide adequate security and control of its controlled substances and prescription legend drugs and in the absence of a pharmacist the pharmacy must be closed. If a pharmacist is located within a larger establishment which is open to the public for business at times when a pharmacist is not present then the pharmacy must be enclosed by a floor to ceiling partition which may be either solid or solid transparent secured by lock from other departments of the store. In the absence of a pharmacist such pharmacies must be locked and secured. Employees of the establishment cannot be authorized to enter the closed pharmacy during those hours when a pharmacist is not present. Owners of prescription departments, which are to be closed at times the merchandise area of the same establishment remains open, must request permission from the Kentucky Board of Pharmacy, submit a detailed plan of the prescription department barrier and obtain written approval before enclosing the prescription department.

Section 2. All prescription files, all legend drugs and other items which are restricted to sale either by or under the personal supervision of a pharmacist must be kept in the pharmacy area.

Section 3. Written prescription orders and refill requests can be delivered to a pharmacy at any time. But if no pharmacist is present then the prescription order(s) must be deposited, by the patient or his agent delivering the prescription order or refill request to the establishment, into a "mail slot" or "drug box" such that the prescription order is stored in the pharmacy area.

Section 4. Prepared prescription medications shall be stored in the pharmacy and cannot be removed from the pharmacy unless the pharmacist is present and the removal is for the immediate delivery to the patient, person picking up the prescription for the patient, or person delivering the prescription to the patient at his residence or similar place. Emergency drugs shall be available throughout a hospital as deemed necessary by the pharmacist and under the overall control of the pharmacist. A night drug cabinet shall be maintained for the provision of emergency drugs in the absence of a pharmacist.

Section 5. It shall be regarded as unprofessional conduct under KRS 315.121(1)(f) for any pharmacist or employer of pharmacists to refrain from reporting to the board a pharmacist who:

- (1) Has been convicted of a misdemeanor of felony which involved acts that bear directly on the qualifications or ability of the applicant or licensee to practice pharmacy; or
- (2) Commits fraud or deceit in procuring or attempting to procure a license to practice pharmacy; or
- (3) Negligently or willfully acts in a manner inconsistent with the practice of pharmacy or willfully repeatedly violates any provisions of this chapter; or
- (4) Has a license to practice as a pharmacist denied, limited, suspended, probated or revoked in another jurisdiction on grounds sufficient to cause a license to be denied, limited,

suspended, probated or revoked in this Commonwealth; or  
(5) Is practicing pharmacy without a current active license issued by the board.

RICHARD L. ROSS, Executive Director

APPROVED BY AGENCY: April 3, 1985

FILED WITH LRC: April 11, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on May 22, 1985, at 11 a.m. (EDT) at the office of the Board of Pharmacy, 1228 U.S. 127 South, Frankfort. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 17, 1985, of their desire to appear and testify at the hearing: Richard L. Ross, Executive Director, Kentucky Board of Pharmacy, 1228 U.S. 127 South, Frankfort, KY 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Richard L. Ross

(1) Type and number of entities affected: All licensed pharmacist in the Commonwealth, approximately 1,160.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. N/A. Applies equally to all licensed pharmacies.

#### GENERAL GOVERNMENT CABINET Board of Pharmacy (Proposed Amendment)

201 KAR 2:105. Permits for drug manufacturers and wholesalers.

RELATES TO: KRS Chapter 315

PURSUANT TO: KRS 315.010, 315.036, and 315.191(1)

NECESSITY AND FUNCTION: The purpose of this regulation is to establish uniform procedures and fees for the registration of all drug manufacturers and wholesalers.

Section 1. Qualifications for Permits. (1) No permit shall be issued pursuant to this regulation unless and until the applicant has furnished proof satisfactory to the Board of Pharmacy:

(a) That the applicant is in compliance with all applicable federal and state laws and regulations relating to drugs and is of good moral character or if the applicant be an association or corporation that the managing officers are of good moral character; and

(b) What the applicant is equipped as to land, buildings, and security to properly carry on the business described in his application.

(2) A duly licensed manufacturer or wholesaler may sell and/or distribute federal legend drugs only to the following persons:

(a) A currently licensed manufacturer;

(b) A currently licensed wholesaler;

(c) A currently licensed pharmacy;

(d) A currently licensed practitioner;

(e) A currently licensed hospital, but only for use by or in that hospital;

(f) A person in charge of a laboratory, but only for use in that laboratory for scientific and medical research purposes.

(3) [(2)] No permit shall be granted to any person who has been convicted of a misdemeanor involving any controlled substance or who has been convicted of any felony.

(4) [(3)] A permit issued pursuant to this regulation may be suspended or revoked for cause.

Section 2. Permit Fees; Renewals. All applications for a permit under the provisions of this regulation shall be submitted to the Board of Pharmacy on forms furnished by it and shall contain such information as the board may require. Each application shall be accompanied by an annual fee of seventy-five (75) dollars. All permits shall expire on September 30 following date of issuance and be renewable annually thereafter upon proper application accompanied by the renewal fee of seventy-five (75) dollars and shall be non-transferable.

RICHARD L. ROSS, Executive Director

APPROVED BY AGENCY: April 3, 1985

FILED WITH LRC: April 11, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on May 22, 1985, at 11 a.m. (EDT) at the office of the Board of Pharmacy, 1228 U.S. 127 South, Frankfort. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 17, 1985, of their desire to appear and testify at the hearing: Richard L. Ross, Executive Director, Kentucky Board of Pharmacy, 1228 U.S. 127 South, Frankfort, KY 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Richard L. Ross

(1) Type and number of entities affected: All manufacturers and wholesalers, approximately 30 per year.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative

body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. N/A. All manufacturers and wholesalers treated in the same manner.

#### FINANCE AND ADMINISTRATION CABINET State Board of Medical Licensure (Proposed Amendment)

#### 201 KAR 9:031. Examinations.

RELATES TO: KRS 311.530 to 311.620, 311.990

PURSUANT TO: KRS [13.082] Chapter 13A

NECESSITY AND FUNCTION: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy and authorizes the board to establish requirements and standards relating thereto. The purpose of this regulation is to establish standards and rules regarding examination scope, content, passing scores, testing opportunities and test score recognition.

Section 1. Basic Requirement; Passing Score. All applicants for any license or permit issued by the board shall provide written proof of having successfully completed an examination approved by the board with an overall average score of seventy-five (75) or its numerical equivalent. The overall score must have been determined on the basis of performance in a single sitting and scores based on an average of scores from multiple sittings will not be considered.

Section 2. Examinations Approved by the Board. The following examinations are approved by the board in regard to the fulfillment of the examination requirement for licensure:

(1) Examinations administered by the licensure authority of another state, United States territory or Canadian province upon sufficient proof that the examination consisted of comprehensive testing in the basic and clinical sciences;

(2) The Federation Licensure Examination (FLEX);

(3) The examination administered by the National Board of Medical Examiners; and

(4) The examination administered by the

National Board of Examiners for Osteopathic Physicians and Surgeons.

The board may deny a license or permit when in the board's opinion the examination by which the applicant is seeking to fulfill the examination requirement inadequately tested the applicant's knowledge, education, training and competency.

Section 3. Examination Administered by Board[; Re-examination; Test Score Recognition]. (1) The board will administer the Federation Licensure Examination (FLEX) twice yearly in accord with protocol established by the Federation of State Medical Boards of the United States, Inc. The executive director shall oversee the examination and may expel any person for fraudulent or disruptive behavior.

(2) The executive director may allow an applicant to sit for the FLEX when in his or her opinion the applicant appears to have fulfilled the appropriate eligibility requirements. Allowing an applicant to sit for the FLEX or any component thereof shall not be considered as certification that any requirement for licensure has been fulfilled.

[(2) An applicant shall be denied the opportunity to sit for the FLEX in the Commonwealth if the applicant has failed the examination on three (3) previous occasions, regardless of where these examinations were taken; provided, however, that an applicant shall be granted the opportunity to sit for the FLEX a fourth time upon providing written proof that he or she began and satisfactorily completed one (1) full year of approved postgraduate training after the applicant's third failure. An applicant who has failed the FLEX on four (4) previous occasions will not under any circumstance be granted the opportunity to sit for the examination in the Commonwealth.]

[(3) In regard to the fulfillment of the examination requirement, the board will only recognize a passing score on the FLEX if the applicant has not failed the FLEX on three (3) previous occasions regardless of where taken; provided, however, that a passing score on the applicant's fourth attempt will be recognized if that examination was administered in the Commonwealth pursuant to subsection (2) of this section.]

Section 4. Eligibility for Examination. (1) An applicant shall be eligible to take both components of the FLEX if the applicant has fulfilled all other requirements for regular licensure.

(2) An applicant shall be eligible to take Component I of the FLEX if the applicant has fulfilled all other requirements for limited licensure-institutional practice.

(3) An applicant shall be eligible to take Component II of the FLEX if the applicant has previously passed Component I and has fulfilled all other requirements for regular licensure.

(4) An applicant who has not fulfilled the particular post-graduate training requirement at the time the FLEX is administered may sit for the examination upon showing that this requirement will be fulfilled within seven (7) months of the examination date.

(5) An applicant who has failed the FLEX on three (3) previous occasions may sit for the FLEX or a component thereof upon proof that the

applicant has completed since the time of the applicant's last failure one (1) additional year of approved post-graduate training in addition to the number of years of post-graduate training normally required to sit for the FLEX or a component thereof.

(6) No person shall be eligible to sit for the FLEX or a component thereof if the applicant has failed the FLEX on three (3) previous occasions except as provided in subsection (5) of this section. All failures prior to June 1, 1985, and failures thereafter of the FLEX components shall be added together to determine an applicant's total number of prior failures. An applicant who by a combination of failures of the entire exam, whenever given, and components thereof has accumulated three (3) failures of the entire exam or a component thereof shall be ineligible to sit for the exam or any component thereof except as provided in subsection (5) of this section.

Section 5. Recognition of Passing Scores by Endorsement. The board will not recognize a passing score of the FLEX by endorsement if the applicant failed the FLEX or a component thereof on a total of three (3) previous occasions, wherever taken. The board will recognize a passing score on an applicant's fourth attempt upon proof that the applicant has obtained since the third failure one (1) additional year of approved post-graduate training in addition to the number of years of post-graduate training normally required for the type of licensure the applicant seeks.

C. WILLIAM SCHMIDT, Executive Director

APPROVED BY AGENCY: April 15, 1985

FILED WITH LRC: April 15, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on Tuesday, May 21, 1985, at 9 a.m. EST in the board room of the Kentucky Board of Medical Licensure, The Mall Office Center, 400 Sherburn Lane, Suite 222, Louisville, Kentucky 40207. Those persons interested in attending should contact: C. William Schmidt, Executive Director for the Kentucky Board of Medical Licensure, at the above address.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: C. William Schmidt

This amendment to the regulation will affect those persons who attempt to obtain medical licensure in Kentucky by passage of the Federation Licensure Examination. The Federation Licensure Examination has been changed by the Federation prompting the necessity for all state medical boards to change their regulations regarding the examination accordingly. These changes will require the Board to incur some costs in order to change its forms utilized for processing applications, however, this will be an initial cost and is not anticipated to be an on-going cost.

The amendment will have no effect on state and local revenues.

There were no alternatives considered as none were available to implement the changes in the FLEX examination format and still carry out the long-established policies of the Board.

This regulation does not conflict with, overlap or duplicate any other regulation or

statute of the Commonwealth.

#### Tiering:

Was tiering used? Yes. Tiering was used in this regulation to the extent that the regulation was designed to carry out the Board's policies but not impact unfairly on persons who had obtained training beyond the requirements for licensure who sought to attempt to pass the examination a fourth time. It is the policy of the Board that an applicant should be able to pass the examination within three attempts, or, if the applicant has obtained an additional year of post-graduate training on a fourth attempt.

This regulation was further tiered to have a fair impact on persons attempting to satisfy the examination requirement through the FLEX in view of the transition between the old and new format of the FLEX examination.

#### FINANCE AND ADMINISTRATION CABINET State Board of Medical Licensure (Proposed Amendment)

##### 201 KAR 9:041. Fee schedule.

RELATES TO: KRS 311.530 to 311.620, 311.990

PURSUANT TO: KRS 311.565

NECESSITY AND FUNCTION: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy and authorizes the board to establish requirements and standards relating thereto. The purpose of this regulation is to establish a schedule of fees for services rendered by the board.

#### Section 1. Fee Schedule.

(1) Fee for sitting for both components of examination administered by board.....	\$350 [200]
(a) Component I.....	\$165
(b) Component II.....	\$185
(2) Fee for initial issuance of regular license.....	\$150
(3) Fee for initial issuance of limited license.....	\$ 65
(4) Fee for annual registration or renewal of any license.....	\$ 65
(5) Penalty for late annual registration or renewal.....	\$ 25
(6) Fee for reregistration of inactive license.....	\$ 90
(7) Endorsement of licensee to licensing agency of another jurisdiction.....	\$ 20
(8) Certification of licensee's examination grades to licensing agency of another jurisdiction.....	\$ 10
(9) Fee for temporary permit (credited to fee for regular license if subsequently issued)...	\$ 50
(10) Fee for emergency permit.....	\$ 15
(11) Fee for duplicate license certificate.....	\$ 10
(12) Fee for copy of "Kentucky Medical Directory" (fee waived for licensees, hospitals, schools and other licensure boards).....	\$ 5
(13) Fee for one (1) year subscription to <u>Newsletter</u> (fee waived for licensees) .....	\$ 5

C. WILLIAM SCHMIDT, Executive Director

APPROVED BY AGENCY: April 15, 1985

FILED WITH LRC: April 15, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on

this regulation will be held on Tuesday, May 21, 1985, at 9 a.m. EST in the board room of the Kentucky Board of Medical Licensure, The Mall Office Center, 400 Sherburn Lane, Suite 222, Louisville, Kentucky, 40207. Those persons interested in attending should contact: Mr. C. William Schmidt, Executive Director for the Kentucky Board of Medical Licensure, at the above address.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: C. William Schmidt

The proposed changes in the fee regulation are prompted by a change in the Federation Licensure Examination format by the Federation of State Medical Boards of the United States, Inc. The changes in the cost of the exam are the result of an increase in the cost of the exam charged the Board by the Federation of State Medical Boards of the United States, Inc. The separate prices for the components results from the change in the format of the examination such that an applicant now may take either or both components at varying times. The cost of implementing the regulation is minimal, and the Board will not realize any substantial gain in money collected.

The regulation will have no affect on state and local revenues.

There were no alternatives considered as none were available.

This regulation does not conflict with, overlap or duplicate any other statute or regulation of the Commonwealth.

#### Tiering:

Was tiering used? No. Tiering was not used in this regulation as it would be inappropriate.

#### GENERAL GOVERNMENT CABINET Board of Hairdressers and Cosmetologists (Proposed Amendment)

##### 201 KAR 12:125. Schools' student regulations.

RELATES TO: KRS 317A.090

PURSUANT TO: KRS [13.082,] 317A.062

NECESSITY AND FUNCTION: To protect the health and safety of the public and to protect the general public and students enrolled in schools of cosmetology against misrepresentation, deceit, or fraud while seeking services or enrolled therein.

Section 1. No student enrolled in a school of cosmetology is permitted to receive a salary or commission from the school while enrolled as a student in said school.

Section 2. Students shall not be permitted to smoke while providing services to patrons.

Section 3. No student shall be allowed to remain in the school to work on patrons upon completion of the required hours for the appropriate course of enrollment.

Section 4. No student, after he or she has graduated from a school, shall be allowed to return to that school or any other school for further practice and work in the pay departments without permission of the board.

Section 5. Schools must, at all times, display in a centralized conspicuous place the enrollment permits of all students enrolled therein.

Section 6. Schools must require students to wear some kind of insignia, badge, cap, or marking of their uniforms to indicate that he or she is a student in the school.

Section 7. Schools must require students to, at all times, wear a clean washable uniform, coat, or smock.

Section 8. Students must be on time for all class studies and work.

Section 9. No Student shall be permitted to leave during school hours without special permission from the manager.

Section 10. No student shall be permitted to leave a class during a lecture or demonstration.

Section 11. Students are not permitted to operate any equipment in which there is known an operating hazard.

Section 12. All student kits containing all equipment, tools, and implements must remain on school premises until completion of the course of enrollment or withdrawal from the school.

Section 13. A student desiring to change from one school to another must notify the school in which the student is presently enrolled of their withdrawal and complete an application for enrollment when entering another school.

Section 14. Students are required to comply with the rules of their school, as long as they do not conflict with KRS Chapter 317A or the regulations of the board.

Section 15. Owners of schools must include the schools' refund policy in school-student contracts.

Section 16. Each student in a school is permitted to file a complaint with this board concerning the school in which they are enrolled, provided the information is clearly and concisely given and the complaint must at all times be signed by the complainant.

Section 17. Student Dismissal and Appeals. (1) Schools may dismiss students for law violations, rule violations, insubordination, or for any reason for which the board could deny, refuse to renew or revoke a license if the students were licensed pursuant to KRS Chapter 317A.

(2) Schools may dismiss students for violations of any of KRS Chapter 317A or for the violation of any rule of the board adopted pursuant thereto or for violation of any school rule not in conflict with said chapter or the board rules.

(3) Any student aggrieved by dismissal from a school may appeal to the board by writing the board and requesting that an appeal be granted, but such appeal shall be taken within ten (10) days after the date of dismissal and such appeal shall be docketed by the board for a hearing within thirty (30) days after the appeal request

is received. The hearing day shall be set for as early a day as possible. The hearing and production of evidence shall be in conformity with that provided for board hearings in KRS Chapter 317A.

(a) Upon hearing the appeal, the board shall determine: Whether or not the school acted in scope of its power; and whether or not there is sufficient evidence to support the order of dismissal appeal from said school.

(b) After the hearing the board shall enter an order sustaining or setting aside the school's order of dismissal. If the order of dismissal is overruled and set aside by the board, then the school shall reinstate the student.

Section 18. Within ten (10) working days from a student's withdrawal, a cosmetology school shall report the name of the withdrawing student and send the permit card and a notarized certification of the total number of hours that the withdrawing student has acquired in their cosmetology school to the board's office.

Section 19. In the event that the school after receiving request for the information outlined in Section 18 of this regulation does not forward same to the board within ten (10) days after receiving requests, a verified affidavit from the student as to the number of hours received shall be accepted by the board and entered on their records as the appropriate number of hours earned.

Section 20. A training period for students is as follows: eight (8) hours per day, forty (40) hours per week (maximum). A student of cosmetology must have a minimum of 225 days of school attendance under instruction. A student of manicuring must have a minimum of thirty-seven and one-half (37 1/2) days of school attendance under instruction.

Section 21. All students shall be allowed thirty (30) minutes toward the middle of any eight (8) hour day for eating or taking a rest break. Students shall not be given credit for the one-half (1/2) hour break toward meeting the 1,800 hour requirement.

Section 22. An informational copy of the statutes and regulations of the Kentucky Board of Hairdressers and Cosmetologists must be provided to each student enrolled in a school of cosmetology. Copies may be obtained from the board's office.

Section 23. No student shall be in attendance in a school of cosmetology more than eight (8) hours in one (1) day and no more than five (5) days in one (1) week.

Section 24. Persons completing hours in a school of cosmetology within a period of five (5) years from date of enrollment shall be given credit by the board for hours completed. Any hours received beyond this five (5) year period shall be null, void, and held for naught.

CARROLL ROBERTS, Administrator

APPROVED BY AGENCY: April 2, 1985

FILED WITH LRC: April 8, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on May 29, 1985 at 2 p.m. The

hearing will be held at 314 West Second Street, Frankfort, Kentucky. Contact Carroll Roberts, Administrator, in writing at least five (5) days before the hearing if interested in attending.

# REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carroll Roberts

(1) Type and number of entities affected: None  
(a) Direct and indirect costs or savings to those affected:

1. First year:  
2. Continuing costs or savings:  
3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:  
(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:  
1. First year:  
2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:  
(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Tiering was not applied as it was not necessary.

## GENERAL GOVERNMENT CABINET

### Board of Nursing (Proposed Amendment)

#### 201 KAR 20:070. Licensure by examination.

RELATES TO: KRS 314.041(1), 314.051(1)

PURSUANT TO: KRS [13.082,] Chapter 314

NECESSITY AND FUNCTION: To assure that applicants for licensure by examination meet minimum standards set forth by the board as necessary for safe practice. To provide some security in the examination process.

Section 1. Eligibility for Licensure by Examination. To be eligible for licensure by examination, applicants shall:

(1) Hold a high school diploma or equivalent.

(2) Have completed a state approved program of practical nursing for licensed practical nurse licensure or a state approved program of registered nursing for registered nurse licensure.

(3) Submit an official transcript of nursing program.

(4) Submit at least sixty (60) days prior to the date of the examination:

(a) A properly executed application for licensure;

(b) Current administration of examination fee;

(c) Current application for licensure fee; and

(d) Two (2) photographs (two (2) x three (3) inches) taken within the past six (6) months with the photographs signed and dated by the applicant on the front under the facial features and by the nurse administrator of U.S. nursing program (if graduated therefrom) on the back of the photographs. Snapshots are not acceptable.

(5) Submit official copy(ies) of court record(s) of any misdemeanor and/or felony conviction(s) with a letter of explanation.

(6) Notify the board in writing as soon as any new address is established after submitting the application.

(7) Submit a copy of a marriage certificate or court order to change name after the original application is filed.

(8) Abide by and cooperate with security procedures established by the board, when taking the examination.

(9) Achieve a minimum passing [standard] score of 350 on the national council licensure [state board test pool] examination or its equivalent as report for licensed practical nurse or 1600 for registered nurse licensure. [Effective with the July, 1982 examination administration, achieve a minimum passing score of 1600 on the national council licensure examination for registered nurse licensure.]

(10) Pay all necessary fees to show evidence of meeting requirements for licensure as stated in this section and, if applicable, Sections 2 and 4 of this regulation.

(11) An application for licensure is valid for a period of one (1) year from date filed with the board or for a period of one (1) year from date last examination was written in Kentucky not to exceed two (2) years since the filing date of the original application for licensure in Kentucky.

Section 2. Graduates of Foreign Nursing Schools. (1) To be eligible for application for licensure by examination, graduates of foreign nursing schools shall submit evidence of the following:

(a) Certificate showing successful completion of commission on graduates of foreign nursing schools examinations (registered nurse applicants only).

(b) Verification of licensure as a nurse in another country with a statement from the licensing authority that the license is in good standing and has not been revoked, suspended, probated, or otherwise disciplined in that country.

(c) Legal permanent or temporary residency in the United States according to the laws and regulations of the U.S. Department of Justice, Immigration and Naturalization Services and the U.S. Department of Labor.

(2) Applicants for licensure by examination shall meet requirements as stated in Section 1 of this regulation.

(3) Citizens of the United States who are graduates of foreign nursing schools shall show evidence of citizenship, thereby meeting requirements pertaining to citizenship privileges and shall meet all other requirements of this section and as stated in Section 1 of this regulation.

(4) The applicant shall have a satisfactory comprehension of the English language written and spoken which shall be established by a written examination by commission on graduates

of foreign nursing schools [(CGFNS) and an interview with a representative of the board].

(5) Credentials in a foreign language shall be translated at the applicant's expense by an official translation agency or approved college or university.

### Section 3. Licensing Examination Standards.

(1) The applicant shall pass the national council licensure [state board test pool] examination or an examination acceptable to the board.

(2) An applicant who has taken any examination other than the state board test pool examination or national council licensure examination subsequent to 1953 shall provide evidence to the board that such examination met the following standards of equivalency:

(a) Accepted psychometric procedures are used in the development of the examination;

(b) Norms for each administration of the examination are derived from at least 10,000 candidates who are recent graduates of a nursing program and who are writing the examination for the first time;

(c) The examination is available in the English language;

(d) The examination test plan blueprint is available for board review and identifies, to the satisfaction of the board, test content and content weightings [equivalent to that delineated for the state board test pool examinations];

(e) Test items are available for board review and demonstrate to the satisfaction of the board the testing of competency necessary for safe practice;

(f) At least one (1) of the reliability estimations for the examination is 0.80 or higher;

(g) The examination is revised after each administration to insure currency and security of content;

(h) The examination is given under strict security measures;

(i) Acceptable passing scores shall be no more than one and one-half (1 1/2) standard deviations below the mean of the norm group.

### Section 4. Rewriting the Examination.

Examination candidates who fail to achieve a passing score may rewrite the examination after submission of retake application, after meeting the requirements as stated in Section 1 and, if applicable, Section 2 of this regulation and submission of current administration of examination fee.

Section 5. Release of Examination Scores. The board shall not release examination scores to any individual or agency without written authorization from the applicant or licensee except as follows:

(1) The candidate;

(2) Other state boards of nursing for out-of-state graduates;

(3) Other state boards of nursing when requested for licensure;

(4) National council of state boards of nursing datacenter.

Section 6. The following regulations are hereby repealed: 201 KAR 20:010, School of nursing standards; 201 KAR 20:011, School

approval: 201 KAR 20:012, Approval reinstatement: 201 KAR 20:015, Faculty standards: 201 KAR 20:020, Registered nurse programs: 201 KAR 20:030, Registered nurse schools: 201 KAR 20:040, Practical nurse programs: 201 KAR 20:050, Practical nurse schools: 201 KAR 20:060, School closing procedures: 201 KAR 20:150, Experimental programs: 201 KAR 20:160, Complaint procedures.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 21, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Alta P. Haunsz, Credentials Director

(1) Type and number of entities affected: The proposed regulation affects all individuals applying for registered nurse or licensed practical nurse licensure by examination. Approximately 2,000 individuals apply for licensure by examination each year.

(a) Direct and indirect costs or savings to those affected: The proposed amendments will not change costs.

1. First year: No change.

2. Continuing costs or savings: No change.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: The proposed regulation amendments would have no effect on current reporting and paperwork requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None anticipated.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No change.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: The amendment is proposed to reflect current information regarding the name of the licensure examination which was changed from State Board Test Pool Examination to National Council Licensure Examination in July 1982, and the minimum score required for passing the examination.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None



**Tiering:**

Was tiering applied? Yes. The requirement for graduates of foreign nursing schools to have an interview with a representative of the board to establish satisfactory comprehension of the English language is no longer necessary since the Commission on Graduates of the Foreign Nursing Schools (CGFNS) examination which is required by the regulation tests both nursing and English language competency.

**GENERAL GOVERNMENT CABINET  
Board of Nursing  
(Proposed Amendment)**

**201 KAR 20:085. Licensure periods.**

RELATES TO: KRS 314.041, 314.051, 314.073  
PURSUANT TO: KRS [13.082,] Chapter 314  
NECESSITY AND FUNCTION: To provide for licensure periods for licenses issued. To provide for expiration dates of licenses.

Section 1. The licensure periods of [original Kentucky] licenses issued [by examination or endorsement] shall be as follows:

(1) Registered nurse licenses.

[(a) Registered nurse licenses issued prior to January 1, 1983 shall expire on April 30, 1983.]

[(b) Registered nurse licenses issued January 1, 1983 through June 30, 1984 shall expire on October 31, 1984.]

[(a) [(c)] Registered nurse licenses issued July 1, 1984 through June 30, 1986 shall expire on October 31, 1986.

[(b) [(d)] Registered nurse licenses issued during the first twenty (20) months of a biennial licensure period shall expire at the end (October 31) of the current biennial licensure period.

[(c) [(e)] Registered nurse licenses issued during the last four (4) months of a biennial licensure period shall expire at the end (October 31) of the succeeding biennial licensure period.

(2) Practical nurse licenses.

[(a) Licensed practical nurse licenses issued prior to July 1, 1982 shall expire on October 31, 1982.]

[(b) Licensed practical nurse licenses issued July 1, 1982 through June 30, 1983 shall expire on October 31, 1983.]

[(a) [(c)] Licensed practical nurse licenses issued July 1, 1983 through June 30, 1985 shall expire on October 31, 1985.

[(b) [(d)] Licensed practical nurse licenses issued during the first twenty (20) months of a biennial licensure period shall expire at the end (October 31) of the current biennial licensure period.

[(c) [(e)] Licensed practical nurse licenses issued during the last four (4) months of a biennial licensure period shall expire at the end (October 31) of the succeeding biennial licensure period.

Section 2. Biennial Licensure Periods. (1) [Beginning in 1983 and thereafter,] The biennial licensure period for licensed practical nurse licenses shall be November 1 of uneven years through October 31 of the following uneven years.

(2) [Beginning in 1984 and thereafter,] The biennial licensure period for registered nurse

licenses shall be November 1 of even years through October 31 of the following even years.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 21, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Sharon M. Weisenbeck, Executive Director

(1) Type and number of entities affected: The changes proposed for this regulation are editorial rather than substantive in nature. The amendments delete information which is no longer applicable.

(a) Direct and indirect costs or savings to those affected:

1. First year: No change.

2. Continuing costs or savings: No change.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No change.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None known

(b) Reporting and paperwork requirements: No change.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: This amendment is proposed to clarify regulatory language.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

**Tiering:**

Was tiering applied? No. Tiering was not applicable.

**GENERAL GOVERNMENT CABINET  
Board of Nursing  
(Proposed Amendment)**

**201 KAR 20:090. Temporary work permit.**

RELATES TO: KRS 314.101(3)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: To protect and safeguard the health and safety of the citizens of Kentucky and to provide a means for applicants to be employed while application for

a license is being processed.

Section 1. [(1)] An applicant for a license by endorsement or examination to practice nursing in Kentucky may be issued a temporary work permit to practice until the license is issued or denied.

Section 2. Eligibility for Temporary Work Permit. (1) [(2)] A graduate of a board approved program [school] of nursing in the United States or its territories who meets requirements as stated in 201 KAR 20:070 [applies] and is approved to write the first licensing examination scheduled by the board following graduation may [shall] be issued a temporary work permit upon payment of administration of [the] examination and licensure application [license] fees.

(2) A graduate of a school of nursing outside the United States who meets requirements as stated in 201 KAR 20:070 or 201 KAR 20:110 as applicable and is approved and has passed the commission on graduates of foreign nursing schools examination may be issued a temporary work permit upon payment of the administration of examination fee, if applicable, and licensure application fee.

(3) [(4)] An applicant for a license by endorsement who meets requirements as stated in 201 KAR 20:110 and holds a current active license in another state may [shall] be issued a temporary work permit upon proper completion of the application and payment of the licensure application [license] fee.

Section 3. Limitations of Temporary Work Permit. (1) [(3)] The new graduate, while holding a temporary work permit, shall practice only in nursing situations where continuous, direct, onsite supervision is provided by a registered nurse, physician or dentist.

(2) The temporary work permit issued to an applicant who fails the national council licensure examination or its equivalent shall be null and void upon notification to applicant of examination results.

(3) An applicant who has failed the national council licensure examination or its equivalent shall not be issued a temporary work permit.

(4) The temporary work permit is non-renewable and shall be valid only for the length of time required to process applications for endorsement or to conduct and determine the results of licensure examinations.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 21, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Alta P. Haunsz, Credentials Director

(1) Type and number of entities affected: Applicants for licensure by endorsement or

examination to practice nursing in Kentucky may be issued a temporary work permit to practice until the license is issued or denied. Approximately 2900 individuals apply for a temporary work permit each year.

(a) Direct and indirect costs or savings to those affected: The proposed regulation amendments will not change costs.

1. First year: No change.

2. Continuing costs or savings: No change.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: The proposed regulation amendments have no affect on existing reporting and paperwork requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None anticipated

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None known

(b) Reporting and paperwork requirements: No change.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative, to make no change, was assessed, and it was determined that existing policies and guidelines of the Board must be in regulation form. The revisions were necessary to insure than an applicant for a temporary work permit is eligible for either licensure by examination or licensure by endorsement.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

Tiering:

Was tiering applied? Yes. Tiering was applied in that this amendment provides that qualified applicants for a temporary work permit who are graduates of a school of nursing located outside the United States may be issued a permit. All other applicants must be graduates of a state approved pre-licensure educational program.

#### GENERAL GOVERNMENT CABINET

Board of Nursing

(Proposed Amendment)

201 KAR 20:095. Inactive nurse licensure status.

RELATES TO: KRS 314.041(7), 314.051(7)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: To provide [This amendment is necessary] for administration of requirements for obtaining [granting] and maintaining inactive licensure status, and to establish requirements for changing licensure status from inactive to active.

Section 1. An individual may apply for inactive status in Kentucky by meeting the

following requirements:

- (1) Complete [renewal] application. [;]
- (2) Pay current fee for inactive status.
- (3) Hold or have held Kentucky nurse licensure.
- (4) Submit copy of an official name change document (court order, marriage certificate, divorce decree), if applicable.

Section 2. An individual who has been granted inactive status shall receive a license with such inactive status designated on the face of the license.

Section 3. An individual holding inactive licensure status for less than five (5) years who wishes to apply for active licensure may do so by meeting the following requirements:

- (1) Complete an active status application. [;]
- (2) Pay current renewal fee for an active license. [;]
- (3) Meet continuing education requirements as specified in 201 KAR 20:230, Renewal of licenses, Sections 3 and 4 as appropriate.

Section 4. An individual holding an active nurse license issued by another jurisdiction and who has held Kentucky inactive licensure status for less than five (5) years must complete an active status application, pay current renewal fee for an active license, and show evidence of one (1) of the following before an active license will be issued:

- (1) Active practice in another state of at least one (1) year within the preceding five (5) years;
- (2) Completion of a board approved refresher course in nursing within the previous two (2) years preceding the date of application for active Kentucky licensure status;
- (3) Completion of continuing education requirements as specified in 201 KAR 20:230, Renewal of licenses, Sections 3 and 4 as appropriate.

Section 5. [4.] If an individual has held [an] inactive licensure status in Kentucky for five (5) or more years, he/she must complete an active status application, pay current renewal fee for an active license, and show evidence of one (1) of the following requirements before an active license will be issued.

- (1) Active practice in another state of at least one (1) year within the preceding five (5) years;
- [(2) Enrollment in a board recognized nursing program to further his/her education in nursing within the preceding three (3) years;]
- (2) [(3)] Completion of a board approved refresher course in nursing within the previous two (2) years preceding the date of application for active Kentucky licensure status [one (1) year from date of application];
- (3) [(4)] Completion of fifteen (15) contact hours of continuing education within the twenty-four (24) [twelve (12)] months preceding the date of application for active licensure status, in addition to the continuing education requirement as specified in 201 KAR 20:230, Renewal of licenses.

Section 6. For individuals who change licensure status from inactive to active during the last ten (10) months of a biennial contact hour earning period, contact hour earning which

meets or exceeds the contact hour requirement for the upcoming licensure renewal may be accepted as evidence of earning for both current and upcoming licensure periods.

Section 7. [5.] An individual who has been granted inactive status in Kentucky is prohibited from being employed in this state as a registered nurse or licensed practical nurse or from functioning in the capacity of a nurse while maintaining the inactive status. An individual who is employed or who practices as a nurse in this state while on inactive status shall be considered to be practicing without a license and in violation of KRS 314.031 and subject to the penalties in KRS Chapter 314.

Section 8. The board may require retaking of the licensure examination and achievement of a passing score by a nurse or applicant for licensure who previously has successfully taken the examination, but whose license has been on Kentucky inactive status for more than five (5) years, and the nurse or applicant for licensure has not held a current active license in another jurisdiction and practiced as a nurse for a period of time as required in this regulation.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 22, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: All registered nurses and licensed practical nurses holding current inactive licensure status in the Commonwealth of Kentucky. As of March 1985 a total of 6,270 licensees held inactive licensure status in Kentucky.

(a) Direct and indirect costs or savings to those affected:

1. First year: No change.
2. Continuing costs or savings: No change.
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
- (b) Reporting and paperwork requirements: The proposed regulation amendments have no effect on existing reporting and paperwork requirements.

(2) Effects on the promulgating administrative body:

- (a) Direct and indirect costs or savings:
  1. First year: None anticipated
  2. Continuing costs or savings: None
  3. Additional factors increasing or decreasing costs: None
- (b) Reporting and paperwork requirements: No change.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative, to make no change, was assessed, and it was determined that existing policies and guidelines

of the Board must be in regulation form. The revisions outlined in Sections 3, 4, 5, and 6 are editorial, in order that language of this regulation will be in consonance with language in other Kentucky Board of Nursing administrative regulations. Section 8 of the regulation provides for an alternative method for evaluating practice competency for licensees who have not recently practiced.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

**Tiering:**

Was tiering applied? No. Tiering was not applied in this amendment in that it provides for administration of requirements for all licensees holding inactive nurse licensure status.

**GENERAL GOVERNMENT CABINET**

**Board of Nursing  
(Proposed Amendment)**

**201 KAR 20:110. Licensure by endorsement.**

RELATES TO: KRS 314.041(4), 314.051(5)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: To assure that licensed nurses applying for licensure in Kentucky have met equivalent standards required of graduates of Kentucky programs of nursing [schools]. To provide some security in the endorsement process.

Section 1. Eligibility for Licensure by Endorsement. (1) To be eligible for licensure by endorsement, applicants shall:

(a) Hold a high school diploma or equivalent.

(b) Have completed a state approved program of practical nursing for licensed practical nurse licensure or a state approved program of registered nursing for registered nurse licensure equivalent to Kentucky requirements.

(c) Have taken a licensure examination acceptable to the board and shall have achieved a passing score equivalent to Kentucky requirements as stated in 201 KAR 20:070 or as determined by board policy for applicants licensed prior to 1953.

(d) Have and submit a copy of a current active license to practice nursing in another state.

(e) Accurately complete and submit application form and necessary information for licensure in Kentucky.

(f) Submit a recent (within past six (6) months) two (2) x three (3) inches photograph which shall be signed and dated on the front under the facial features. Snapshots are not acceptable.

(g) Submit the current fee for a licensure application.

(h) Have submitted by the licensing authority verification of licensure as a nurse in the United States jurisdiction of original licensure including a statement that the license is in good standing and has not been revoked,

suspended, limited, probated or otherwise disciplined by the licensing authority.

(i) Report any disciplinary action(s) taken or pending on licenses by other U.S. jurisdictions.

(j) Submit official copy(ies) of court record(s) of any misdemeanor and/or felony conviction(s) with a letter of explanation.

(2) An application is valid for a period of one (1) year from date of submission to board. The application shall:

(a) Submit a copy of a marriage certificate or court order to change name after the original application is filed.

(b) Notify the board in writing as soon as any new address is established after submitting the application.

(3) After one (1) year from date of receipt of application, the applicant shall:

(a) Submit new application.

(b) Submit current licensure application fee.

(c) Meet requirements as stated in this section.

Section 2. Graduates of Foreign Nursing Schools. (1) All graduates of foreign nursing schools shall:

(a) Meet the requirements of Section 1 of this regulation.

(b) Submit official transcript of nursing program.

(2) Graduates of foreign nursing schools who are not citizens of the United States shall submit evidence of [the following:]

[[a]] legal permanent or temporary residency in the United States according to the laws and regulations of the U.S. Department of Justice, Immigration and Naturalization Services and the U.S. Department of Labor.

[[b]] Official transcript of nursing program.]

(3) Credentials in a foreign language shall be translated at the applicant's expense by an official translation agency or approved college or university.

Section 3. Graduates of Canadian Nursing Schools. (1) All graduates of Canadian nursing schools shall meet requirements in Sections 1 and 2 of this regulation.

(2) Applicants who took the Canadian nurses association test service examination shall:

(a) Submit evidence that the examination was taken in English.

(b) Achieve a standard score of 350 on the five (5) part examination given prior to August, 1980, or 400 on the comprehensive examination given after August, 1980.

Section 4. [3.] Nursing Practice Requirements.

(1) The applicant who has been actively licensed and engaged in nursing practice for at least one (1) year during the preceding five (5) years shall submit evidence from employer(s) to verify such active practice.

(2) The applicant who has not been actively licensed and engaged in nursing practice for at least one (1) year during the preceding five (5) years shall complete the continuing education requirements for relicensure for the current licensure period and in addition shall complete one (1) of the following prior to being licensed by the board:

(a) Fifteen (15) contact hours in continuing education in nursing within the twenty-four (24) months preceding the date of application for

active Kentucky licensure status.

(b) A board approved refresher course in nursing within the twenty-four (24) months preceding the date of application for active Kentucky licensure status.

Section 5. The board may require retaking of the licensure examination and achievement of a passing score by an applicant for licensure who previously has successfully taken the licensure examination but who has not held a current active license issued by another jurisdiction and practiced as a nurse for a period of time as required in this regulation.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 21, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Alta P. Haunsz, Credentials Director

(1) Type and number of entities affected: The regulation amendment affects all individuals applying for registered nurse or licensed practical nurse licensure in Kentucky by endorsement from another state, territory or foreign country, and certain applicants who have not held current active licensure for a period of time. Approximately 950 individuals apply for licensure by endorsement in Kentucky each year.

(a) Direct and indirect costs or savings to those affected:

1. First year: None
2. Continuing costs or savings: No change.
3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: The proposed regulation amendments would have no effect on current reporting and paperwork requirements.

(2) Effects on the promulgating administrative body:

- (a) Direct and indirect costs or savings:
  1. First year: None
  2. Continuing costs or savings: None
  3. Additional factors increasing or decreasing costs: None known

(b) Reporting and paperwork requirements: The proposed regulation amendments would have no effect on current reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative, to make no change, was assessed and it was determined that existing policies and guidelines of the board must be in regulation form. The revisions in Section 4 are editorial in order that the language of this regulation will be in consonance with language in other Kentucky Board of Nursing administrative regulations. Section 5 of the regulation provides for an alternative method for evaluating practice competency for

licensees who have not recently practiced.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Tiering was not applied in this amendment in that it provides for administration of requirements for all licensees requesting licensure by endorsement.

GENERAL GOVERNMENT CABINET

Board of Nursing  
(Proposed Amendment)

201 KAR 20:200. Definitions for mandatory continuing education.

RELATES TO: KRS 314.011(11), 314.021, 314.073, 314.131(1)

PURSUANT TO: KRS Chapter 314 [314.021, 314.131(1)]

NECESSITY AND FUNCTION: [The Kentucky Board of Nursing is charged with administering a continuing education requirement for relicensure of nurses beginning in 1982.] In order to implement a statewide system of mandatory continuing education, it is necessary for nurses, providers, and the board to use common terminology for communication about continuing education. For the purposes of mandatory continuing education, and regulations pertaining thereto.

Section 1. Definitions. (1) "Approved" means board recognized.

(2) "Completed" means for the purpose of KRS 314.073(2) that contact hours have been earned [, reported to and recorded by the board].

(3) "Contact hour" means that which is defined in KRS 314.073(1).

(4) "Continuing education" means that which is defined in KRS 314.011(11).

(5) "Educational unit" means a structural entity with designated administrative and nursing personnel, budget, financial support, facilities, and resources to administer and coordinate continuing education functions.

[(6) "Individual nurse participant record" means an approved form submitted by the nurse for reporting contact hours.]

[(6) [(7)] "Inservice education" means that part of an employing agency's staff development program designed to provide information related to the work setting such as philosophy, policies, procedures, on-the-job training, orientation, basic cardiopulmonary resuscitation, and equipment demonstration as distinguished from an offering designed to meet the approved standards and criteria for continuing education.

[(7) [(8)] "Offering" means an organized learning experience, planned and evaluated to meet behavioral objectives based on assessed learning needs of nurse participants; an offering may be presented in one (1) session or

a series of sessions.

(8) [(9)] "Participants' evaluation summary" means the approved form which summarizes participants' evaluations of an offering.

(9) [(10)] "Participant roster" means the approved attendance record [submitted by the provider].

(10) [(11)] "Program" means the overall organized effort of a provider directed towards accomplishing objectives of a planned continuing education curriculum which consists of offerings.

(11) [(12)] "Provider" means an entity which conducts continuing education program/offering(s).

(12) [(13)] "Provide number" means the permanent, nontransferable number assigned by the board to a provider.

(13) [(14)] "Self-study" means a self-directed learning experience under the guidance of, and monitored by, an approved provider.

(14) [(15)] "Successful completion" means the participant has satisfactorily met the specific requirements of an offering.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 22, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: This proposed revision affects all individuals holding or applying for, active current Kentucky licensure as registered nurses or licensed practical nurses. As of March, 1985, a total of 32,094 licensees held active licensure status. It also affects all (149) Kentucky Board of Nursing approved providers of mandatory continuing education.

(a) Direct and indirect costs or savings to those affected: The actual direct and indirect savings to those affected by this proposed change in reporting procedure for contact hour earning is difficult to estimate. However, historical data gathered in the years 1981 through 1984 clearly indicate that the current documentation system requires an increasing high volume of paperwork documentation. For instance, during fiscal year 1981 Kentucky Board of Nursing approved providers of mandatory continuing education submitted a total of 1,900 participant rosters documenting continuing education offering attendance by Kentucky licensees. By fiscal year 1983-84 the number of participant rosters submitted by Board of Nursing approved providers had increased to 4,644. During the same time period the number of individual licensees submitting documentation of continuing education earning by either out-of-state providers or academic credit offerings remained relatively stable at approximately 3,000 and 1,000 respectively. The elimination of the provision of routine reporting of documentation of continuing

education earning is anticipated to have its most direct savings in the area of paperwork processing, clerical support time, and postage.

1. First year: See above.

2. Continuing costs or savings: See above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): See above

(b) Reporting and paperwork requirements: See above.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: See 2 below.

2. Continuing costs or savings: It is anticipated that when the system is fully implemented in 1986, the major area of direct savings to this agency would be in staff time. Initial estimate placed on cost savings for staff time is approximately \$43,000.

3. Additional factors increasing or decreasing costs: Reduction in the volume of paperwork processing anticipated as a result of this amendment is expected to have a significant impact on decreasing costs related to computer space, processing time, disk storage, file cabinet storage, preparation and transportation of materials for archival storage, mailing costs and general paper costs.

(b) Reporting and paperwork requirements: See above.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: A thorough evaluation of the existing procedure was undertaken by the Board of Nursing and the data gathered clearly supported the need for implementation of a less complex, less costly method of verifying continuing education earnings by Kentucky licensees.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Tiering was not applicable.

#### GENERAL GOVERNMENT CABINET Board of Nursing (Proposed Amendment)

201 KAR 20:205. Standards for continuing education offerings.

RELATES TO: KRS 314.011(11), 314.021, 314.031(1), 314.073, 314.131

PURSUANT TO: KRS Chapter 314 [314.021, 314.031(1), 314.131(1)]

NECESSITY AND FUNCTION: In order to implement a statewide system of mandatory continuing education for relicensure of nurses, it is necessary for the board to set standards for continuing education offerings.

Section 1. An Approved Offering. An approved offering shall comply with the board's administrative and offering standards. The applicant for approval of an offering shall submit evidence of:

(1) Instructor(s) qualifications. The instructor(s) shall have academic preparation equal to, or greater than, that of the target audience, and shall have expertise in the subject matter, and experience in presenting content to adult learners.

(2) Assessment of learning needs. The justification for approved continuing education shall reflect planning in response to a current, systematic assessment of the learning needs of nurses.

(3) Behavioral objectives. The content, learning activities, teaching methodology, space provided, time allotted, and evaluation shall be based on, and congruent with, the identified behavioral objectives which shall clearly identify the particular skills, attitudes, and knowledge which the learner can expect to acquire as an outcome of participating in the learning activity.

(4) Content of continuing education. The content shall be designed to present current theoretical knowledge to enhance and expand nursing skills, and to promote the development, or change in attitudes necessary to make competent judgments and decisions in nursing.

(5) Principles of adult education. An educational offering shall be based on principles of adult education which shall include, but are not limited to: content meaningful to the target audience, provision for learner participation and utilization of a variety of formats and teaching techniques.

(6) Records and reports. The provider shall have a system for maintenance and retrieval of the records of offering(s) and participant attendance.

(a) The system shall provide [for the submission of required attendance and evaluation records to the board upon the completion of the offering and] for the maintenance and retrieval of reports and records for a minimum of three (3) years.

(b) Records shall be maintained in a confidential manner.

(c) The nurse shall have access to personal record(s) and be provided with a certificate of attendance, individual nurse participant record or transcript upon successful completion of the offering.

(7) Evaluation of continuing education. The method of evaluation shall be identified during the planning phase.

Section 2. Applications for approval of an offering shall be submitted in accordance with requirements at least ninety (90) days prior to the scheduled date of presentation.

(1) The offering approval period awarded shall be set forth in the approval notification letter sent to the provider by the board.

(2) An approved offering may be presented as many times as desired during the approval period as long as the board's standards are maintained.

(3) The provider shall notify the board of any change in the administration of the educational unit or planned offering which occurs after approval is granted; failure to do so is grounds for revocation of approval.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 22, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: This proposed revision affects all individuals holding or applying for, active current Kentucky licensure as registered nurses or licensed practical nurses. As of March, 1985, a total of 32,094 licensees held active licensure status. It also affects all (149) Kentucky Board of Nursing approved providers of mandatory continuing education.

(a) Direct and indirect costs or savings to those affected: The actual direct and indirect savings to those affected by this proposed change in reporting procedure for contact hour earning is difficult to estimate. However, historical data gathered in the years 1981 through 1984 clearly indicate that the current documentation system requires an increasing high volume of paperwork documentation. For instance, during fiscal year 1981 Kentucky Board of Nursing approved providers of mandatory continuing education submitted a total of 1,900 participant rosters documenting continuing education offering attendance by Kentucky licensees. By fiscal year 1983-84 the number of participant rosters submitted by Board of Nursing approved providers had increased to 4,644. During the same time period the number of individual licensees submitting documentation of continuing education earning by either out-of-state providers or academic credit offerings remained relatively stable at approximately 3,000 and 1,000 respectively. The elimination of the provision of routine reporting of documentation of continuing education earning is anticipated to have its most direct savings in the area of paperwork processing, clerical support time, and postage.

1. First year: See above.

2. Continuing costs or savings: See above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): See above.

(b) Reporting and paperwork requirements: See above.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: See 2 below.

2. Continuing costs or savings: It is anticipated that when the system is fully implemented in 1986, the major area of direct savings to this agency would be in staff time. Initial estimate placed on cost savings for staff time is approximately \$43,000.

3. Additional factors increasing or decreasing costs: Reduction in the volume of paperwork processing anticipated as a result of this amendment is expected to have a significant



impact on decreasing costs related to computer space, processing time, disk storage, file cabinet storage, preparation and transportation of materials for archival storage, mailing costs and general paper costs.

(b) Reporting and paperwork requirements: See above.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: A thorough evaluation of the existing procedure was undertaken by the Board of Nursing and the data gathered clearly supported the need for implementation of a less complex, less costly method of verifying continuing education earnings by Kentucky licensees.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Tiering was not applicable.

**GENERAL GOVERNMENT CABINET  
Board of Nursing  
(Proposed Amendment)**

**201 KAR 20:215. Contact hours.**

RELATES TO: KRS 314.011(11), 314.021, 314.073, 314.131(1)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: For administration of the continuing education requirement, it is necessary for the board to develop standards for awarding contact hour(s).

Section 1. To earn contact hour approval, the nurse shall successfully complete the requirements specified by the provider, or as prescribed by the board for an approved continuing education activity. To satisfy the continuing education requirement for an active Kentucky license, contact hours shall be earned in an approved continuing education activity(ies).

(1) An approved offering shall consist of at least one (1) contact hour.

(a) An offering may be presented in one (1) session (one (1) contact hour), or a series of sessions, each of which shall provide at least one (1) contact hour.

(b) Fractional parts of a contact hour shall not be approved for an offering.

(2) Academic credit in nursing may satisfy the continuing education requirement. Academic credit may be converted to contact hours as follows:

(a) One (1) semester academic credit hour equals [=] fifteen (15) contact hours.

(b) One (1) quarter academic credit hour equals [=] twelve (12) contact hours.

(3) Self-study earning via programming approved by national nursing organizations

recognized by the board may satisfy the continuing education requirement. [Self-study may be approved for relicensure beginning in 1984. Prior to 1984, approval of self-study may be considered on an individual basis for those licensees employed or living outside the United States.]

(4) Contact hours awarded by another organization may be recognized by the board as equivalent, or comparable provided the organization's standards and criteria for continuing education and the approval mechanism have been reviewed and approved by the board.

Section 2. The following types of courses will not satisfy the continuing education requirements for licensure:

(1) Courses in nursing which were a part of the nurse's prelicensure preparation. (This does not preclude approval of nursing electives or other courses in nursing science beyond the basic nursing program.)

(2) Courses in other auxiliary training programs.

(3) Inservice education as defined in 201 KAR 20:200, Section 1(6) [(7)].

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 22, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: All individuals holding or making application for current active Kentucky registered nursing or licensed practical nursing licensure. As of March, 1985, a total of 32,094 licensees held active licensure status.

(a) Direct and indirect costs or savings to those affected:

1. First year: No change.

2. Continuing costs or savings: No change.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: The proposed regulation amendments have no effect on existing reporting and paperwork requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None anticipated.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None known

(b) Reporting and paperwork requirements: No change.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: This provision which allows for continuing education earning by self study methodologies clarifies that such methodologies are in fact approved by the board

for all licensees consonant with the provisions of KRS 314.073(3).

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Tiering was not applicable.

GENERAL GOVERNMENT CABINET  
Board of Nursing  
(Proposed Amendment)

201 KAR 20:225. Reinstatement of [a lapsed] License.

RELATES TO: KRS 314.071, 314.073  
PURSUANT TO: KRS 314.021, 314.031(1), 314.131(1)

NECESSITY AND FUNCTION: To provide for procedures for reinstatement of a license that has lapsed or has been subject to disciplinary action. [A license that is not renewed shall lapse and relicensure shall be by reinstatement.]

Section 1. Lapsed License. A lapsed license may occur for any of the following reasons:

(1) Failure to apply for license renewal for any reason.

(2) Failure to meet the continuing education requirement as prescribed by law and regulations.

(3) Failure to submit adequate data to enable the board to complete processing an application.

(4) Failure to submit current fee.

Section 2. Requirements for License Reinstatement. (1) If a licensee fails to renew an active license as prescribed by law and regulation, the license shall lapse on the last day of the licensure period.

(2) The board may issue an active license by reinstatement if the applicant:

(a) Submits a completed application form;

(b) Submits the current application fee; and

(c) Meets the continuing education requirements for the current licensure period and completes additional contact hours dependent upon time period of lapsed license as follows:

1. One (1) year: no additional contact hours.

2. Two (2) years: five (5) additional contact hours.

3. Three (3) years: ten (10) additional contact hours.

4. Four (4) or more years: fifteen (15) additional contact hours or a board approved refresher course.

Section 3. Reinstatement Requirements for Individuals Holding an Active Nurse License Issued by Another Jurisdiction [Out-of-State Residents Holding Lapsed Kentucky License]. (1) The applicant who has been actively licensed and engaged in nursing practice in another state for at least one (1) year during the preceding five (5) years shall submit evidence from employer(s)

to verify such active practice.

(2) The applicant who has not been actively licensed and engaged in nursing practice in another state for at least one (1) year during the preceding five (5) years shall complete the continuing education requirements for relicensure for the current licensure period and in addition shall complete one (1) of the following prior to being licensed by the board:

(a) Fifteen (15) contact hours of continuing education in nursing within the twenty-four (24) months preceding the date of application for active Kentucky licensure status.

(b) A board approved refresher course in nursing within the twenty-four (24) months preceding the date of application for active Kentucky licensure status.

Section 4. For individuals who reinstate Kentucky nursing licensure during the last ten (10) months of a biennial contact hour earning period, contact hour earning which meets or exceeds the contact hour requirement for the upcoming licensure renewal may be accepted as evidence of earning for both current and upcoming licensure periods.

Section 5. [4.] The board may reinstate a license to either active or inactive status as requested by the individual reinstatement applicant.

Section 6. [5.] Reinstatement of a License Subject to Disciplinary Action. (1) If a license has been denied, suspended or revoked by the board in a disciplinary action, the individual may petition the board after two (2) years, unless otherwise specified in a decision or agreed order entered by the board [the terms of reinstatement of the license shall be prescribed by the board].

(2) The individual shall submit evidence in writing, verified by oath that:

(a) The requirements of a decision or agreed order have been met.

(b) The basis for the disciplinary action has been removed and that issuance of a license would no longer be a threat to public safety and health.

(3) [(2)] In addition, the applicant [nurse] shall comply with the requirements prescribed in Section 2 of this regulation for reinstatement of an active license.

Section 7. The board may require retaking of the licensure examination and achievement of a passing score by a nurse or applicant for licensure who previously has successfully taken the examination but whose license has been subjected to disciplinary action, or who has not held a current active license issued by another jurisdiction and practiced as a nurse for a period of time as required in this regulation for reinstatement of license.

Section 8. A copy of an official name change document (court order, marriage certificate, divorce decree) shall be submitted by the applicant when making application, if applicable.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on

this regulation will be held on May 21, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

## REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: This proposed regulatory amendment would affect individuals holding lapsed Kentucky registered nurse and/or licensed practical nurse licensure. During fiscal year 1983-84 a total of 261 registered nurses and 457 licensed practical nurses reinstated lapsed Kentucky licenses.

(a) Direct and indirect costs or savings to those affected:

1. First year: No change.

2. Continuing costs or savings: No change.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No change.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None known

(b) Reporting and paperwork requirements: No change.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: The amendments proposed to this regulation are made to provide for consonance with existing administrative regulations which address similar content areas.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

Tiering:

Was tiering applied? Yes. Tiering was applied in that Section 7 of this proposed amendment provides for an alternative method for evaluating practice competencies for licensees who have not recently practiced.

GENERAL GOVERNMENT CABINET  
Board of Nursing  
(Proposed Amendment)

201 KAR 20:230. Renewal of licenses.

RELATES TO: KRS 314.041, 314.051, 314.071, 314.073

PURSUANT TO: KRS [13.082,] Chapter 314

NECESSITY AND FUNCTION: To assure that applicants for renewal of licenses meet minimum standards set forth by the board as necessary

for safe practice. To provide consistency in procedures.

Section 1. Eligibility for Renewal of Licenses. To be eligible for renewal of licenses, applicants shall:

(1) Hold a valid and current license issued by the board;

(2) Submit completed application form to board office to be received or postmarked no later than the last day of the licensure period;

(3) Submit current fee; [and]

(4) Have met continuing education contact hour requirements, if applicable;

(5) Submit official copy(ies) of court records of any misdemeanor and/or felony conviction(s) with a letter of explanation;

(6) Report any disciplinary action(s) taken or pending on license(s) in other U.S. jurisdictions;

(7) Have no disciplinary action pending by the board for violation(s) of KRS Chapter 314;

(8) Have paid all monies due to the board; and

(9) Submit copy of an official name change document (court order, marriage certificate, divorce decree), if applicable.

Section 2. Applicants for current inactive licenses and those who are renewing for the first time an original Kentucky license issued by examination or endorsement are exempt from meeting continuing education contact hour requirements.

Section 3. Continuing Education Contact Hours Required for Renewal of Current Active Registered Nurse Licenses. (1) Continuing education contact hours earned by licensure renewal applicants according to board requirements shall meet requirements for renewal of 1986 and 1988 [1983 and 1984] registered nurse licenses as applicable to the following:

[(a) Ten (10) contact hours of continuing education earned during the period of January 1, 1981 through December 31, 1982 for renewal of 1983 registered nurse licenses; and]

[(b) Twenty-two (22) contact hours of continuing education earned during the period of January 1, 1982 through May 31, 1984 for renewal of 1984 registered nurse licenses.]

(a) [(2)] Beginning in 1984 [and thereafter], applicants shall earn thirty (30) contact hours of continuing education during the period of June 1 through May 31 of the second succeeding year for renewal of registered nurse licenses expiring on October 31 of a current licensure period.

(b) Beginning in 1986, applicants shall earn thirty (30) contact hours of continuing education during the period of June 1 through October 31 of the second succeeding year for renewal of registered nurse licenses expiring on October 31 of a current licensure period.

(2) Beginning in 1988 and thereafter, applicants shall earn thirty (30) contact hours of continuing education during the period of November 1 through October 31 of the second succeeding year for renewal of registered nurse licenses expiring on October 31 of a current licensure period.

Section 4. Continuing Education Contact Hours Required for Renewal of Current Active Licensed Practical Nurse Licenses. (1) Continuing

education contact hours earned by licensure renewal applicants according to board requirements shall meet requirements for renewal of [1982, 1983 and] 1985 and 1987 licensed practical nurse licenses as applicable to the following:

[(a) Five (5) contact hours of continuing education earned during the period of April 30, 1981 to April 30, 1982 for renewal of 1982 licensed practical nurse licenses;]

[(b) Ten (10) contact hours of continuing education earned during the period of April 30, 1981 to April 30, 1983 for renewal of 1983 licensed practical nurse licenses; and]

(a) [(c)] Thirty (30) contact hours of continuing education earned during the period of April 30, 1982 through May 31, 1985 for renewal of [1985] licensed practical nurse licenses expiring on October 31, 1985.

(b) [(2)] Beginning in 1985 [and thereafter], applicants shall earn thirty (30) contact hours of continuing education during the period of June 1 through October 31 of the second succeeding year for renewal of licensed practical nurse licenses expiring on October 31 of a current licensure period.

(2) Beginning in 1987 and thereafter, applicants shall earn thirty (30) contact hours of continuing education during the period of November 1 through October 31 of the second succeeding year for renewal of licensed practical nurse licenses expiring on October 31 of a current licensure period.

Section 5. Licensure Period. (1) The licensure period for current active and inactive registered nurse licenses shall be for a biennial period of November 1 through October 31 of even years. [as follows:]

[(a) Applicants approved for renewal of 1983 licenses shall be issued valid and current licenses for the period of May 1, 1983 through October 31, 1984.]

[(b) Beginning in 1984 and thereafter, applicants approved for renewal of licenses shall be issued current and valid licenses for a biennial period of November 1 through October 31.]

(2) The licensure period for current active and inactive licensed practical nurse licenses shall be for a biennial period of November 1 through October 31 of uneven years. [as follows:]

[(a) Applicants approved for renewal of 1982 licenses shall be issued valid and current licenses for the period of November 1, 1982 through October 31, 1983.]

[(b) Beginning in 1983 and thereafter, applicants approved for renewal of licenses shall be issued current and valid licenses for a biennial period of November 1 through October 31.]

Section 6. Valid and current licenses issued by the board may be renewed on either an active or inactive status.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 22, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M.

Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

# REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: All registered nurses and licensed practical nurses holding current active and/or inactive licensure status in the Commonwealth of Kentucky. As of March 1985, 26,792 registered nurses held current licensure status and 11,572 licensed practical nurses held current licensure status.

(a) Direct and indirect costs or savings to those affected:

1. First year: No change.

2. Continuing costs or savings: No change.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No change.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None anticipated

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None known

(b) Reporting and paperwork requirements: No change.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: The significant content changes in this proposed amendment are those noted in Sections 3 and 4. These changes are proposed in order that what are now separate and distinct time period for earning continuing education contact hours, and renewing nursing licenses may be merged into one time frame. Although this proposed amendment will have no effect on existing reporting, paperwork, or cost requirements, it is anticipated that an orderly transition to one earning and renewal time frame will be mutually beneficial to both the affected individuals and the promulgating agency.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Tiering was not applicable.

## GENERAL GOVERNMENT CABINET Board of Nursing (Proposed Amendment)

201 KAR 20:240. Fees for applications and for services.

RELATES TO: KRS 314.041(5), 314.042(3),(6), 314.051(3), 314.071(1),(2), 314.073(4),(6), 314.131(1), 314.161

PURSUANT TO: KRS [13.082,] 61.874(2), Chapter 314

NECESSITY AND FUNCTION: To establish fees to carry out the provisions of KRS Chapter 314.

Section 1. Fees for Licensure and Registration Applications. (1) The board shall collect fees for applications for licensure or for registration, and for renewal or reinstatement thereof.

(2) The fees shall not exceed the amounts indicated for the following applications:

(a) Licensure as a registered nurse - seventy (70) dollars.

(b) Licensure as a licensed practical nurse - seventy (70) dollars.

(c) Biennial renewal of active license - fifty (50) dollars.

(d) Biennial renewal of inactive license - thirty-five (35) dollars.

(e) Reinstatement of lapsed license - seventy (70) dollars.

(f) Active to inactive license status - thirty-five (35) dollars.

(g) Inactive to active license status - fifty (50) dollars.

(h) Endorsement verification of Kentucky licensure or registration - twenty (20) dollars.

(i) Duplicate license or registration letter - ten (10) dollars.

(j) Registration as an advanced registered nurse practitioner - seventy (70) dollars.

(k) Biennial renewal of registration as an advanced registered nurse practitioner - forty-five (45) dollars.

(l) Reinstatement of registration as an advanced registered nurse practitioner - seventy (70) dollars.

(3) An application shall not be evaluated unless current fee is submitted.

Section 2. Fees for Applications for Continuing Education Approvals. (1) The board shall collect fees for applications for approval of providers of continuing education and for renewal or reinstatement thereof not to exceed the following amounts:

(a) Initial provider approval - \$100.

(b) Reinstatement of provider approval - \$100.

(c) One (1) year renewal of approval - twenty-five (25) dollars.

(d) Two (2) year renewal of approval - fifty (50) dollars.

(e) Four (4) year renewal of approval - \$100.

(2) The board shall collect fees for applications for approval of programs and offerings of continuing education for those approved providers who do not hold programming approval granted by an organization whose standards are deemed comparable to or exceed the approval standards of the board as stated in 201 KAR 20:205, 201 KAR 20:210 and Section 1(4) of 201 KAR 20:215. The application fees shall not exceed the following amounts:

(a) Annual program approval - \$300.

(b) Annual offering approval - fifty (50) dollars.

(3) An application for an individual offering approval shall not exceed fifty (50) dollars.

Section 3. Fees for Services. (1) The board shall collect fees for the following services not to exceed the amounts indicated:

(a) Administration of examination for

registered nurse licensure - sixty (60) dollars.

(b) Administration of examination for practical nurse licensure - thirty-five (35) dollars.

(c) Verification of licensure or registration letter - five (5) dollars.

(d) Copies of examination score(s) and [,] transcripts [, statutes, regulations, duplicated material, printed material] - five (5) dollars [minimum or twenty-five (25) cents per page].

(e) Verification of individual licensee continuing education earning report - five (5) dollars.

(f) Nursing certificate (optional) - thirty (30) dollars.

(2) The fee for copies of statutes, regulations, and duplicated or printed materials shall be one (1) dollar minimum or shall not exceed twenty-five (25) cents per page.

(3) [(2)] An applicant for licensure who writes or rewrites the licensure examination shall pay the current examination fee as required by the national council of state boards of nursing in addition to the board application for licensure and administration of examination fees.

(4) [(3)] A nurse who is licensed in another state, United States territory or country and who submits an application for licensure in Kentucky as a registered nurse or a licensed practical nurse, but who is required to write or rewrite the licensure examination, shall pay the current examination fee as required by the national council of state boards of nursing in addition to the board application for licensure and administration of examination fees.

(5) [(4)] Applicants rewriting the licensure examination shall:

(a) Submit fee for administration of examination prior to each time examination is taken.

(b) Submit new application and current fees if more than one (1) year has passed since date last examination was written or more than two (2) years has passed since the filing date of the original application.

(6) [(5)] Graduates of foreign schools of nursing shall assume responsibility for costs incurred to submit credentials translated into English, commission on graduates of foreign nursing schools certificates, immigration documents and other documents needed to verify meeting licensure requirements.

Section 4. With the exception as stated in Section 3(4)(b) of this regulation, an application, which is not completed within one (1) year from the date the application form is filed with the board office, shall lapse and the fee shall be forfeited.

Section 5. An applicant who meets all requirements for approval, licensure or registration will be issued the appropriate approval, license or registration without additional fee.

Section 6. Refunds [may be issued according to policy approved by the board]. (1) Current fee on file for an examination candidate unable to be present for the administration of an examination due to unusual circumstances such as weather conditions, accidents, illness, family circumstances, will be refunded upon submission

of written request by candidate.

(2) Overpayment of five (5) dollars or more of current fee will be refunded upon submission of written request by payer.

Section 7. A partial application fee may be held on record for one (1) year and may be applied toward the fee to meet the requirements for licensure or registration.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 22, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sharon A. Weisenbeck, Executive Director

(1) Type and number of entities affected: This amendment will affect only those individuals requesting duplicated or printed materials from this agency and/or those individuals seeking refunds for examination application or overpayment of fees.

(a) Direct and indirect costs or savings to those affected:

1. First year: Revised Section 3 will represent a minimal increase in costs to those affected. The revisions in Section 6 are anticipated to have minimal effect on savings to those affected.

2. Continuing costs or savings: As above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: The proposed regulation clarifies under Section 6 that refund requests must be in writing.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Minimal savings are anticipated for this agency, however, the costs for the fees outlined in Section 2 more closely approximate the actual cost of materials. The proposed amendments in Sections 6 and 7 are made in accordance with KRS Chapter 13A which requires agency policies to be in regulatory form.

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues:

(4) Assessment of alternative methods; reasons why alternatives were rejected:

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Tiering was not applicable.

#### TOURISM CABINET

Department of Fish and Wildlife Resources  
(Proposed Amendment)

301 KAR 2:045. Upland game birds, furbearers and small game; seasons, limits.

RELATES TO: KRS 150.010, 150.025, 150.170, 150.300, 150.305, 150.330, 150.340, 150.360, 150.365, 150.370, 150.390, 150.400

PURSUANT TO: KRS 13A.350, 150.025 [13.082]

NECESSITY AND FUNCTION: This regulation pertains to the hunting season, bag and possession limits for upland game birds and animals and trapping season for furbearers. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of [the] wildlife resources 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, animals and furbearers within reasonable limits based upon an adequate supply. This amendment is necessary to change the season dates for selected species listed herein [rabbit and quail season dates].

Section 1. Hunting and Trapping Seasons. (1) Squirrel (gray and fox): September 14 through November 7 [third Saturday in August through October 31,] and third Thursday in November through December 31.

(2) Rabbits: Third Thursday in November through February 16 [January 31].

(3) Quail: Third Thursday in November through February 16 [10].

(4) Grouse: Third Thursday in November through the last day in February.

(5) Furbearers: Third Thursday in November through January 31. Includes mink, muskrat, beaver, opossum, red fox, raccoon, weasel and skunk. The bobcat is protected year around and may not be trapped or killed.

(6) Traps and snares: All dry land sets are limited to No. 2 or smaller smooth-jawed steel traps and No. 220 or smaller Conibear-type traps set no closer than ten (10) feet apart and snares without a self-locking device. Traps or snares shall not be set in trails or paths commonly used by humans and/or domestic animals.

(7) Taking raccoon and opossum: Raccoon and opossum may not be taken from a vehicle or boat with the aid of artificial light at any time or any place except by trapping.

(8) Falconry hunting: Squirrels, rabbits, quail, ruffed grouse, and furbearers may be taken by falconry from September 1 through February 15. During the portions of this season which occur outside of seasons specified in subsections (1), (2), (3), (4) and (5) of this section, the daily falconry bag limit may not exceed two (2) of any of these species, singly or in the aggregate, per falconer [the wildlife listed in this section may be pursued and taken by a licensed falconer with any legal hunting raptor from November 1 through the last hunting date listed for each species, except that squirrels may be taken starting the third

Saturday in August].

(9) The wildlife listed in this section may be taken by the use of hand or mouth operated calling or attracting devices during open seasons.

#### Section 2. Bag and Possession Limits.

Game	Bag Limits	Possession Limits
Squirrel (gray and fox)	6	12
Rabbit	4	8
Quail	8	16
Grouse	4	8
Furbearers (except raccoon by means other than trapping)	No limits	No limits
Raccoon (by means other than trapping)	1*	No limits**

\*One (1) per hunter, with no more than three (3) per party of three (3) or more hunters while hunting.

\*\*No possession limit on raccoons, except that no hunter or party of hunters shall possess more than the daily bag limit while hunting in the field.

Section 3. Trapping Licenses. The following trapping licenses are required:

(1) Resident landowner or tenant trapping license: this license authorizes either the landowner or his dependent children to take wild animals by trapping upon their farmlands. Either the tenant or his dependent children residing upon the owner's lands have the same privilege.

(2) Resident statewide trapping license: This license authorizes the holder thereof to take wild animals by trapping upon his lands or lands of another person with written consent of the landowner.

(3) Nonresident statewide trapping license: This license authorizes the holder thereof to take wild animals by trapping upon his lands or lands of another person with written consent of the landowner.

Section 4. Shooting Hours. Shooting hours for the above species are daylight hours only, except for raccoon and opossum which may be taken any time during day or night.

Section 5. Squirrel Hunting Weapons. No person hunting squirrels may use or possess a breech-loading rifle of .240 caliber or larger. Squirrels may be taken with any type of muzzle-loading weapon and by means of longbows or compound bows.

Section 6. Prohibited Ammunition. No person hunting any of the game species listed in this regulation may have in his or her possession any buckshot or shotgun slugs.

DON R. McCORMICK, Commissioner

ROBERT C. WEBB, Chairman

G. WENDALL COMBS, Secretary

APPROVED BY AGENCY: April 15, 1985

FILED WITH LRC: April 15, 1985 at noon

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 21, 1985 at 7 p.m. in the ground floor auditorium of the Capital Plaza Tower Building in Frankfort, Kentucky. Those interested in attending this hearing shall contact: William D. Graves,

Director, Wildlife Division, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: Approximately 340,000 small game hunters and 7,000 trappers are expected to participate in the hunting and trapping seasons proposed by this regulation.

(a) Direct and indirect costs or savings to those affected: Direct costs involve the purchase of a state hunting license and/or a state trapping license. Indirect costs are determined by the individual, depending upon his level of participation.

1. First year: Persons participating in the hunting or trapping seasons proposed by this regulation would be required to possess a valid hunting license (\$7.50 for residents) or a valid trapping license (\$11.50 resident, \$6.00 resident landowner/tenant), respectively.

2. Continuing costs or savings: Same as first year

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: Requires time and effort in developing, publishing, reporting on, and enforcing the proposed regulation.

(a) Direct and indirect costs or savings: Primary costs are associated with enforcing the regulation.

1. First year: The estimated cost associated with establishing and carrying out the provisions of this regulation is \$900,000.

2. Continuing costs or savings: Same as first year

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: Approximately 340,000 small game hunters may be expected to expend money for equipment, transportation, food and lodging. The average annual expenditure for these items by Kentucky small game hunters is \$96.98 according to the 1980 National Hunting and Fishing Survey. The average season expenditure for Kentucky trappers during the 1981-82 trapping season was \$209.32. State and local revenues can be expected to be positively affected due to necessary expenditures by small game hunters and trappers for the required licenses and due to taxes levied upon items purchased.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The only available alternative to regulated hunting is closure of the season. This alternative was rejected as contrary to the conservation ethic which is based upon the wise use of renewable resources and the fact that small game and furbearer populations are at levels which can sustain a regulated harvest by sportsmen.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to



harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. This type of regulation does not appear to be adaptable to the tiering process since it is specific to small game hunters and trappers.

**TOURISM 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 13A.350, 150.025 [13.082]

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

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:

- (1) That portion of Grayson Wildlife Management Area east of the Little Sandy River and Bruin Creek portions of Grayson Lake.
- (2) That portion of Mill Creek Wildlife Management Area west of State Route 290.
- (3) Robinson Forest Wildlife Management Area in Breathitt, Perry and Knott Counties.

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: November 1 through January 31 [Third Thursday in November through February 12] on Tracts 2, 3, 6 and 7.

(b) Rabbit: November 1 through January 31 [Third Thursday in November through February 12] on Tracts 2, 3, 6 and 7. December 22 [17] through 31 on Tract 5 and January 1 through 10 on Tract 4.

(c) Squirrel (gray and fox): From opening of statewide season [Third Saturday in August] through October 31 on Tracts 1, 2, 3, 4, 5 and 6. [Third Thursday in] November 1 through

December 31 on Tract 6 only.

(d) Raccoon and opossum: November 21 through January 31 on Tracts 1 through 6. [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] All hunters and dog trainers must check in and out daily at the designated check station.

(f) All tracts designated by numbers 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]. Night training is permitted on Tracts 1 through 6 November 21 through January 31 only.

(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): From opening of statewide season [Third Saturday in August] through September; November 30 [December 1] through January 31; and October 2 [3] through November 11 [10] only by legally licensed and equipped deer archery hunters.

(b) Quail: November 30 [December 1] through February.

(c) Rabbit: November 30 [December 1] through February.

(d) Raccoon and opossum: Tuesday, Friday and Saturday nights only during the period November 30 [December 1] through January. Daily bag limit one (1) person per night. Raccoon and opossum hunters must check in and out nightly at designated check station. Harvest report cards must be displayed in vehicle windshield while hunting and submitted at the check station upon completion of each night's hunt.

(e) Raccoon field trials: September 1 through October and November 30 [December 1] through March. 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 obtained from 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.

(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 November 30 [December 1] through February. October 2 [3] through November 11 [10] only by legally licensed and equipped deer archery hunters. Coyotes may be taken during any quota deer hunt by legally licensed and equipped quota deer hunters. [Any hand, mouth, mechanical or electronic recording and amplifying devices are legal to use in calling gray fox and coyote.]

(h) Woodchuck and coyote: Hunting during daylight hours only. March 15 [13] through March 31 [and October 3 through November 10]. All [woodchucks] harvested animals must be removed from the area. [Legal weapons include all rimfire, centerfire, and muzzle-loading rifles, and longbows and compound bows according to state regulations. All other weapons are prohibited.] October 2 through November 11 and December 14 [8] through December 31 only by legally licensed and equipped deer archery hunters. Gun hunting is prohibited 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 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 2 [3] through November 11 [10], except in authorized field trials.

(k) Trapping for furbearers:

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 22 [16] through December 29 [January 15] for all furbearers [, except that raccoons may only be taken December 16 through 31].

4. Trapping devices: Land sets are restricted to No. 3 or smaller smooth-jawed leghold traps, No. 220 or smaller Conibear-type traps, [or] live traps or snares. The jaws of No. 1 1/2 and larger leghold traps used on land must be offset three-sixteenths (3/16) inch or be of the soft catch-type trap. Water sets are restricted to No. 3 or smaller smooth-jawed leghold traps, [and] No. 330 or smaller Conibear-type traps, and snares.

5. Weapons restrictions: The use of crossbows, center-fire rifles, handguns, and shotguns with slugs or shot larger than BBs is prohibited for the taking of all species listed in this subsection except that woodchucks and coyotes may be taken with center-fire rifles during the specified spring season.

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

(a) Squirrel (gray and fox): Fourth Saturday in August through October 15 only in areas designated by signs as open to public hunting.

(b) Raccoon: Four (4) consecutive nights beginning on the last Wednesday in September and four (4) consecutive nights beginning on the first Wednesday in October 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) Hunters are required to check in and out at designated check stations.

(d) No other hunting is permitted except as authorized by other applicable regulations.

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

(a) Squirrel (gray and fox): From opening of statewide season [Third Saturday in August] through October 14 on the whole management area except for designated areas that will be closed.

(b) All statewide hunting 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): From opening of statewide season [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 26-27,] December 23, 24, 30, [17-18,] and 31, then hunting will be permitted. There will be no hunting on December 25 and January 1.

(a) Seasons, bag and possession limits:

1. Squirrel (gray and fox): August 17 [18] through September 27 [21], November 27 [22] through December 13 [November 30], December 14 [1] through [December] 31 on selected areas; January 2 through [January] 31.

2. Quail: November 27 [22] through December 13 [November 30], December 14 [1] through [December] 31 on selected areas; January 2 through February 28.

3. Rabbit: November 27 [22] through December 13 [November 30], December 14 [1] through [December] 31 on selected areas; [.] January 2 through February 28; bag limit five (5); possession limit ten (10).

4. Raccoon and opossum: Taking with gun and/or dogs, November 27 [22] through December 13 [November 30], December 14 [1] through [December] 31 on selected areas. January 2 through [January] 31; limit one (1) per person.

5. Gray fox, coyote, and woodchuck: May 4 [5] through August 16 [17] and during any other authorized hunt.

6. Red fox: November 27 [22] through December 13 [November 30], December 14 [1] through [December] 31 on selected areas. January 2 through [January] 31.

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

(c) All hunters between the ages of twelve (12) and eighteen (18) must possess a valid hunter safety certificate.

(9) Clay Wildlife Management Area located in

Nicholas County.

(a) Quail and rabbit: [First Saturday in] November 1 through January 31.

(b) Grouse: October 15 through January 31.

(c) All hunters and dog trainers must check in and out daily at the designated check station.

(d) Closed to the training of all dogs March 1 through July 31 [August 1].

(10) Pine Mountain Wildlife Management Area located in Letcher County is closed to training of all dogs March 1 through July 31 [August 1].

(11) Redbird 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 from the third Thursday in November through December 4 [November 29].

(b) Firearms: 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.

(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 from the third Thursday in November through December 4 [November 29].

(b) Firearms: 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.

(13) 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 8 [4].

(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) Fort Knox Wildlife Management Area located in Hardin, Bullitt and Meade Counties is closed to grouse hunting.

(15) Pennyrite Forest Wildlife Management Area located in Christian County is closed to grouse hunting.

(16) Higginson-Henry Wildlife Management Area located in Union County [is closed to grouse hunting].

(a) Quail and rabbit: November 1 through January 31.

(b) Grouse: No grouse hunting is permitted.

(c) Closed to the training of all dogs March 1 through July 31.

(d) All hunters and dog trainers must check in and out daily at the designated check station.

(17) Yellowbank Wildlife Management Area located in Breckinridge County.

(a) Quail and rabbit: November 1 [3] through January 31.

(b) All [rabbit, quail, and squirrel] hunters and dog trainers must check in and out daily at the designated check station.

(c) Closed to the training of all dogs March 1 through July 31.

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

(a) Squirrel (gray and fox), grouse, quail, raccoon and rabbit hunting and trapping for

furbearers are permitted from the third Thursday in November through December 4 [November 29].

(b) Firearms: 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.

(19) Mill Creek Wildlife Management Area located in Jackson County is closed to the training of all dogs February 1 through October 21.

(20) Paintsville Wildlife Management Area located in Johnson and Morgan Counties.

(a) Squirrel (gray and fox), grouse, quail, raccoon and rabbit hunting and trapping for furbearers are permitted from the third Thursday in November through December 4.

(b) Only shotguns incapable of holding more than three (3) shells are permitted.

(c) This area is closed to all other hunting except deer, turkey and waterfowl as authorized by other applicable regulations.

DON R. McCORMICK, Acting Commissioner

DR. ROBERT C. WEBB, Chairman

G. WENDELL COMBS, Secretary

APPROVED BY AGENCY: April 15, 1985

FILED WITH LRC: April 15, 1985 at noon.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 21, 1985 at 2 p.m. in the ground floor auditorium of the Capital Plaza Tower Building in Frankfort, Kentucky. Those interested in attending this hearing shall contact: William D. Graves, Director, Wildlife Division, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: Approximately 340,000 small game hunters and 7,000 trappers are expected to participate in the 1985-86 statewide hunting and trapping seasons. About 6,800 of these can be expected to avail themselves of the opportunity to participate in seasons on the special areas designated in this regulation.

(a) Direct and indirect costs or savings to those affected: Direct costs involve the purchase of a state hunting license and/or a state trapping license. Indirect costs are determined by the individual, depending upon his level of participation.

1. First year: Persons participating in the hunting or trapping seasons proposed by this regulation would be required to possess a valid hunting license (\$7.50 for residents) or a valid trapping license (\$11.50 resident, \$6.00 resident landowner/tenant), respectively. A \$15 hunting permit is required by Fort Campbell authorities.

2. Continuing costs or savings: Same as first year

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: Hunters are required to check in and/or out at some of the management areas specified in this regulation.

(2) Effects on the promulgating administrative body: Requires time and effort in developing,

publishing, reporting on, and enforcing the proposed regulation.

(a) Direct and indirect costs or savings: Primary costs are associated with enforcing the regulation.

1. First year: The estimated cost associated with establishing and carrying out the provisions of this regulation is \$2,500.

2. Continuing costs or savings: Same as first year

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: Approximately 6,800 small game hunters and 140 trappers may be expected to expend money for equipment, transportation, food and lodging. The average annual expenditure for these items by Kentucky small game hunters is \$96.98 according to the 1980 National Hunting and Fishing Survey. The average season expenditure for Kentucky trappers during the 1981-82 trapping season was \$209.32. State and local revenues can be expected to be positively affected due to necessary expenditures by small game hunters and trappers for the required licenses and due to taxes levied upon items purchased.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The only available alternative to regulated hunting is closure of the season. This alternative was rejected as contrary to the conservation ethic which is based upon the wise use of renewable resources and the fact that small game and furbearer populations are at levels which can sustain a regulated harvest by sportsmen.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

#### Tiering:

Was tiering applied? No. This type of regulation does not appear to be adaptable to the tiering process since it is specific to small game hunters and trappers.

#### TOURISM CABINET

Department of Fish and Wildlife Resources  
(Proposed Amendment)

#### 301 KAR 2:170. Seasons for deer hunting.

RELATES TO: KRS 150.010, 150.025, 150.170, 150.176, 150.305, 150.330, 150.340, 150.360, 150.370, 150.390, 150.400, 150.415, 150.416

PURSUANT TO: KRS 13A.350, 150.025 [13.082]

NECESSITY AND FUNCTION: This regulation pertains to the deer gun and archery seasons in specified counties and on wildlife management areas (WMA). This regulation is necessary to set deer hunting season dates, to specify the counties and management areas open to deer hunting, to prescribe the methods by which deer may be legally taken, and to prescribe

procedures by which handicapped persons may apply for exemptions from conventional hunting methods requirements. The function of this regulation is to provide for the prudent taking of deer within reasonable limits, and to insure a permanent and continuing supply of deer to furnish sport and recreation for present and future residents of the state.

Section 1. Deer Gun Seasons, Zones, Dates, and Legal Deer. Deer hunting is permitted in the following zones on the dates listed, except as specified in subsection (7) of this section and Section 4 [3] of this regulation.

(1) Zone No. 1: Open to either sex deer hunting for ten (10) consecutive days beginning the second [first] Saturday in November. Zone 1 is described as follows: The area between Mammoth Cave National Park boundary and the following roads: In Hart County from the Edmonson County line, east on State Route (SR) 728 to SR 88. East on Forestville Road, south to Logsdon Valley Cemetery Road, south to the Green River, east on Williams Road, east on SR 218, then south on I-65; in Barren County, I-65 south to the Edmonson County line; in Edmonson County, 31W from the Barren County line west to SR 259, northwest to 728, then east to the Hart County line.

(2) Zone No. 2: Open to antlered deer gun hunting for ten (10) consecutive days beginning the second [first] Saturday in November. On the last two (2) days of the hunt, either sex deer may be taken. Counties in this zone are: Boone, Carroll, Christian, Franklin, Gallatin, Henry, Hopkins, Livingston, Logan, Oldham, Owen, Todd, and Trimble. [that portion of Bullitt between the Bernheim Forest boundary and the following roads, from the Nelson County line north on State Route (SR) 61 to I-65, north on I-65 to SR 480, east on SR 480 to SR 1604, south on SR 1604 to Deatsville Road, south on Deatsville Road to the Nelson County line; that portion of Nelson between the Bernheim Forest boundary and the following roads, from the Bullitt County line south on Deatsville-Cedar Grove Road to SR 523, west on SR 523 to SR 245, south on SR 245 to US 31E, south on US 31E to SR 62, west on SR 62 to SR 61, and north on SR 61 to the Bullitt County line; Oldham and Trimble.]

(3) Zone No. 3: Open to antlered deer gun hunting for ten (10) consecutive days beginning the second [first] Saturday in November. On the last day of the hunt, either sex deer may be taken. Counties in this zone are: Anderson, Ballard, Bracken, Breckinridge, Butler, Caldwell, Carlisle, that portion of Casey north of the following roads: from the Lincoln County line west on SR 78 to SR 49 and west on SR 49 to the Marion County line, Crittenden, Grant, Hancock, Harrison, Larue, McLean, Marion, Meade, Muhlenburg, Nelson, Ohio, Pendleton, Robertson, Scott, Shelby, Spencer, Washington, and Webster. [Anderson, Ballard, Boone, Bracken, Bullitt (that portion not included in Zone 2), Butler, Caldwell, Carlisle, Carroll, that portion of Casey north of the following roads: from the Lincoln County line west on SR 78 to SR 49, and west on SR 49 to the Marion County line, Christian, Crittenden, Franklin, Gallatin, Grant, Hancock, Henry, Hopkins, Livingston, Logan, Marion, Muhlenburg, Ohio, Owen, Pendleton, Robertson, Scott, Shelby, Todd, Washington, and Webster.]

(4) Zone No. 4: Open to antlered deer gun hunting for ten (10) consecutive days beginning the second [first] Saturday in November. Counties in this zone are: Allen, Boyle, Bullitt, Calloway, Campbell, Casey (except that portion included in Zone 3), Edmonson (except that portion included in Zone 1), Fulton, Graves, Grayson, Hardin, Henderson, Hickman, McCracken, Mason, Mercer, Trigg, Union, and Woodford. [Boyle, Breckinridge, Calloway, Campbell, Casey (except that portion included in Zone 3), Edmonson (except that portion included in Zone 1), Grayson, Graves, Hardin, Harrison, Henderson, Hickman, Larue, Mason, McCracken, McLean, Meade, Mercer, Nelson (except that portion included in Zone 2), Spencer, Trigg, Union, and Woodford.]

(5) Zone No. 5: Open to antlered deer gun hunting for five (5) consecutive days beginning the second [first] Saturday in November. Counties in this zone are: Adair, Barren (except that portion included in Zone 1), Bath, Boyd, Carter, Clark, Cumberland, Daviess, Elliott, Fleming, Green, Greenup, Hart (except that portion included in Zone 1), Jefferson, Kenton, Lawrence, Lyon, McCreary, Menifee, Metcalfe, Monroe, Morgan, Nicholas, Pulaski, Rowan, Russell, Simpson, Taylor, Warren and Wayne. [Adair, Allen, Barren (except that portion included in Zone 1), Bath, Boyd, Carter, Cumberland, Elliott, Fleming, Fulton, Green, Greenup, Hart (except that portion included in Zone 1), Jefferson, Kenton, Lawrence, Lewis, Lyon, McCreary, Menifee, Metcalfe, Monroe, Morgan, Nicholas, Rowan, Russell, Taylor, Warren, and Wayne.]

(6) Zone No. 6: Open to antlered deer gun hunting for three (3) consecutive days beginning the second [first] Saturday in November. Counties in this zone are: Bell, Bourbon, Breathitt, Clinton, Estill, Fayette, Floyd, Garrard, Harlan, Jackson (except that portion included in Zone 7), Jessamine, Johnson, Knott, Laurel, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Marshall, Martin, Montgomery, Owsley, Perry, Pike, Powell, Rockcastle, Whitley, and Wolfe. [Bell, Bourbon, Breathitt, Clark, Clay, Clinton, Daviess, Estill, Fayette, Garrard, Harlan, Jackson, Jessamine, Johnson, Laurel, Lee, Leslie, Lincoln, Madison, Marshall, Martin, Montgomery, Owsley, Pike, Powell, Pulaski, Rockcastle, Simpson, Whitley, and Wolfe.]

(7) Zone No. 7: Counties, wildlife management areas, and parks closed to all deer hunting:

(a) Counties in this zone are Clay, that portion of Jackson south of SR 30, and Knox [Floyd, Knott, Knox, Letcher, Magoffin, and Perry].

(b) Wildlife management areas: Ballard WMA in Ballard County (except that portion south of Terrell Landing Road), Cane Creek WMA in Laurel County, Central Kentucky WMA in Madison County, Clay WMA in Nicholas County, that portion of Grayson Lake WMA in Carter and Elliott Counties east of the Little Sandy River and the Bruin Creek portions of Grayson Lake, Mill Creek WMA in Jackson County, Paintsville Lake WMA in Johnson and Morgan Counties, and Robinson Forest WMA in Breathitt, Perry, and Knott Counties.

(c) Deer hunting is prohibited within the boundaries of all national parks.

## Section 2. Deer Archery Season, Zones, Dates,

and Legal Deer. Zones 1, 2, 3, and 4 are open to either sex archery deer hunting during specified periods as follows, except as specified in Section 4 [3] of this regulation. Zones 5 and 6 are open to antlered deer only archery hunting except as specified in Section 4 [3] of this regulation.

(1) Archery season (longbows and compound bows): October 1 through December 31 [November 1 and November 14 through December 31].

(2) Crossbow season: November 2 [17] through 29 [26] only.

(3) Archery and crossbow hunting during gun seasons: During gun and special muzzle-loading seasons, archery and crossbow hunters must abide by the gun or special muzzle-loading seasons regulations in effect for the county or WMA in which they are hunting as specified in Sections 1, 3, 4, and 7 of this regulation. Hunters may not possess both archery equipment and firearms while deer hunting during gun and special muzzle-loader seasons.

Section 3. Special Muzzle-loading Gun Season. Zones, Dates, and Legal Deer. Zones 1, 2, 3, and 4 as specified in Section 1 of this regulation, are open to muzzle-loading gun deer hunting during the specified period as follows, except as specified in Section 4 of this regulation.

(1) Special muzzle-loading gun season: November 19 and 20.

(2) Permitted firearms: Only those muzzle-loading firearms specified in Section 8(1) of this regulation. Hunters may not possess breech-loading rifles or handguns while deer hunting during this period.

(3) Legal deer: Antlered deer only as specified in Section 5(1) of this regulation.

Section 4. [3.] Exceptions to Deer Hunting Regulations on Wildlife Management Areas. All deer gun and archery regulations apply unless otherwise specified herein. Deer hunting will be permitted only on the dates listed in this section. Except as otherwise specified below, all gun hunters must check in and out at the area check station and archery hunters need not check in but must check out if a deer is taken. Archery hunters must check in and out on the following areas: Higginson-Henry, Kleber, West Kentucky, and Yellowbank WMA's. Persons hunting during the gun season [Gun hunters] on all the areas listed below (except the Pioneer Weapons [and Redbird] WMA[s]) must be selected by a drawing. Persons bearing the permit issued to the original applicant may substitute for the original applicant. Applications must be made only on forms provided by the Department of Fish and Wildlife Resources. No more than four (4) hunters may apply per form. More than one (1) application per individual per hunt will disqualify that applicant. Completed applications must be accompanied by a stamped, self-addressed envelope and be postmarked no later than August 31. Hunters may hunt on assigned dates only. The special muzzle-loading gun season does not apply to these areas.

(1) Beaver Creek WMA in McCreary and Pulaski Counties:

(a) Archery season: Antlered deer only, October 15 through 30.

(b) Gun season: Antlered deer only, December 7 [1] and 8 [2].

[(2) Cane Creek WMA in Laurel County:]

[(a) Archery season: Antlered deer only, October 15 through 30.]

[(b) Gun season: Antlered deer only, December 1 and 2.]

(2) [(3)] Dewey Lake WMA in Floyd County:

(a) Archery season: Antlered deer only, October 15 through 30.

(b) Gun season: Antlered deer only, December 14 [8] and 15 [9].

(3) [(4)] Higginson-Henry WMA in Union County:

(a) Archery season: Either sex deer, October 1 through December 31 [November 1 and December 3 through 31].

(b) Gun season: Either sex deer, December 7 [1] and 8 [2].

(4) [(5)] Kleber WMA in Owen and Franklin Counties:

(a) Archery season: Either sex deer, October 1 through December 31 [November 1 and December 3 through 31].

(b) Gun season: Either sex deer, December 7 [1] and 8 [2].

(5) [(6)] Pioneer Weapons WMA in Bath and Menifee Counties:

(a) Zone 5 archery and gun season dates and requirements apply.

(b) Muzzle-loading firearms only; muzzle-loading handguns of .44 caliber or larger are permitted; crossbows may be used during the entire archery season.

(c) Checking in or out is not required. All deer taken must be checked in accordance with Section 6 [5](3) of this regulation.

(6) [(7)] Redbird WMA in Clay and Leslie Counties:

(a) Archery season: Antlered deer only, October 15 through 30.

(b) Gun season: Antlered deer only, December 7 and 8 [November 3].

(7) [(8)] West Kentucky WMA in McCracken County:

(a) Archery season: Either sex deer, October 1 through November 8 [1] on tracts 1 through 6 and December 23 through 31 on tracts 5 and 6 only.

(b) Gun season: Either sex deer, December 21 and 22 [15].

(c) Youth gun season: Either sex deer, December 14 and 15 [8]. Open only to persons at least ten (10) years of age but who have not reached their sixteenth birthday. Each youth must have a valid Kentucky hunting license, a Kentucky deer permit, a state approved hunter safety certificate, and must be accompanied by an adult.

(d) All gun hunters are limited to muzzle- or breech-loading shotguns only.

(e) No firearms permitted on any "A" tract or tract 7 at any time.

(f) All hunters must check in and out daily.

(g) Crossbow season: November 1 through 8.

(8) [(9)] Yellowbank WMA in Breckinridge County:

(a) Archery season: Either sex deer, October 1 through December 31 [November 1 and December 3 through 31].

(b) Gun season: Either sex deer, December 7 [1] and 8 [2].

Section 5. [4.] Legal Deer, Taking of Other Species. Hunting Hours and Bag Limits. (1) An antlered deer is defined as having one (1) antler at least four (4) inches in length, measured from the skin to the tip of the antler.

(2) Hunting is permitted during daylight hours

only.

(3) The limit is two (2) deer per hunter per year. Only one (1) deer may be taken by firearms outside the following designated special deer areas: Beaver Creek, Blue Grass Depot Activity, [Cane Creek,] Dewey Lake, Ft. Campbell, Ft. Knox, Glenwood Hall Resort, Land Between the Lakes, Redbird, [Reelfoot National Wildlife Refuge,] West Kentucky, Yellowbank, Kleber, and Higginson-Henry WMAs. Under no circumstances shall any individual be permitted to take more than two (2) deer anywhere in the state [, except that three (3) may be taken if one (1) was taken during the Bernheim Forest Refuge Hunt on February 3-6, 1984].

(4) The taking of coyotes during the gun and special muzzle-loading season is permitted by deer hunters possessing a valid deer tag as specified in Sections 1 and 3 of this regulation, provided that they have not yet taken the annual bag limit of deer.

Section 6. [5.] Hunting License, Deer Permits, Deer Tags and Check Station Requirements. (1) Hunting license and deer permits: All persons taking or attempting to take deer must have in possession a valid annual Kentucky hunting license and a valid deer hunting permit unless exempted by KRS 150.170(3), (5), [or] (6) or (7).

(2) Leaving head attached: Any person possessing a deer must leave the head attached to the body until the carcass is removed from the field and processed.

(3) Mandatory deer check stations: Any person taking a deer during any deer hunting season must have it checked at the deer check station nearest to where the deer was taken, or by the nearest available conservation officer, no later than 9:00 a.m. on the day following the day taken. The hunter must fill out the stub attached to the deer permit and submit it to the check station operator or conservation officer.

(4) Tagging deer carcass and head:

(a) Before moving the carcass, the hunter must attach the metal tag portion of the deer permit to the deer. This tag must be permanently locked and attached so that it cannot be removed without destroying the tag or mutilating the carcass and must remain attached until the carcass is processed and packaged. The hunter must detach the stub marked "A Tag" and, before moving the carcass, punch a clearly visible hole through the space provided to indicate the weapon used to take the deer.

(b) Deer heads or other parts separated from the carcass for mounting by a taxidermist must have the taxidermist tag properly filled out and attached to the separated part.

(c) Deer hides may be sold to licensed fur buyers and licensed fur processors only.

(d) Legally taken deer feet may be sold to and purchased from licensed taxidermists.

(5) Second deer permit: A hunter who has taken one (1) deer may purchase a second deer permit, which shall be valid only when accompanied by a properly punched, stamped or signed "A Tag" portion of the first deer permit. If this portion of the first deer permit is punched to indicate that the first deer was taken by gun, the second deer permit is valid only for archery hunting, except that two (2) deer may be taken by gun if one (1) is taken on a designated special deer area listed in Section 5 [4](3) of this regulation.

Section 7. [6.] Prohibited Methods and Conditions for Gun, Special Muzzle-loading and Archery Deer Hunting. (1) Residents of any state which does not grant Kentucky residents the right to hunt deer may not hunt deer in Kentucky.

(2) Persons under eighteen (18) years of age may not hunt deer with a gun unless accompanied by an adult.

(3) Deer may not be taken with the aid of dogs or any domestic animal, or by the use of a boat or any type of vehicle.

(4) A deer may not be taken while the deer is swimming.

(5) All [gun] deer hunters must wear a visible vest, coat, coveralls, cap or hat of hunter orange color when hunting during the gun or special muzzle-loading season. The entire garment must be hunter orange.

(6) On department owned and operated wildlife management areas, the Daniel Boone National Forest, and the Big South Fork National River and Recreation Area, the use of any nails, spikes, screw-in devices, wire or tree climbers is prohibited for attaching tree stands or for climbing trees. Only portable tree stands and climbing devices that do not injure trees may be used. Portable stands may be placed in trees no more than two (2) weeks before opening day of each hunting period and must be removed within one (1) week following the last day of each hunting period. All portable tree stands must be marked with the owner's name and address. Existing permanent tree stands may not be used.

(7) Rattling of antlers or sticks and the use of hand or mouth operated calls are permitted.

(8) No person or persons shall cast the rays of a spotlight, jacklight or other artificial lighting device on any highway or in any field, woodland or forest, while having in his or her possession, or under his or her control, a firearm or other implement by which a deer could be killed, even though such deer is not shot at, injured or killed. This shall not apply when the headlights of a motor vehicle in normal operation on a highway are cast upon a field, woodland or forest in the normal course of travel, nor shall it apply to landowners or tenants engaged in normal or necessary activity upon their lands.

(9) No person shall possess a deer taken contrary to this or any other regulation or statute.

Section 8. [7.] Firearms Restrictions for Gun Deer Hunting. (1) Permitted firearms: Center-fire rifles of .240 caliber or larger (with the exceptions of the .30 caliber carbine and .256 caliber rifle); muzzle-loading rifles of .38 caliber or larger; and muzzle-loading and breech-loading shotguns of ten (10) gauge maximum and twenty (20) gauge minimum firing a single projectile. Handguns with barrel lengths of 3.90 inches or greater are permitted. Only the following cartridges may be used in handguns: .30 caliber Herret; .357 magnum; .357 Herret; .357 automag; .41 magnum; .41 automag; .44 magnum; .44 automag; .45 automag; and any other cartridge using a bullet of at least 110 grains weight and developing at least 500 foot-pounds of muzzle energy.

(2) Prohibited firearms: Any caliber or cartridge that does not meet the requirements given in subsection (1) of this section; any fully automatic weapon or weapon capable of

firing more than one (1) round with one (1) trigger pull; any military issue M-1 .30 caliber carbine or its equivalent caliber sold commercially; muzzle-loading handguns; and .256 caliber rifle.

(3) Fully jacketed military type ammunition and tracer bullet ammunition are prohibited. Buckshot or any type of shot shells are prohibited.

Section 9. [8.] Equipment Restrictions for Archery Deer Hunting. (1) Longbows and compound bows may not be fitted with any device capable of holding an arrow at full draw without aid from the hunter.

(2) Arrows must be barbless without chemical treatment or chemical attachments, with broadhead points at least seven-eighths (7/8) inch wide.

(3) Crossbows must have a minimum pull weight of 100 pounds and a working safety device. Minimum bolt weight is 380 grains with a barbless broadhead point at least seven-eighths (7/8) inch wide with no chemical treatments or chemical attachments.

(4) Archery hunters are prohibited from carrying firearms while hunting deer.

Section 10. [9.] Hunting Methods Exemptions for Handicapped Hunters. Persons with physical handicaps that would make it impossible for them to hunt by conventional methods may apply by letter to the commissioner of the department for a hunting methods exemption. The commissioner may authorize any reasonable exception that would permit a handicapped person to hunt when he or she could not otherwise do so because of his or her handicap. Specific exemptions to be allowed will be described in the letter of authorization, which will be signed by the commissioner and a conservation officer who will certify that the applicant for the exemption is, in his opinion, handicapped to such a degree that the requested exemption is necessary to permit the applicant to hunt. Hunting method exemptions will expire at the end of the calendar year.

DON R. McCORMICK, Commissioner

DR. ROBERT C. WEBB, Chairman

G. WENDALL COMBS, Secretary

APPROVED BY AGENCY: April 15, 1985

FILED WITH LRC: April 15, 1985 at noon.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 23, 1985 at 2 p.m. in the ground floor auditorium of the Capital Plaza Tower Building in Frankfort, Kentucky. Those interested in attending this hearing shall contact: William D. Graves, Director, Wildlife Division, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: An estimated 148,000 persons will participate in the white-tailed deer hunting proposed by this regulation.

(a) Direct and indirect costs or savings to those affected: Direct and indirect costs



involve the purchase of a state hunting license and one or two deer permits. Indirect costs are determined by the individual hunter, depending upon his level of participation.

1. First year: Persons participating in the hunting proposed for authorization by this regulation would be required to possess a valid hunting license (\$7.50 for residents) and a deer permit (\$11.50) unless exempt by regulations.

2. Continuing costs or savings: Same as first year

3. Additional factors increasing or decreasing costs (note any effects upon competition): The taking of a second deer would require the purchase of a second deer permit (\$11.50).

(b) Reporting and paperwork requirements: Deer hunters will be asked to check their deer at a county deer check station and fill out a portion of their tag denoting specific information about the deer.

(2) Effects on the promulgating administrative body: Requires time and effort in developing, publishing, reporting on, and enforcing the proposed regulation.

(a) Direct and indirect costs or savings: Primary costs are associated with enforcement of the regulation.

1. First year: The estimated cost associated with establishing and carrying out the provisions of this regulation is \$1,000,000.

2. Continuing costs or savings: Same as first year

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: Approximately 148,000 deer hunters may be expected to expend money for equipment, transportation, food and lodging. The annual expenditure for these items averages \$25 per day of hunting according to the 1980 National Hunting and Fishing Survey. State and local revenues can be expected to be positively affected due to the necessary expenditures for the required licenses and taxes levied upon items purchased by hunters.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The only alternative to regulated hunting is closure of the season. This alternative was rejected as contrary to the conservation ethic which is based upon the wise use of renewable resources and the fact that white-tailed deer populations are at levels which can sustain a regulated harvest by Kentucky sportsmen.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:  
Was tiering applied? No. This type of regulation does not appear to be adaptable to the tiering process since it is specific to deer hunters.

DEPARTMENT OF AGRICULTURE  
(Proposed Amendment)

302 KAR 16:020. Operation of amusement rides or attractions.

RELATES TO: KRS 247.232, 247.234, 247.236  
PURSUANT TO: KRS 246.040, 247.232, 247.234, 247.236, 247.990

NECESSITY AND FUNCTION: To establish guidelines for the operation and inspection of amusement rides or attractions.

Section 1. All amusement rides or attractions must bear a seal as required by regulation. If the required seal does not appear on the ride, the ride may be stopped until proof of a valid permit is furnished.

Section 2. All amusement rides or attractions must be maintained in good electrical and mechanical condition and be under the supervision of a competent operator at all times when the ride or attraction is in operation.

Section 3. All amusement rides or attractions that are potentially hazardous to bystanders must be adequately fenced so as to provide protection to spectators and riders. In the case of aerial rides or swings, a barrier must be present providing a safe distance from the outmost arc of such swing or aerial ride. All power units must be shielded so as to afford public safety.

Section 4. No amusement ride or attraction or its power unit shall be so located as to present a fire hazard to adjacent buildings, exhibits or other structures. In the case of a riding device using gasoline engines, storage of gasoline in or adjacent to the riding device must be in an approved safety container and at a safe distance from any ride. All electrical wires leading to and from a riding device must be protected and insulated so as to present no shock hazard. All electrical equipment must be properly grounded. All electrical junction boxes must be locked or sealed.

Section 5. The operator of an amusement ride or attraction must ensure that no one is permitted on such ride who appears to be in an intoxicated condition, is not wearing some foot protection such as shoes or sandals, or carrying any article which may be dropped from the ride.

Section 6. Properly charged fire extinguishers shall be present at all rides or attractions in accordance with state and local standards.

Section 7. The permit issued pursuant to KRS 247.232 through 247.236 shall be posted at all times while the ride or attraction is in operation in a conspicuous place on or near the ride or attraction.

[Section 8. The Kentucky Department of Agriculture guideline handbook for inspection of amusement rides and attractions plus amendments thereto are incorporated by reference.]

DAVID E. BOSWELL, Commissioner

APPROVED BY AGENCY: April 4, 1985

FILED WITH LRC: April 4, 1985 at 3 p.m.



PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 29, 1985 at 10 a.m. in Room 713 of the Capital Plaza Tower, Frankfort, Kentucky. Those interested in attending this hearing shall contact Thomas M. Troth, General Counsel, Department of Agriculture, Room 705, Capital Plaza Tower, Frankfort, Kentucky 40601. Unless written notification of intent to attend a public hearing is received by the promulgating agency at least five (5) days before the hearing date, the hearing may be cancelled.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Charles Prebble

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Chosen method most effective alternative.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Proposed amendment applies to entire amusement ride industry.

#### DEPARTMENT OF AGRICULTURE (Proposed Amendment)

##### 302 KAR 20:040. Entry into Kentucky.

RELATES TO: KRS Chapter 257

PURSUANT TO: KRS 257.030

NECESSITY AND FUNCTION: To specify health requirements for admission of all livestock and animals into Kentucky.

Section 1. General Provisions. (1) All animals, except as noted, shall be accompanied by an approved health certificate. Health certificates means a legible record covering the requirements of the state of destination accomplished on an official form of a standard size from the state of origin or an equivalent form of the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, that is prepared and

issued by a licensed, accredited veterinarian. An approved health certificate means an official health certificate approved by the the chief livestock sanitary official of the state of origin.

(2) If animals are from tuberculosis accredited or brucellosis certified herds, health certificates shall show accreditation and certification number with date of last herd test for tuberculosis and brucellosis.

(3) Cattle entering Kentucky shall be vaccinated against brucellosis as required in 302 KAR 20:055.

Section 2. Cattle. (1) Brucellosis.

(a) Negative results from an approved state-federal laboratory.

(b) Official vaccinate. A female bovine animal vaccinated with an approved reduced dosage Brucella vaccine while four (4) through ten (10) months of age permanently identified as a vaccinate. Date of birth and date of vaccination shall be recorded on the health certificate.

(c) Modified certified state. Thirty (30) day tube or card test of individual. Cattle six (6) months of age or older for dairy and breeding purposes, except official vaccinates of the beef breeds under twenty-four (24) months of age and dairy breeds under twenty (20) months of age may be imported into the Commonwealth of Kentucky provided they have passed a negative brucellosis tube or card test within thirty (30) days of date of entry, or originate directly and immediately from a certified herd provided the animals to be imported have qualified as negative members of the certified herd on the last annual certification test.

(d) Bison six (6) months of age or older except official vaccinated twenty-four (24) months and under shall be negative to tube or card test within thirty (30) days of date of entry.

(e) State not modified certified: Permit shall be obtained prior to movement for all cattle for breeding and dairy purposes. These cattle must comply with federal regulations.

(2) Tuberculosis.

(a) Cattle six (6) months of age or older for dairy and breeding purposes shall be negative to an official tuberculin test within sixty (60) days of date of entry, or originate directly and immediately from:

1. Accredited herd, or

2. Eradicated free state.

(b) Cattle classified as suspects or cattle originating from a quarantined herd shall not be imported.

(c) Reciprocal agreements with adjoining states may be effective in lieu of specific requirements.

(d) Bison six (6) months of age or older negative within sixty (60) days of entry.

(3) Other disease requirements.

(a) Scabies. No cattle affected with or exposed to scabies or from an area quarantined because of scabies shall be imported, shipped, driven or otherwise moved into Kentucky except in accordance with regulations of the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, and only then after first securing written permit from the chief livestock sanitary official or his authorized representative.

(b) Ticks. No cattle infested with ticks

(Margarophus Annulatus) or exposed to tick infestation shall be shipped, trailed, driven or otherwise moved into Kentucky for any purpose.

(c) No cattle from a state-federal tick quarantined area shall be shipped, trailed, driven or otherwise moved into Kentucky except in accordance with regulations of the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, and only then after first securing written permit from the chief livestock sanitary official or his authorized representative.

(d) Cattle infected with warts, ringworm or any infectious or communicable disease are not eligible for entry.

(4) Other movements.

(a) Feeder cattle. Feeder cattle as defined (non-pregnant heifers, steers and bulls under two (2) years of age) may be imported without brucellosis and tuberculosis tests from herds or areas not under quarantine if accompanied by approved health certificate or written permit or both for movement to a feed lot with valid feeding permit or to a state-federal approved stockyard or public stockyard for reconignment to a valid feed lot where they shall be maintained separately and apart from all dairy and breeding cattle. Feeder cattle from non-modified certified areas are not eligible for entry except from qualified herds.

(b) Slaughter cattle. Cattle consigned for immediate slaughter may be imported without official test for brucellosis or tuberculosis provided such cattle are consigned for immediate slaughter to a recognized slaughtering center under state, federal or municipal inspection or to an approved state-federal stockyard or federal stockyard for reconignment directly to a recognized slaughtering center. Any animal or animals diverted enroute will be in violation of this regulation.

(c) Calves six (6) months of age and under. No restriction if accompanied by an approved health certificate provided such imports are in compliance to general provisions as specified. Exception: Calves from non-modified certified area must originate from a herd known not to be infected with brucellosis.

(5) Exhibition.

(a) Brucellosis.

1. Breeding cattle six (6) months of age or older, except official female brucellosis vaccinates of the beef breeds under twenty-four (24) months of age and dairy breeds under twenty (20) months of age, shall be negative to an official tube or card test for brucellosis within thirty (30) days of entry or originate directly and immediately from a certified herd, provided cattle for exhibition have qualified as negative members of certified herd on last annual certification test.

2. Steers and heifers for carcass classes shall be positively identified but shall not be required to be brucellosis tested if accompanied by an approved health certificate.

(b) Tuberculosis.

1. Cattle six (6) months of age or older shall be negative to an official tuberculin test within sixty (60) days of entry or originate directly and immediately from an accredited herd or a tuberculosis eradicated free state.

2. Reciprocal agreements with adjoining states may be effective in lieu of specific requirements.

3. Steers and heifers for carcass classes shall be positively identified but shall not be required to be tuberculosis tested if accompanied by approved health certificate.

Section 3. Horses. (1) All horses entering Kentucky, except unweaned foals, and other equidae, for any purpose other than for immediate slaughter shall be accompanied by an official health certificate of state of origin issued by a state, federal or licensed accredited veterinarian and such certificate shall include:

(a) Veterinarian's statement that examination was made within the past thirty (30) days and revealed the animal to be free from symptoms of any infectious disease or exposure thereto; and

(b) Have attached thereto a copy of certificate of report from a laboratory approved by the USDA showing the animal(s) to be negative to AGID test for equine infectious anemia within the past six (6) months.

(2) All horses past six (6) months of age and other equidae offered for public sale shall be negative to AGID test within past six (6) months. Only horses offered for sale for slaughter only shall be exempt from this requirement.

(3) All horses and other equidae offered for entry into fairgrounds, livestock showgrounds, public boarding stables and for trail rides or racing shall be negative to test for AGID within twelve (12) months and shall be accompanied by certificate of report from a laboratory approved by the USDA.

(4) All reactors to AGID test for equine infectious anemia shall be officially, permanently identified using numbers and letter 61A with a brand on left neck region.

(5) All reactors not slaughtered or euthanized shall be isolated and quarantined. This isolation shall include stabling in a stall that is screened to preclude entry and exit of mosquitoes, stable flies and horse flies during those seasons of the year when such insects are prevalent. These animals will also be kept at least 200 yards from all other horses.

(6) The movement of any quarantined reactor shall be done only on permission of representative of the Department of Agriculture.

(7) All horses in a herd in which a reactor is found shall be quarantined pending a negative test of all horses.

Section 4. Swine. (1) Specific diseases.

(a) Garbage fed swine. Swine fed raw garbage shall not be imported for any purpose. Swine fed properly cooked garbage are eligible for import directly to a state or federal inspected slaughtering establishment only.

(b) Brucellosis. All swine for breeding purposes six (6) months of age or older shall be negative to an official test for brucellosis within thirty (30) days of date of entry or originate directly and immediately from a validated herd provided animals to be imported were tested on last validation herd test. No agglutination in dilution of 1-50 shall be accepted unless the individual or individuals to be imported are negative to an official card test.

(c) Hog cholera.

1. No treatment required or allowed.

2. Permit. A permit is required from the state

veterinarian's office before entry on breeding and feeding swine in the event of an emergency disease outbreak.

3. All feeding and breeding swine to be held in isolation and under quarantine for a minimum of thirty (30) days.

4. All swine for feeding and breeding purposes must be identified by ear tag or ear notch to the farm of origin.

(d) Pseudorabies. All swine imported for feeding and breeding purposes six (6) months of age or older shall be negative to the serum neutralization test within thirty (30) days of date of entry and originate from a farm free of pseudorabies for the past six (6) months as evidenced on the health certificate.

(2) Other movements.

(a) Registered feedlots. Not applicable.

(b) Salesyards and markets. No vaccination or treatment if consigned to recognized slaughtering center or to public stockyard or approved stockyard for reconignment to recognized slaughtering center within ten (10) days of date of entry.

(c) Farm premises. Identity to the farm of origin must be maintained on all breeding and feeding swine imported from farm premises to an approved stockyard or farm of destination.

(d) Exhibition. Approved health certificate in last thirty (30) days of entry. See subsection (1)(b), (c), and (d) of this section.

Section 5. Sheep. (1) Specific diseases.

(a) Scrapie. No sheep or lambs shall be imported that originated from or are known to be exposed to flocks under surveillance for scrapie.

(b) Scabies. All sheep or lambs for breeding or feeding purposes imported from a farm, ranch or like premises shall be accompanied by an approved health certificate indicating such sheep and lambs originated directly and immediately from an official scabies eradicated free area.

(c) Sore mouth. Any sheep or lambs showing lesions of contagious exythma shall not be imported.

(2) Other movements.

(a) Apparently healthy sheep and lambs may be imported into Kentucky for immediate slaughter when consigned directly to a recognized slaughtering center approved by the chief livestock sanitary official of Kentucky or to a public stockyard, a state-federal approved stockyard, concentration point or public stockyard when reconsigned from that point direct to immediate slaughter.

(b) Exhibitions and shows. All sheep and lambs for exhibition shall be in compliance to requirements noted above as specified for sheep and in addition shall be identified individually by ear tattoo or ear tag. Such identification shall be entered on an approved health certificate.

Section 6. Goats. (1) Specific diseases.

(a) Scabies. All goats must originate from a scab-free area.

(b) Scrapie. No goats from a herd under surveillance for scrapie or those that are known to have been exposed to or that are progeny shall be imported.

(2) Exhibition and sale.

(a) Brucellosis. Animals six (6) months of age or older shall have negative tube or card test

in last thirty (30) days or originate directly and immediately from a certified herd.

(b) Tuberculosis. Animals six (6) months of age or older shall have negative tuberculin test in last sixty (60) days or originate directly and immediately from accredited herd.

Section 7. Poultry. (1) Specific diseases.

(a) Pullorum. Negative agglutination test within thirty (30) days of date of entry.

(b) Chicks and hatching eggs shall originate from a flock under the National Poultry and/or National Turkey Improvement Plan.

(2) Entry and/or exhibition. Approved health certificate stating compliance with above requirements and in addition thereto all poultry shall be inspected prior to exhibition for evidence of any infectious, contagious or communicable disease of poultry. Any evidence of any communicable, infectious or contagious disease shall be justification for the elimination of said poultry from exhibition and/or sale at no expense to the Commonwealth of Kentucky.

Section 8. Psittacine Birds. As regulated by Title 9, Part 82 Code of Federal Regulations, filed herein by reference.

Section 9. Dogs and Cats. (1) All dogs over four (4) months of age for sale or exhibition shall be accompanied by a health certificate signed by a licensed, accredited veterinarian stating that they are free from all infectious diseases, did not originate within an area under quarantine for rabies or from an area where rabies is known to exist and has not been exposed to rabies. All dogs over four (4) months of age shall be vaccinated against rabies not less than fourteen (14) days nor more than twelve (12) months prior to date of consignment if killed virus vaccine is used. Any vaccine approved for three (3) year immunity by the "Compendium of Animal Rabies Vaccines" prepared by the Association of State Public Health Veterinarians, (Inc.); qualifies dog if it is one (1) year of age when vaccinated: provided, show or performing dogs to be within the state temporarily for a period of ten (10) days shall not be required to furnish an approved health certificate.

(2) All cats shall be in compliance to above requirements for dogs provided the animals are vaccinated for rabies if four (4) months of age or older not less than fourteen (14) days nor more than twelve (12) months prior to date of consignment with a vaccine approved by the state veterinarian and the Bureau for Health Services, Kentucky Cabinet for Human Resources.

Section 10. Furbearing Animals, Domesticated Wild Animals and Zoo Animals. Wild and semi-wild animals under domestication or in custody may be imported into the state if accompanied by a permit and health certificate and provided that a report of the number of animals is made to the chief livestock sanitary official of Kentucky within ten (10) days and that immediate opportunity for examination is afforded a representative of the Division of Livestock Sanitation, Kentucky Department of Agriculture, to determine the health status of such animal or animals and the imports are presented for the administration of all laboratory procedures and

tests deemed necessary by the chief livestock sanitary official of Kentucky. Transportation permit required on wild, game animals, birds and fish. Permit to be obtained from Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, No. 1 Game Farm Road, Frankfort, Kentucky 40601 (telephone 502-564-3400).

DAVID E. BOSWELL, Commissioner

APPROVED BY AGENCY: April 4, 1985

FILED WITH LRC: April 4, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 29, 1985 at 10 a.m. in Room 713 of the Capital Plaza Tower, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Thomas M. Troth, General Counsel, Department of Agriculture, Room 705, Capital Plaza Tower, Frankfort, Kentucky 40601. Unless written notification of intent to attend a public hearing is received by the promulgating agency at least five (5) days before the hearing date, the hearing may be cancelled.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: J. D. Wolf

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: N/A

(4) Assessment of alternative methods; reasons why alternatives were rejected: Chosen method is more effective.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Amendment applies evenly to entire industry.

#### DEPARTMENT OF AGRICULTURE (Proposed Amendment)

302 KAR 20:065. Sale and exhibition for Kentucky livestock only.

RELATES TO: KRS Chapter 257

PURSUANT TO: KRS 257.030

NECESSITY AND FUNCTION: To specify general sanitary and health requirements in relation to

the sale and exhibition of Kentucky livestock in Kentucky.

#### Section 1. Cattle. (1) General requirements.

(a) All animals, except as noted, shall be accompanied by an approved health certificate. Health certificates shall be void 150 days after issuance for exhibition and thirty (30) days after issuance for sale.

(b) If animals are from accredited or certified herds, health certificate shall show accreditation and certification number with date of last herd test for tuberculosis and brucellosis.

(c) Blood tests for brucellosis must be conducted in a state-federal laboratory and be negative according to recommended procedures of the Uniform Methods and Rules published by APHIS, VS, USDA.

(d) Cattle changing ownership shall be vaccinated against brucellosis as required in 302 KAR 20:055.

#### (2) Brucellosis.

(a) Sale. All breeding cattle moving from one (1) premise to another premise on the change of ownership must be negative to the brucellosis test within thirty (30) days prior to movement.

(b) Exhibition. Animals six (6) months of age or over shall be negative to an official test for brucellosis within 150 days of date of exhibition, unless exempt by one (1) of the following:

1. Originate directly from a certified herd.

2. Official vaccinate under twenty (20) months of age for the dairy breeds and twenty-four (24) months of age for the beef breeds.

3. Steers. Must be accompanied by approved health certificate showing individual identification. No brucellosis test required.

#### (3) Tuberculosis.

(a) Sale. Animals six (6) months of age or older shall be negative to an official tuberculin test within sixty (60) days of date of sale, unless exempt by one (1) of the following:

1. Originate directly from an accredited herd.

2. Originate directly from a herd in which all animals six (6) months of age or older are negative to an official tuberculin test within last twelve (12) months of date of sale.

(b) Exhibition. No test required.

#### Section 2. Performance Bull Testing Program.

(1) All animals shall be accompanied by approved health certificates.

(2) Brucellosis. Animals entered in this program shall, if six (6) months of age or older, be negative to an official brucellosis test within thirty (30) days of date of entry or originate directly and immediately from a certified herd.

(3) Tuberculosis. All animals six (6) months of age or older shall be negative to an official tuberculin test within sixty (60) days or originate directly and immediately from an accredited herd.

Section 3. Horses. (1) All horses past six (6) months of age and other equidae offered for public sale shall be negative to AGID test within the past six (6) months. Only horses offered for sale for slaughter shall be exempt from the requirements.

(2) All horses and other equidae offered for

entry into fairgrounds, livestock show grounds, public boarding stables and for trail rides or racing shall be negative to test AGID within twelve (12) months and shall be accompanied by certificate of report from a laboratory approved by the USDA.

(3) All reactors to AGID test for equine infections anemia shall be officially, permanently identified using numbers and letter 61A with a brand on the left neck region.

(4) All reactors not slaughtered or euthanized shall be isolated and quarantined. This isolation shall include stabling in a stall that is screened to preclude entry and exit of mosquitoes, stable flies and horse flies during those seasons of the year when such insects are prevalent. These animals will also be kept at least 200 yards from all other horses.

(5) The movement of any quarantined reactor shall be done only on permission of representative of the Department of Agriculture.

(6) All horses in a herd in which a reactor is found shall be quarantined pending a negative test on all horses.

Section 4. Swine. (1) All swine for exhibition and sale must be accompanied by an approved health certificate which shall be void 150 days after issuance for exhibition and thirty (30) days after issuance of sale.

(2) Brucellosis.

(a) Sale. All swine except barrows six (6) months of age or older shall have a negative thirty (30) day test in accordance with the Uniform Methods and Rules published by APHIS, VS, USDA, or originate directly and immediately from a validated herd. Validation number and date of last herd test must be shown on the approved health certificate.

(b) Exhibition. All swine except barrows six (6) months of age or older shall have a negative 150 day test in accordance with the Uniform Methods and Rules published by APHIS, VS, USDA, or originate directly and immediately from a validated herd. Validation number and date of last herd test must be shown on the approved health certificate.

(3) Identification. All swine must have a permanent means of identification.

(4) Pseudorabies.

(a) Sale. All swine must be negative to the serum neutralization test within thirty (30) days or originate from a qualified pseudorabies negative herd.

(b) Exhibition. All swine must be negative to the serum neutralization test within 150 days of consignment for exhibition or originate from a qualified pseudorabies negative herd.

Section 5. Sheep. (1) Scrapie. No sheep or lambs shall be consigned that originated from or are known to be exposed to flocks under surveillance for scrapie.

(2) Scabies. All sheep or lambs for breeding and feeding purposes consigned from a farm, ranch or like premises shall be accompanied by an approved health certificate indicating such sheep and lambs originated directly and immediately from an official scabies-eradicated-free area.

(3) Sore mouth. Any sheep or lambs showing lesions of contagious exythma shall not be consigned.

(4) Sale. All sheep and lambs consigned shall

be identified individually by ear tattoo or ear tag and entered on an approved health certificate which is good for thirty (30) days after issuance.

(5) Exhibition. All sheep and lambs consigned shall be identified individually by ear tattoo or ear tag and entered on an approved health certificate which is good for 150 days after issuance.

Section 6. Goats. (1) Scabies. All goats must originate from a scab-free area.

(2) Scrapie. No goats from a herd under surveillance for scrapie that are known to have been exposed to or that are progeny shall be considered.

(3) Brucellosis.

(a) Sale. Animals six (6) months of age or older shall have a negative thirty (30) day test in accordance with the Uniform Methods and Rules published by APHIS, VS, USDA, as applies to the bovine test or originate directly from a certified herd and be accompanied by an approved health certificate which shall be void thirty (30) days after issuance.

(b) Exhibition. Goats six (6) months of age or older shall be negative to an official blood test for brucellosis within 150 days of exhibition or originate directly from a certified herd and be accompanied by an approved health certificate which shall be void 150 days after issuance.

(4) Tuberculosis.

(a) Sale. Animals six (6) months of age or older shall have negative tuberculin test in last sixty (60) days or originate directly and immediately from an accredited herd.

(b) Exhibition. No test required.

Section 7. Poultry. Negative pullorm agglutination test within thirty (30) days for sale and/or exhibition. Test record must accompany poultry.

Section 8. Dogs and Cats. (1) All dogs over four (4) months of age for sale or exhibition shall be accompanied by a health certificate signed by a licensed, accredited veterinarian stating that they are free from all infectious diseases, did not originate within an area under quarantine for rabies, or from an area where rabies is known to exist and has not been exposed to rabies. All dogs over four (4) months of age shall be vaccinated against rabies not less than fourteen (14) days nor more than twelve (12) months prior to date of consignment if killed virus vaccine is used. Any vaccine approved for a three (3) year immunity by the "Compendium of Animal Rabies Vaccines" prepared by the Association of State Public Health Veterinarians, (Inc.), qualifies a dog if it is one (1) year of age when vaccinated; provided, show or performing dogs to be within the state temporarily for a period of ten (10) days shall not be required to furnish an approved health certificate.

(2) All cats shall be in compliance to above requirements for dogs provided the animals are vaccinated for rabies if four (4) months of age or older not less than fourteen (14) days nor more than twelve (12) months prior to date of consignment with a vaccine approved by the state veterinarian and the Department for Health Services, Kentucky Cabinet for Human Resources.

DAVID E. BOSWELL, Commissioner

APPROVED BY AGENCY: April 4, 1985

FILED WITH LRC: April 4, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 29, 1985 at 10 a.m. in Room 713 of the Capital Plaza Tower, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Thomas M. Troth, General Counsel, Department of Agriculture, Room 705, Capital Plaza Tower, Frankfort, Kentucky 40601. Unless written notification of intent to attend a public hearing is received by the promulgating agency at least five (5) days before the hearing date, the hearing may be cancelled.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: J. D. Wolf

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: N/A

(4) Assessment of alternative methods; reasons why alternatives were rejected: Chosen method is more effective.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Amendment applies evenly to entire industry.

#### DEPARTMENT OF AGRICULTURE (Proposed Amendment)

302 KAR 20:070. Stockyards.

RELATES TO: KRS Chapter 257

PURSUANT TO: KRS 257.030

NECESSITY AND FUNCTION: To designate sanitary requirements, and operational procedures in all stockyards relative to disease control.

Section 1. Operating Sale Requirements. (1) The owner or manager operating a stockyard shall arrange for an accredited, licensed veterinarian approved by the Department of Agriculture to be present in said sales point to carry out the provisions of this regulation.

(2) The person operating a stockyard shall

provide separate pens or a yarded division for isolating animals classed as reactors to brucellosis or any communicable disease.

(3) The owner operating a stockyard shall provide adequate space, utilities, hot water and assistance for the accredited, licensed veterinarian to officially carry out the provisions of this regulation.

(4) The owner or operator shall furnish and maintain one (1) or more cattle chutes suitable for restraining animals for inspection of any infectious, contagious or parasitic condition, testing, tagging, branding and other procedures routinely required in providing livestock sanitary services and identification for movement at stockyards.

(5) The owner or operator shall maintain records of the seller and purchaser of all livestock for one (1) year. These records to be made available to Department of Agriculture representatives for inspection upon request during regular business hours.

(6) The owner or operator shall provide adequate facilities and service at a reasonable cost, if not available at or near the yards, for cleaning and disinfecting cars, trucks or other vehicles which have transported to the stockyards animals known to be infected with or exposed to a contagious, infectious, communicable or parasitic disease with a disinfectant approved by the chief livestock sanitary official.

Section 2. General Requirements. (1) All stockyards shall be maintained in a workable and sanitary condition. Stockyards shall be inspected as required by a representative of the board.

(2) After an occurrence of any infectious, contagious, parasitic or communicable disease of livestock in a stockyard, exposed facilities capable of transmitting disease shall be cleaned and disinfected with approved disinfectants in a manner approved by the chief livestock sanitary official.

(3) Livestock found to be infected and showing clinical or diagnostic symptoms of an infectious, contagious, parasitic or communicable disease shall upon recommendation of stockyard veterinarian or authorized representative of the chief livestock sanitary official be quarantined in an isolated portion of the yards for treatment, additional diagnostic laboratory procedures, disposition to slaughter or other disposition pursuant to accepted methods of disease prevention and control.

(4) All livestock originating from a quarantined herd or premises shall be sold under permit for immediate slaughter.

(5) The card test shall be the official test for brucellosis at stockyards. All animals showing positive reaction must be identified and sold for immediate slaughter only. Indemnity will be paid for reactors disclosed by stockyard test as long as state-federal funds are available.

(6) Upon disclosure of a reactor(s) by the stockyard veterinarian, all cattle in the consignment from the same herd are exposed cattle and must be returned to the farm of origin under quarantine for retesting or sold for slaughter with proper identification. Assembled cattle are considered to be a herd.

(7) Exposed animals and reactor animals will be identified as described in Title 9, CFR, 78.7 and 78.8, herein filed by reference.

(8) Cattle purchased at a Kentucky livestock market shall be vaccinated against brucellosis as required in 302 KAR 20:055.

Section 3. Veterinary Compensation. Accredited veterinarians shall receive for any services rendered a fee that has been agreed on by the stockyard operators and the accredited veterinarians. Such fees shall be deducted from the seller's or buyer's check, depending upon conditions of sale and shall be paid to the accredited veterinarian, except for those services reimbursed pursuant to a state-federal cooperative program.

Section 4. Veterinary Duties. The stockyard veterinarian shall in cooperation with representative(s) of the department: (1) Examine, validate and issue certificates pertinent to the movement of livestock to be sold.

(2) Conduct required test of livestock.

(3) Inspect all livestock for clinical evidence of infectious, contagious, or parasitic diseases.

(4) Obtain blood samples. Aid and assist in conducting of associated laboratory tests. Submit such specimens to state-federal laboratory for confirmation. Such specimens shall be posted by mail or delivered directly to state-federal laboratory within twenty-four (24) hours.

(5) Compile and present such reports as are routinely required to the chief livestock sanitary official.

(6) Report the presence of any communicable disease condition to chief livestock sanitary official.

Section 5. Cattle Requirements. (1) Tuberculosis:

(a) Imports. Cattle six (6) months of age or older for dairy and breeding purposes shall be negative to an official tuberculin test within thirty (30) days of date of entry or originate directly and immediately from an accredited herd or eradicated free state.

(b) Cattle classified as suspects or those originating from a quarantined herd shall not be imported.

(c) Reciprocal agreements with adjoining states may be effective in lieu of specific requirements.

(d) Kentucky cattle: No tuberculosis requirements if to a Kentucky destination.

(2) Brucellosis:

(a) All cattle six (6) months of age or older offered for sale at the stockyard for breeding and dairy purposes, except for the following, shall be negative to an official brucellosis test within the last eight (8) days of sale:

1. Official vaccinates identified by official tattoo twenty-four (24) months of age and under if a beef animal and twenty (20) months of age and under if a dairy animal, provided heavy springers and females post partum shall be negative regardless of age at time of sale.

2. Cattle from a certified herd.

3. All test-eligible cattle arriving directly from a modified certified state that are moved to a farm in the Commonwealth shall be retested

within forty-five (45) to 120 days and shall be placed under quarantine with no commingling pending negative results on all involved animals on retest.

(b) Backtagged cattle:

1. All mature cattle eighteen (18) months or older, as indicated by the presence of the first pair of permanent incisor teeth, except steers and spayed heifers, consigned to any stockyard, or purchased direct by any slaughtering establishment, shall be backtagged in a routine manner prescribed by the department.

2. All backtagged cattle shall be negative to a brucellosis test within eight (8) days of sale.

3. Backtags placed on slaughter cattle shall not be removed at any time or by any person only under specific instructions from the chief livestock sanitary official.

4. Backtagged cattle shall proceed directly to a recognized slaughtering center with no diversion whatever enroute except to another approved stockyard for reconsignment to slaughter.

5. Materials for the backtagging program shall be furnished by the department and/or Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture.

(c) All breeding, dairy and backtagged cattle requiring testing shall be tested at the first point of assembly or concentration.

(d) Cattle of beef breeds between the ages of six (6) and eighteen (18) months sold for feeding and grazing shall be exempt from brucellosis test unless they are heavy springers or female post partum.

Section 6. Swine Requirements. (1) As prescribed in 302 KAR 20:080.

(2) Effective January 1, 1971, all serum requirements for swine moving into or through the State of Kentucky were rescinded.

(3) Breeding swine: All swine six (6) months of age or older shall be negative to both an official blood test for brucellosis and the serum neutralization test for pseudorabies at time of sale. Swine shall be deemed negative at the time of sale to an official test if accompanied by proof of a negative test result within thirty (30) days of sale. Swine originating from a validated brucellosis free herd shall be exempt from a stockyard test for brucellosis.

(4) Livestock markets buying stations, and concentration points handling all classes of swine:

(a) All swine, including slaughter swine, to be inspected by an accredited veterinarian prior to leaving market.

(b) Swine moving interstate from markets to be in compliance with Title 9, Part 76, CFR, herein filed by reference, including health certification by the accredited veterinarian authorized by the state to furnish such services.

(c) Slaughter swine leaving premises to be consigned only for immediate slaughter to a recognized slaughtering establishment approved for this purpose in accordance with federal and state regulations.

(d) Markets to maintain well-constructed pens and swine-handling facilities that are clean and in good repair.

(e) Markets to provide pens surfaced with impervious material for holding and handling

feeder pigs and breeding swine.

(f) Markets to provide satisfactory, well-lighted facilities for inspection and proper restraint.

(g) Clean and disinfect holding and handling pens, alleys and other facilities used in selling swine after use by each lot of swine under procedures specified by state and federal agencies to guard against spread of disease.

(h) Maintain records of origin and destination for all swine entering market and grant federal and state inspectors access to such records. Identification as to farm where farrowed shall be maintained for all feeder pigs and breeding stock and all slaughter swine which may be diverted for purposes other than slaughter. Records shall be maintained for one (1) year.

(i) Feeding and breeding swine must be placed in pens separate and apart from slaughter swine. All swine designated for slaughter must be delivered directly to an approved slaughter establishment with no diversion enroute.

(j) Permit no cull pigs to enter market unless provisions are made to pen such pigs separate and apart from all other swine so contact with healthy swine does not occur. Facilities used by these swine will not be used by other swine until cleaning and disinfecting have been accomplished. Further, cull swine to be permanently identified by an ear tag in the right ear, quarantined to the purchaser, and released from said quarantine by consignment to slaughter only. A cull pig is defined as one which does not pass veterinary inspection for health.

(k) Permit no garbage fed swine to enter market unless provisions are made to handle and pen such swine separate and apart from all other swine to avoid contact with other marketable swine.

(l) Permit no swine to be moved into or from the market unless a state or federal inspector releases such swine.

(m) Require all buyers of swine to determine the purpose of their movement. If for slaughter and there is any reason to believe the swine might be diverted (under-weight swine, thin sows, etc.) the inspector may require that such swine be identified by ear tag and consigned to slaughter on a special permit. Further, any swine with which these swine mingle shall cause the entire lot to be ineligible for movement except to slaughter.

(n) Permit no feeder pigs or breeding swine to remain in the market more than seventy-two (72) hours.

(o) No feeding or breeding swine are to be allowed in any market for resale within thirty (30) days from prior sale date.

(5) Livestock markets, buying stations and concentration points handling slaughter swine only.

(a) Swine moving interstate to be in compliance with Title 9, Part 76, CFR, herein filed by reference, and applicable state regulations.

(b) Accept swine only for slaughter and to permit no swine to leave market except for slaughter only.

(c) Markets to maintain well-constructed pens and swine-handling facilities that are clean and in good repair.

(d) Maintain records of origin and destination for all swine entering market and grant federal

and state inspectors access to such records. Records shall be maintained one (1) year.

(e) Isolate all swine suspected of being affected with or exposed to infectious disease, promptly notify the state or federal agency, and hold such swine in isolation pending instructions on disposition.

(f) Clean and disinfect holding and handling pens, alleys, and other facilities used in selling swine under procedures specified by state and federal agencies to guard against spread of disease.

Section 7. Sheep and Goat Requirements. (1) As prescribed in 302 KAR 20:040.

(2) Before the beginning of a sale all sheep and goats to be sold for breeding purposes that are free from evidence of infectious, contagious or parasitic disease shall be separated from all other sheep and goats in a part of the yard provided for this purpose.

(3) All sheep and goats that as individuals or any part of an assembled group show evidence of any infectious, contagious, communicable or parasitic disease must be sold for immediate slaughter or otherwise disposed of under permit issued by the chief livestock sanitary official.

(4) Goats for dairy or breeding purposes if free from evidences of any infectious, contagious, or parasitic disease shall originate directly and immediately from a brucellosis certified free herd or if six (6) months of age or over be negative to an official brucellosis test within thirty (30) days of date of sale.

DAVID E. BOSWELL, Commissioner

APPROVED BY AGENCY: April 4, 1985

FILED WITH LRC: April 4, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 29, 1985 at 10 a.m. in Room 713 of the Capital Plaza Tower, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Thomas M. Troth, General Counsel, Department of Agriculture, Room 705, Capital Plaza Tower, Frankfort, Kentucky 40601. Unless written notification of intent to attend a public hearing is received by the promulgating agency at least five (5) days before the hearing date, the hearing may be cancelled.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: J. D. Wolf

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: N/A

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: N/A

(4) Assessment of alternative methods; reasons why alternatives were rejected: Chosen method is



more effective.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Amendment applies to entire industry.

DEPARTMENT OF AGRICULTURE  
(Proposed Amendment)

302 KAR 31:025. Commercial structural pest control and fumigation.

RELATES TO: KRS Chapter 217B

PURSUANT TO: KRS 217B.050, Executive Order # 79-1065

NECESSITY AND FUNCTION: KRS 217B.050 requires the [Department for] Natural Resources and Environmental Protection Cabinet to adopt rules and regulations relating to the use and application of pesticides. This regulation sets forth requirements applicable to commercial structural pest control and fumigation. By Executive Order 79-1065, Governor Julian M. Carroll transferred the pesticide control program including regulatory authority to the Department of Agriculture.

Section 1. Applicability. No person shall engage in commercial structural pest control or fumigation without first obtaining a license from the department. A person may apply for a license in one (1) or more of the following categories:

- (1) Commercial structural pest control applicator;
- (2) Commercial structural pest control manager;
- (3) Commercial structural fumigation applicator; or
- (4) Commercial structural fumigation manager.

Section 2. License Application. (1) All applications for applicator or manager licenses shall contain the following:

- (a) Name and address;
- (b) Date of birth;
- (c) Social security number;
- (d) Photograph;
- (e) A statement that the applicant has never been convicted of fraud or misrepresentation;
- (f) Home telephone number;
- (g) Written verification of pesticide work experience; and
- (h) College transcripts where applicable.

(2) All applicants for applicator or manager examinations shall be sworn to and notarized.

(3) All applicants for applicator or manager licenses shall be postmarked thirty (30) days prior to the next scheduled testing date. Any application received after the thirty (30) day deadline shall be returned.

(4) Manager license examinations shall be given the second Tuesday of each month at a location specified by the department. If the

second Tuesday falls on a holiday, the examination shall be given on the following Tuesday.

(5) The manager's license examination shall be timed and shall be completed within two (2) hours.

(6) Any false or misleading statements made in a license application shall be grounds to deny or revoke the license.

Section 3. License Renewal. (1) Each license shall expire on June 30 of each year.

(2) Failure to submit by July 1 of each year a completed renewal registration form along with a fee of \$100 for each place of business maintained in Kentucky shall result in the lapse of said license.

(3) Any license holder who fails to submit a completed renewal registration form and the required fee by July 1 of each year, or whose license has been suspended or revoked, shall be required to take and pass a manager or applicator licensing examination before a new license may be issued.

(4) At the time of license renewal, each company shall submit to the department a list with the following information on each employee:

- (a) Name, address, and home telephone number;
- (b) Social security number; and
- (c) Job title.

(5) Within thirty (30) days of the addition or termination of an employee, the company must submit to the department the information required in subsection (4) of this section for each new or terminated employee.

Section 4. Change of Address Notices. Each license holder shall be required to notify the department of any change of address within ten (10) days after such change has been made.

Section 5. Treatment for Wood-destroying Organisms. Unless the structure is substandard, the following minimum standards shall apply: (1) Treatment measures taken for the preventative control of wood-destroying organisms shall be based upon the types of wood-destroying organisms determined to be present in the structure by an inspection. Treatment for the prevention of wood-destroying organisms shall be based on conditions conducive to infestation, relation to neighboring infestation or by the request of the customer.

(2) Termite treatment measures. The following minimum standards shall apply to the treatment of all structures for the control or prevention of termite infestations:

(a) Remove cellulose debris from beneath structures;

(b) Remove all accessible termite tubes from foundation walls, piers and supports;

(c) In structures with a crawl space, the applicator shall trench, rod or flood to apply approved termiticides to the soil adjacent to the inside and outside of foundation walls, piers and chimneys and other supports. The soil adjacent to the outside of structures with basements and supported slabs shall be treated with an approved termiticide by trenching and/or rodding;

(d) Drill and flood (at not more than eight (8) inch intervals) the cavities in hollow pillars, tile brick, concrete block, other building materials that have cavities, chimneys

or any other structures likely to be penetrated by termites by injecting an approved termiticide in accordance with that pesticide's registered labeling. Drilling and flooding should be done above the top of the outside grade level where possible. If foundation walls are uncapped, flooding from the top is acceptable. Rubble stone foundations should be drilled and flooded at intervals of not more than sixteen (16) inches, where possible;

(e) Void, drill (at maximum of eighteen (18) inch intervals) or rod and treat structures, stoops, concrete slabs, patios or driveways that obstruct trenching or rodding of the soil adjacent to the foundation;

(f) In treating structures on a concrete slab on the ground, the soil beneath plumbing, pipes, passing through the slabs, bath trap, expansion joints and other like termite entry points shall be saturated with an approved termiticide by drilling, if necessary, and treating from above or by rodding beneath the slab at no more than eighteen (18) inch intervals;

(g) All the above standards apply to the treatment of structures with finished basements that have poured concrete floors. Poured concrete floors shall be treated according to the standards established for concrete slabs unless the applicator is expressly prohibited by the owner in writing from drilling the poured concrete floor;

(h) The selection and use of termiticides or any other chemicals used for control of wood-destroying organisms shall be in accordance with label instructions approved by the United States Environmental Protection Agency and registered with the department; and

(i) Pretreatment of new construction will be carried out in accordance with the registered label instructions of the chemical used.

(3) Powderpost and old house borer treatment measures:

(a) No treatment for the control of powderpost beetle, old house borer infestations, or both shall be made for any structure unless actual notice of the proposed treatment is given to the department at least three (3) days prior to the start of treatment. Actual notice may be given by telephone provided that written confirmation is postmarked within one (1) day of the telephone call;

(b) Treatment for the control of powderpost beetle and/or old house borer infestations may be performed by spraying or painting infested areas with a pesticide labeled for their control; and

(c) Fumigation by licensed fumigators may be used to control powderpost beetle and/or old house borer infestations where other control measures have failed or are inappropriate.

(4) Requirements for prevention and control of wood-destroying fungi. The following are the minimum requirements for control of wood-destroying fungi in crawl space areas of buildings after the buildings have been constructed:

(a) Determine moisture content of joists, sills and subfloor of at least six (6) points in the building. Where moisture content readings above twenty (20) percent are obtained, determine the source of moisture. Wood which has been discolored by stain or mold fungi shall not be treated for decay fungi if its moisture content is less than twenty (20) percent.

(b) Where excess dampness from the soil under a building contributes to high moisture readings, the applicator shall install a vapor barrier over approximately seventy (70) percent of the soil; or install additional ventilation so that there is at least one (1) square foot of vent space per 150 square feet of crawl space area without a vapor barrier, or install vents to give cross ventilation with a vapor barrier; or improve drainage; or waterproof the foundations. One (1) or more of these measures shall be used as appropriate.

(c) The only situation where surface application of fungicides may be used in the control of existing decay problems is when rapid kill of surface fungi is requested. In such instances, moisture control techniques must be used in combination with chemical treatment.

Section 6. Wood-destroying Organism Reports.  
All persons holding a commercial structural pest control applicator's license shall be required to submit to the department a monthly report of all work done for control or prevention of wood-destroying organisms. Each office or branch office shall file a separate report. Reports shall be made on a form prescribed and supplied by the department and received not later than the 15th of the month following treatment. All reports shall be signed by the licensed applicator for that company. Upon performance of treatment for control or prevention of wood-destroying organisms, a contract shall be made between the company and the property owner. This shall be at the least a triplicate contract, one (1) copy being issued to the property owner, one (1) copy retained by the company and one (1) copy filed with the department at the time of the monthly wood-destroying organism report. All contracts issued shall be accompanied by a graph showing areas of damage, if any, and location and type of treatment made. In the case of substandard treatments, it shall be so noted on the contract with reasons as to why the job is substandard. [Inspections by the Department. At such times as may be necessary, at the discretion of the department, inspector(s) may examine properties treated or to be treated for termites and/or other structural pests for the purpose of determining compliance with KRS 217B.500 to 217B.585 and these regulations.]

Section 7. Inspections by the Department. At such times as he may deem desirable the commissioner or his authorized representative shall examine properties treated for the purpose of determining the efficiency of the treatment given. Whenever unsatisfactory or substandard treatments are found, the license holder will be notified and given a reasonable length of time in which to correct such conditions. If the license holder shall neglect or refuse to make such corrections, his license will be suspended as provided for by law, unless he can show to the satisfaction of the Department of Agriculture why such action should not be taken. While his license is suspended for this cause, the license holder shall have the privilege of retreating all properties on which he has current contracts but shall not solicit any new business. He shall notify the Department of Agriculture of the dates of all re-examinations and retreatments. When all properties previously

reported in unsatisfactory condition have been re-examined and retreated the Department of Agriculture shall then make the re-inspections at its earliest convenience. If the Department of Agriculture, on reinspection, shall find all the properties in satisfactory condition, the suspension shall be removed, otherwise, the license shall be permanently revoked. A license may be suspended or revoked for gross neglect of contracts and general failure to give satisfactory service.

Section 8. [7.] Rodent Control. Since most rodenticides are poisonous to humans and domestic animals, care shall be exercised and precautionary steps taken to avoid accidental poisoning of human beings and domestic animals. Rodenticides shall be used only according to label directions.

Section 2. [8.] Fumigation. (1) Fumigation crews. For purposes of safety, at least two (2) individuals shall compose a crew for the release of any fumigant or fumigants; and no fumigation operation shall be conducted unless and until at least two (2) individuals shall work jointly and concurrently in the release of a fumigant or fumigants. This subsection shall not apply to spot fumigation.

(2) Official notice of fumigation. Each license or certification holder, before performing general fumigation in any structure or enclosed space, must notify, in writing, the fire department and the police department having jurisdiction over the location where the fumigation operation is to be performed. This written information must be given to each fire department and police department no later than three (3) hours prior to the time set forth in the notice for the release of the fumigant. A shorter time for filing written notice of fumigation of vessels, aircraft, box cars, truck and/or common carriers shall be permitted, and the time for such notification shall only be in advance of the fumigating operation. Such notice shall in each and every case give the following information:

- (a) Location of structure or enclosed space to be fumigated as well as its character and use;
- (b) The fumigant to be used;
- (c) The date and time of release of fumigant and approximate exposure period; and
- (d) The name of the operator in charge, together with his day and night telephone numbers.

(3) If trucks, box cars, and/or other common carriers are in transit during the fumigation operation, the carrier and the receiver must be notified that fumigation stated in this section has taken place. Other than the aforementioned carriers, this section shall not apply to spot fumigation.

(4) Structures to be vacant. Neither the structure to be fumigated, nor any part or parts thereof, shall be occupied by human beings or domestic animals during the period of fumigation. In addition, structures or enclosed spaces which are physically joined to or in contact with the structure to be fumigated shall not be occupied by human beings or domestic animals during the period of fumigation. It shall be the duty of the operator in charge, himself, to make a careful examination of all parts of the structure to be fumigated, and

structures or enclosed spaces physically joined to or in contact with said structure, to verify that no human beings or domestic animals have remained therein, and that all necessary precautions have been undertaken to safeguard the lives and health of all persons occupying structures or enclosed spaces adjoining the structure in which fumigation operation is to be performed. For the purpose of this section, "operator in charge" means a person certified to apply fumigants and charged with the duty of overseeing the fumigation operation.

(5) Notice of warning must be served upon the occupants of the structure or enclosed space to be fumigated no later than three (3) hours in advance of any fumigation operation, by leaving said notice with a responsible person therein and if not present, by attaching same in a conspicuous manner on the entrance or entrances of such structures or enclosed space occupied by human beings.

(6) The operator in charge must make a personal inspection and examination of the structure or enclosed space to be fumigated.

(7) Danger signs. Prior to releasing the fumigant, suitable warning signs must be posted at the ground level on all doors or entrances as follows:

(Skull and Crossbones)	Danger fumigation with (Name of Fumigant) Deadly Poison	(Skull and Crossbones)
All persons are warned to keep away		

Name of Fumigator \_\_\_\_\_  
Address \_\_\_\_\_ Telephone \_\_\_\_\_  
Operator in charge \_\_\_\_\_  
Day Phone \_\_\_\_\_ Night Phone \_\_\_\_\_

Such signs must be printed in indelible red ink or insoluble paint on a white background. The words "danger" and "deadly poison" shall be in block letters two (2) inches high and all other letters in proportion.

(8) Final pre-fumigation inspection. Immediately before the fumigant is to be released, the operator in charge must then make a final inspection and shall ascertain, himself, the following:

- (a) That all preparations have been completed;
- (b) That no human beings or domestic animals are present within the structure or enclosed space to be fumigated, or in any adjacent structures or enclosed spaces that were to be vacated because of danger from the fumigation operation;
- (c) That no open fires or open flames, pilot lights or oil lamps are burning;
- (d) That all personnel engaged in the fumigation operation are outside the structure or enclosed space to be fumigated unless proper application of the fumigant requires personnel to be within the enclosed space at the time of application; and

(e) That all doors, windows and all other means of access have been locked, barred or guarded. All doors or other entrances which can be opened from the outside must be locked.

(9) Guards and watchmen. During the period of fumigation, and until the structure has been ventilated and declared safe, a capable, alert watchman, or guard, or watchmen and guards, shall remain on duty at the structure or

enclosed space being fumigated. One (1) guard or watchman shall be considered sufficient for each fumigation operation unless, in the judgment of the operator in charge, the conditions and circumstances necessitate additional guards or watchmen. It shall be the duty of said individual(s) to prevent the entrance of unauthorized personnel into said structure or enclosed space during the exposure period and while the structure or enclosed space is being ventilated after the exposure period. For the purpose of this subsection, "unauthorized personnel" shall mean any individual or individuals not belonging to or a part of the fumigating crew performing the fumigation operation. Spot fumigation does not require a guard or watchman, unless deemed necessary in the judgment of the operator in charge. If a warning agent is used, the above subsection does not apply, unless specified by the label.

(10) Declaring structure or enclosed space fumigated safe for reoccupancy. The operator in charge shall not permit or allow any unauthorized person to enter the structure or enclosed space fumigated until he has ascertained that it is safe for human occupancy.

(11) Spot fumigation. Spot fumigation may be performed by persons under the full-time supervision of a person certified to apply fumigants. Spot fumigation may be performed without the posting of guards as required for general fumigation. This does not relieve the operator in charge from the duty to comply with all other safety precautions and requirements.

(12) The following pesticides shall not be considered fumigants:

- (a) Paradichlorobenzene;
- (b) Naphthalene; and
- (c) Calcium cyanide used as labeled to kill rodents in their burrows.

(13) The following procedures shall not be considered fumigation operations where non-restricted use pesticides are used according to label directions:

- (a) Aerosol dispersions; and
- (b) Any equipment or device which produces a fog, smoke, or mist.

Section 10. [9.] Termite, General Pest, and Fumigation Licenses. (1) Persons holding termite, general pest, or fumigation licenses issued under the now-repealed sections of KRS Chapter 249, and renewed under Section 3 of this regulation, may continue to do business in those categories of pest control for which they were licensed under KRS Chapter 249. That is, a person holding a termite license or renewal may treat buildings for wood-destroying organisms, a person holding a general pest license or renewal may continue to treat for general pests, and a person holding a fumigation license or renewal may treat for pests using poison gas. A termite, general pest, or fumigation license issued under KRS Chapter 249 and renewed under Section 3 of this regulation is not a manager's or applicator's license and does not entitle the holder to engage in business in all the categories that a manager or applicator may engage in business.

Licenses issued under KRS Chapter 249 must be renewed under Section 3 of this regulation by June 30 of each year and are subject to all the terms and conditions of other licenses issued under this regulation. A license issued under

KRS Chapter 249 and renewed under Section 3 may be modified, suspended, or revoked for the same reasons, and using the same procedures that a manager's or applicator's license may be modified, suspended or revoked. A person holding a license issued under KRS Chapter 249 and renewed under Section 3 of this regulation must meet the application standards and obey the requirements for contracting, recordkeeping, and reporting, established by statute and by 302 KAR 31:005 for persons licensed as applicators or managers.

(3) A person licensed under KRS Chapter 249 for termite, fumigation, or general pest control is, by reason of KRS 217B.180(3), certified to purchase or use restricted-use pesticides, as a matter of state law. This does not relieve persons holding termite, fumigation, or general pest control licenses from obtaining certification under the federal law as contained in the Federal Insecticides, Fungicide, and Rodenticide Act of 1972 as amended. The certification of persons certified under KRS 217B.180(3) may be modified, suspended, or revoked pursuant to 302 KAR 31:005. To maintain certification, persons certified pursuant to KRS 217B.180(3) shall meet the requirements of 302 KAR 31:015.

DAVID E. BOSWELL, Commissioner

APPROVED BY AGENCY: April 4, 1985

FILED WITH LRC: April 4, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 29, 1985 at 10 a.m. in Room 713 of the Capital Plaza Tower, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Thomas M. Troth, General Counsel, Department of Agriculture, Room 705, Capital Plaza Tower, Frankfort, Kentucky 40601. Unless written notification of intent to attend a public hearing is received by the promulgating agency at least five (5) days before the hearing date, the hearing may be cancelled.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mike Stivers

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A

(b) Reporting and paperwork requirements: License holder must submit monthly reports with copies of contracts to the Department of Agriculture.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: N/A

(4) Assessment of alternative methods; reasons why alternatives were rejected: This regulation is the most feasible one considered.

(5) Identify any statute, administrative regulation or government policy which may be in

conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. This regulation will apply evenly to the entire industry.

**TRANSPORTATION CABINET**  
**Department of Vehicle Regulation**  
**Division of Motor Carriers**  
**(Proposed Amendment)**

**601 KAR 1:020. Permit for hauling industrial materials; fee; bond.**

RELATES TO: KRS 189.271, 189.221, 189.222

PURSUANT TO: KRS [13.082,] 174.080, 189.271

NECESSITY AND FUNCTION: KRS 189.271[, as enacted by the 1974 General Assembly,] empowers the [Department of] Transportation Cabinet to adopt rules and regulations to implement the provisions as set forth therein for the issuance of a special permit to the owner, operator, or lessee of a motor vehicle for the purpose of hauling industrial materials whose gross weight, or dimensions, including vehicle and load, exceeds the limits or fails to comply with the requirements of KRS Chapter 189.

Section 1. An application for an industrial materials permit shall be submitted to the district engineer having jurisdiction over the major portion of the proposed haul routes and shall be accompanied by a transportation plan. The transportation plan, in addition to such other information as may be required by the cabinet [department], shall indicate the portions of the state primary road system which the applicant intends to utilize in the transportation of industrial materials, the identities of the highways and bridges on the state primary road system over which the applicant proposes to transport industrial materials, and the specification of weight limits on such highways and bridges. In the event an industrial materials permit is obtained, any deviation from the transportation plan shall be sufficient cause for the cabinet [department] to revoke the industrial materials permit.

Section 2. Upon receipt of the transportation plan and upon proper application upon forms approved by the cabinet [department], the applicant may be issued, for the sum of twenty (20) dollars, an industrial materials permit which shall be good for not more than one (1) year from the date of issuance. A separate permit shall be issued for each vehicle proposed to be operated by the applicant.

Section 3. The industrial materials permit shall be for the transportation of a specified material and shall allow the applicant to transport divisible or indivisible loads which a motor vehicle would transport in the usual and ordinary course of business. Said loads shall

include, but not be limited to, minerals or natural resources.

Section 4. Any industrial materials permit issued by the cabinet [department] shall not allow a vehicle to exceed the gross weight for a vehicle as provided for in KRS 189.222(1)(e).

Section 5. Any applicant convicted under the provisions of KRS 189.990(2)(a) two (2) or more times within a five (5) year period shall be required to give bond to the cabinet [department] with an approved surety in an amount to be determined by the cabinet [department], said amount shall not exceed \$6,000 per vehicle. Additionally, upon conviction under KRS 189.990(2)(a) two (2) or more times within a five (5) year period, the cabinet [department] may revoke the applicant's permit to transport industrial materials.

Section 6. In the event the applicant is required to give a bond by the cabinet [department], the applicant shall be the principal obligor on the bond and the Commonwealth shall be the obligee. The bond may not exceed \$6,000 per vehicle and the applicant may file a corporate bond or a cash bond which bond may be conditioned upon compliance with the terms of any transportation plan and/or industrial materials permit issued by the cabinet [department]. In the event the applicant's liability is discharged upon a bond, the cabinet [department] may require the filing of a new bond.

Section 7. The [Department of] Transportation Cabinet may at its discretion require a maintenance agreement with the applicant to insure upkeep of the highways or bridges which may become damaged by loads transported under authority of an industrial materials permit. Any maintenance agreement entered into shall not be in lieu of, but shall be in addition to, any bond which might be required.

FLOYD G. POORE, Secretary

APPROVED BY AGENCY: March 21, 1985

FILED WITH LRC: March 22, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this proposed amended administrative regulation will be held May 24, 1985 at 8:30 a.m., in the fourth floor hearing room of the State Office Building, corner of High and Clinton Streets, Frankfort, Kentucky. Persons who intend to attend this hearing must in writing not later than May 19, 1985 so notify: Larry E. Moore, Assistant to the Secretary, Office of the Secretary, Transportation Cabinet, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Larry E. Moore

(1) Type and number of entities affected: All persons needing a permit for hauling industrial materials.

(a) Direct and indirect costs or savings to those affected: None as a result of this amendment.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None as a result of this amendment.

(2) Effects on the promulgating administrative body: Enable the Division of Motor Carriers to issue overdimensional permits as well as overweight permits.

(a) Direct and indirect costs or savings: None as a result of this amendment.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None as a result of this amendment.

(3) Assessment of anticipated effect on state and local revenues: None as a result of this amendment.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The "do nothing" alternative was rejected because present regulation did not comport with present statute.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. All persons needing a permit for hauling industrial materials are treated the same.

**TRANSPORTATION CABINET**  
Department of Vehicle Regulation  
Division of Motor Carriers  
(Proposed Amendment)

**601 KAR 1:025. Transporting hazardous materials; permit.**

RELATES TO: KRS 174.410(2), 174.430(1)

PURSUANT TO: KRS [13.082,] 174.410(2), 174.430(1)

NECESSITY AND FUNCTION: KRS 174.410(2) provides that the Secretary of the [Department of] Transportation Cabinet, in consultation with the Secretary of the [Department for] Natural Resources and Environmental Protection Cabinet and the Secretary of the Cabinet [Department] for Human Resources, shall adopt by reference or in its entirety, the federal hazardous materials transportation regulations, 49 CFR (1978), as amended in 1982, to effectively carry out the intent of this Act. KRS 174.430(1) provides that the Secretary of the [Department of] Transportation Cabinet is authorized to fix a reasonable fee, by regulation, to be paid by applicants for a general permit to transport hazardous materials through the Commonwealth, and for the renewal of such permit. This regulation implements the statutory provisions set out above.

Section 1. (1) To effectively carry out the intent of KRS 174.400 to 174.990 the cabinet [department] hereby adopts by reference the federal hazardous materials transportation regulation, 49 CFR (1978), as amended in 1982, in its entirety, except that the following modes

of transportation and the 49 CFR parts applicable thereto are specifically excluded from this regulation in accordance with KRS 174.405(1): railways (40 CFR Parts 174, 209 thru 270, 901, 903, 905, 921, 922, 931), and pipelines (49 CFR Parts 191, 192, and 195), and waterways (49 CFR Parts 176, 420 thru 424 and 450 thru 453).

(2) The applicable parts of 49 CFR, as amended, are on file for public inspection in the offices of the Legislative Research Commission, New Capitol Building, Frankfort, Kentucky 40601, and in the Transportation Cabinet's Division of Motor Vehicle Enforcement, State Office Building, Frankfort, Kentucky 40622.

Section 2. Applicants for a general permit, to be renewed annually, to transport hazardous materials through the Commonwealth, and for the renewal of such permit, shall pay to the cabinet [department] a fee of twenty-five (25) dollars.

FLOYD G. POORE, Secretary

APPROVED BY AGENCY: March 21, 1985

FILED WITH LRC: March 22, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this proposed amended administrative regulation will be held May 24, 1985, at 9:30 a.m. in the fourth floor hearing room of the State Office Building, corner of High and Clinton Streets, Frankfort, Kentucky. Persons who intend to attend this hearing must in writing not later than May 19, 1985, so notify: Larry E. Moore, Assistant to the Secretary, Office of the Secretary, Transportation Cabinet, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Larry E. Moore

(1) Type and number of entities affected: All persons transporting hazardous materials.

(a) Direct and indirect costs or savings to those affected: None as a result of this amendment.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None as a result of this amendment.

(2) Effects on the promulgating administrative body: None as a result of this amendment.

(a) Direct and indirect costs or savings: None as a result of this amendment.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None as a result of this amendment.

(3) Assessment of anticipated effect on state and local revenues: None as a result of this amendment.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The "do nothing" alternative was rejected because state law had changed.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to

harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. All persons transporting hazardous materials are treated the same.

**TRANSPORTATION CABINET  
Department of Vehicle Regulation  
(Proposed Amendment)**

**601 KAR 9:010. Registration.**

RELATES TO: KRS Chapter 186

PURSUANT TO: KRS [13.082,] 174.080, 186.020, 186.281

NECESSITY AND FUNCTION: This regulation establishes guidelines for purchase or transfer of a motor vehicle license tag.

Section 1. Evidence of Ownership of Buses. Any person desiring to obtain any license or tag for a bus operated pursuant to a certificate of public convenience and necessity issued by the Department of Vehicle Regulation [from the bureau] must submit to the department a bill of sale, certificate of title, or other satisfactory evidence of ownership of the bus [motor vehicle] to be licensed. No such bus [motor vehicle] shall be licensed unless the bill of sale, certificate of title, or other satisfactory evidence of ownership indicates that the person applying for the license or tag is the licensed owner of the bus [motor vehicle] or lessee thereof.

Section 2. Disposition of Tag Upon Sale or Transfer of Vehicle. When any motor vehicle licensed by the department [bureau] is sold or transferred to a person who is the present holder of a valid certificate or permit, and who intends to operate the motor vehicle for purposes authorized by such license and consistent with his certificate or permit, a license tag may, upon approval by the department [bureau], be transferred to the purchaser or lessee. The transferee of such a vehicle and license shall not commence operation of the motor vehicle bearing the license before notifying the department [bureau] of the transfer and obtaining approval of the department [bureau].

Section 3. Transfer of Tags. No person shall transfer a license plate issued by the department [bureau] from one motor vehicle to another without prior approval of the department [bureau].

FLOYD G. POORE, Secretary  
JOHN K. PENROD, Deputy Secretary/Commissioner

APPROVED BY AGENCY: March 15, 1985

FILED WITH LRC: March 22, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this proposed amended administrative regulation will be held May 24, 1985 at 10:30 a.m., in the fourth floor hearing room of the State Office Building, corner of High and Clinton Streets, Frankfort, Kentucky. Persons who intend to attend this hearing must in writing not later than May 19, 1985 so notify: Larry E. Moore,

Assistant to the Secretary, Office of the Secretary, Transportation Cabinet, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Larry E. Moore

(1) Type and number of entities affected: All persons needing a license tag or transfer of license tag.

(a) Direct and indirect costs or savings to those affected: None as a result of this amendment.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None from this amendment.

(2) Effects on the promulgating administrative body: None as a result of this amendment.

(a) Direct and indirect costs or savings: None as a result of this amendment.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None as a result of this amendment.

(3) Assessment of anticipated effect on state and local revenues: None as a result of this amendment.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The "do nothing" alternative was rejected because state law had changed.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. All persons needing a license tag or transfer of license tag are treated the same.

**TRANSPORTATION CABINET  
Department of Vehicle Regulation  
Division of Motor Vehicle Licensing  
(Proposed Amendment)**

**601 KAR 9:047. Salvaged vehicle registration.**

RELATES TO: KRS 186.115, 186A.115

PURSUANT TO: KRS [13.082, 174.080,] 186.020, 186A.020

NECESSITY AND FUNCTION: This regulation sets forth procedures to be followed when the owner of a motor vehicle which has been assembled from parts from wrecked or salvaged motor vehicles presents such a vehicle for registration and/or title.

[Section 1. If a motor vehicle which has been assembled from parts from wrecked or salvaged motor vehicles has no vehicle identification number, prior to application for registration application shall be made to the department for

the assignment of a vehicle identification number. Upon proper application the department will issue a vehicle identification number to be placed upon the frame of the vehicle. After the vehicle identification number is placed upon the frame of the vehicle, the vehicle must then be inspected by a sheriff or his deputy in accordance with the provisions of KRS 186.235.]

Section 1. [2.] All applications for registration and/or title of a motor vehicle which has been assembled from parts from wrecked or salvaged motor vehicles shall be accompanied by a copy of an inspection made by a certified inspector in accordance with [sheriff or his deputy] the provisions of KRS 186A.115 [186.235].

Section 2. [3.] All applications for registration and/or title of a motor vehicle assembled from parts from wrecked or salvaged motor vehicles shall be accompanied, if available, by an invoice or invoices showing the purchase of parts. Such invoices shall contain the following information: buyer, seller, date of transaction, and a description of the goods or parts purchased.

Section 3. [4.] In the event an invoice or invoices, as described in Section 2 [3], are not available, the owner of the motor vehicle shall submit an affidavit with his application for registration and/or title of such motor vehicle. The affidavit shall contain the following information: name and address of the affiant, where the affiant obtained the parts, serial number, identification number or motor number of the vehicle, make of the vehicle, model number of the vehicle, body style of the vehicle, year model of the vehicle, that he is the owner of the vehicle, and that the vehicle is clear of all liens.

Section 4. [5.] In its discretion, the Transportation Cabinet [department] may require both an affidavit and appropriate invoices.

FLOYD G. POORE, Secretary

APPROVED BY AGENCY: March 21, 1985

FILED WITH LRC: March 22, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this proposed amended administrative regulation will be held May 24, 1985 at 11:30 a.m., in the fourth floor hearing room of the State Office Building, corner of High and Clinton Streets, Frankfort, Kentucky. Persons who intend to attend this hearing must in writing not later than May 19, 1985 so notify: Larry E. Moore, Assistant to the Secretary, Office of the Secretary, Transportation Cabinet, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Larry E. Moore

(1) Type and number of entities affected: All persons needing a registration on a salvaged vehicle.

(a) Direct and indirect costs or savings to those affected: None as a result of this amendment.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None from this amendment.

(2) Effects on the promulgating administrative body: None as a result of this amendment.

(a) Direct and indirect costs or savings: None as a result of this amendment.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None as a result of this amendment.

(3) Assessment of anticipated effect on state and local revenues: None as a result of this amendment.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The "do nothing" alternative was rejected because state law had changed.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. All persons needing a registration on a salvaged vehicle are treated the same.

#### TRANSPORTATION CABINET Department of Highways Division of Traffic (Proposed Amendment)

603 KAR 5:050. Uniform traffic control devices.

RELATES TO: KRS 189.337

PURSUANT TO: KRS 189.337

NECESSITY AND FUNCTION: KRS 189.337(2) authorizes the Transportation Cabinet, Department of Highways, to adopt a uniform system of traffic control devices. This regulation defines the system.

Section 1. The standards and specifications set forth in the Federal Highway Administration publication "Manual on Uniform Traffic Control Devices for Streets and Highways" (1978 Edition, and subsequent amendments thereto) shall apply to all traffic control devices installed on any road or street. Satisfactory operating traffic control devices in use on the effective date of this regulation may continue to be used; however, if such devices are replaced or revised, they must be made to conform with the standards and specifications of the manual.

Section 2. A copy of the Federal Highway Administration publication "Manual on Uniform Traffic Control Devices for Streets and Highways" (1978 Edition and Revisions No. 1, [and] No. 2, and No. 3 dated December, 1979, [and] December, 1983, and September, 1984 respectively) is hereby incorporated by reference as part of this regulation.

Section 3. Copies of the Federal Highway



Administration publication "Manual on Uniform Traffic Control Devices for Streets and Highways" may be viewed at the Transportation Cabinet, Department of Highways, Division of Traffic in Frankfort, Kentucky or at any highway district office.

STEPHEN REEDER, Commissioner

APPROVED BY AGENCY: March 19, 1985

FILED WITH LRC: March 22, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this proposed amended administrative regulation on May 24, 1985 at 1:30 p.m. local prevailing time in the fourth floor hearing room of the State Office Building located at the corner of High and Clinton Streets in Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by May 19, 1985 so notify: Larry E. Moore, Assistant to the Secretary, Office of the Secretary, Transportation Cabinet, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Larry E. Moore

(1) Type and number of entities affected: Transportation Cabinet and transportation agencies of all cities and counties in Kentucky.

(a) Direct and indirect costs or savings to those affected: Changes required only as new signs are placed.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: Changes some signing requirements but effective only upon replacement.

(a) Direct and indirect costs or savings: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Federal Highway Administration requires that these revisions be adopted for all roads receiving federal funds.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. All highways and roads should be signed uniformly for ease of understanding by the traveling public.

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

806 KAR 39:070. Proof of motor vehicle insurance.

RELATES TO: KRS 186.021, 186A.040, 304.12-020, 304.39-080, 304.39-085

PURSUANT TO: KRS 186.021, 304.2-110, 304.39-300

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.39-300 provides that the Commissioner of Insurance may make regulations to provide for the effective administration of the Kentucky Motor Vehicle Reparatons Act. KRS 186.021 requires the Commissioner of Insurance to adopt regulations prescribing the manner in which proof of compliance with KRS 304.39-080 is presented to county clerks when renewing the registrations of motor vehicles.

Section 1. Definitions. As used in this regulation: (1) "Commissioner" means the Commissioner of the Kentucky Department of Insurance.

(2) "Insurer" means all insurers providing security covering a motor vehicle pursuant to KRS 304.39 and self-insurers pursuant to KRS 304.39-080 and 806 KAR 39:050.

(3) "Motor vehicle insurance policy" means an insurance contract purporting to provide security covering a motor vehicle pursuant to KRS 304.39.

(4) "Person" has the meaning set forth in KRS 304.1-020.

(5) "Written proof of motor vehicle insurance" means the document prescribed by Section 2 of this regulation.

Section 2. Written Proof of Motor Vehicle Insurance to be Provided by Insurers. (1) Each insurer issuing an insurance contract which provides security covering a motor vehicle shall provide to the named insured on or before January 1, 1985, written proof that the insurer has in effect an insurance contract providing security in conformity with KRS 304.39. Generally, the written proof of motor vehicle insurance should be mailed to the named insured at the latest address of record with the insurer. However, the written proof of motor vehicle insurance may be distributed to the named insured in any manner reasonably calculated to put the written proof of motor vehicle insurance in the possession of the named insured on or before January 1, 1985.

(2) Provision of written proof of motor vehicle insurance for new and renewal motor vehicle insurance policies.

(a) Written proof of motor vehicle insurance shall be provided annually upon renewal of motor vehicle insurance policies.

(b) Each new policy of motor vehicle insurance issued after the effective date of this regulation shall be accompanied by written proof of motor vehicle insurance. Insurers should be aware that new policies of motor vehicle insurance issued shortly before January 1, 1985, should be accompanied by written proof of motor vehicle insurance because of the need to have

proof of motor vehicle insurance available for registration renewal following January 1, 1985.

(c) All motor vehicle insurance policies issued after insurers make the initial delivery of written proof of motor vehicle insurance shall be accompanied by written proof of motor vehicle insurance.

(3) Copies of the written proof of motor vehicle insurance.

(a) If the motor vehicle insurance policy covers four (4) or less vehicles, a single written proof of motor vehicle insurance shall be provided for each motor vehicle. Two (2) copies of the written proof of motor vehicle insurance shall be provided for each motor vehicle insured under a motor vehicle insurance policy.

(b) If the motor vehicle insurance policy covers five (5) or more vehicles, copies of the written proof of motor vehicle insurance need not be provided for each vehicle covered by the policy. However, at least one (1) set of duplicates as specified in paragraph (a) of this subsection shall be provided. Insurers shall cooperate with policyholders who have fleet coverage as described in paragraph (b) of this subsection who wish to obtain proof of insurance to be kept in all covered motor vehicles. Proof of insurance provided under these circumstances need not meet all the formal requirements of written proof of motor vehicle insurance as set forth in this regulation.

(4) Guidelines for size and format of the written proof of motor vehicle insurance. The written proof of motor vehicle insurance shall be of a size that allows it to be carried in a billfold or with the motor vehicle registration.

(a) The written proof of motor vehicle insurance shall take one of the following forms:

1. A two and one-fourth (2 1/4) inch by three and one-half (3 1/2) inch card;

2. A two and one-fourth (2 1/4) inch by seven (7) inch card with a vertical fold resulting in a two and one-fourth (2 1/4) inch by three and one-half (3 1/2) inch card; or

3. A four and one-half (4 1/2) inch by three and one-half (3 1/2) inch card with a horizontal fold resulting in a two and one-fourth (2 1/4) inch by three and one-half (3 1/2) inch card.

(b) Slight variations from the sizes listed in paragraph (a) of this subsection shall be permitted.

(c) The written proof of motor vehicle insurance shall be on white paper with black or blue ink.

(5) Mandatory contents of the written proof of motor vehicle insurance. The written proof of motor vehicle insurance shall prominently display on its face the following information, to appear in approximately the order listed:

(a) Title of the document: "COMMONWEALTH OF KENTUCKY PROOF OF INSURANCE."

(b) The name of the insurance company and its three (3) digit code number assigned by the Department of Insurance.

(c) The name of the named insured.

(d) The effective date of coverage.

(e) The policy number.

(f) The motor vehicle identification: year, make or model, and vehicle identification number of the motor vehicle. If the insurance contract covers five (5) or more motor vehicles, it will state "Fleet."

(6) Optional contents of the written proof of

motor vehicle insurance.

(a) At the option of the insurer, the written proof of motor vehicle insurance may include the following information:

1. The insurer's logo.

2. A statement as to how to contact the insurer concerning claims.

3. The insurer's address.

4. The named insured's address.

(b) At the option of the insurer, the information listed in paragraph (a) of this subsection may also be contained on material separate from the written proof of motor vehicle insurance and mailed along with it.

(c) The optional information listed in paragraph (a) of this subsection shall not obscure the mandatory information listed in subsection (5) of this section.

(7) Instructions for use of the written proof of motor vehicle insurance. Insurers shall furnish with the written proof of motor vehicle insurance instructions to the effect that one (1) copy of the written proof of motor vehicle insurance must be given to the county clerk for registration renewal and that the other copy should be kept in the vehicle it relates to or, in the case of a motor vehicle insurance policy covering five (5) or more motor vehicles, in the insurance records of the named insured. The instructions shall further direct the insured to compare the vehicle identification number on the written proof of motor vehicle insurance with the vehicle identification number on the motor vehicle registration and to contact the insurer if the numbers differ. The insurer shall provide the name, address, and telephone number (preferably a toll-free number) of an insurer representative to contact concerning the discrepancy in numbers.

(8) Optional filing and approval of the written proof of motor vehicle insurance with the commissioner; disapproval of the written proof of motor vehicle insurance by the commissioner.

(a) At the option of the insurer, the written proof of motor vehicle insurance may be filed with the commissioner for approval. No insurer shall be subject to disciplinary action by the commissioner as long as the approval provided for by this paragraph remains in effect.

(b) The commissioner may disapprove an insurer's written proof of motor vehicle insurance or its use if he finds that it violates this regulation, any provision of the Kentucky insurance code or regulations, or that the insurer's written proof of motor vehicle insurance or its use is unfair or deceptive.

(9) In light of the provisions of KRS 186A.040 and 304.39-085 requiring information on motor vehicle insurance cancellations and nonrenewals to be reported to the Transportation Cabinet and placed on the automated vehicle information system and further requiring the Transportation Cabinet to notify the named insured to obtain replacement motor vehicle insurance following cancellation or nonrenewal of a motor vehicle insurance contract, the fact that a person has in his or her possession a written proof of motor vehicle insurance for an insurance contract which has been terminated shall not be construed as meaning that the insurance contract is in effect.

Section 3. Alternative Methods of Proving Motor Vehicle Insurance. A person may use the following alternative methods to prove that motor vehicle insurance is in effect when registering a motor vehicle:

(1) A certificate of insurance issued by a general lines insurance agent licensed by Kentucky. The certificate shall be on a form prescribed by the commissioner.

(2) The county clerk's review of the records contained in the automated vehicle information system.

(3) An insurance contract with a declaration page attached showing that the policy is in effect at the time the motor vehicle is being registered.

(4) A letter from the Kentucky Automobile Insurance Plan serving as prima facie evidence of insurance in force.

(5) [(4)] When the owner of the motor vehicle is serving in the armed forces outside Kentucky, an affidavit by the provost marshal of the base where such person is stationed stating that the motor vehicle in question is covered by an automobile liability insurance policy.

Section 4. Information to be Submitted by Insurers on Cancellation and Nonrenewal of Motor Vehicle Insurance Policies. (1) Insurers shall submit information on motor vehicle insurance policy cancellations and nonrenewals on computer tape unless:

(a) The insurer submits notices on less than fifty (50) policies per accounting month;

(b) The use of computer tape will be an unreasonable burden on the insurer; or

(c) Other good cause not to use computer tape is shown.

(2) Any such information on computer tape shall be on computer tape compatible with standards prescribed by the Department of Vehicle Regulation and the Department of Information Systems.

(3) Any such information in writing shall be in the form prescribed by the Department of Vehicle Regulation.

(4) Information required upon cancellation and nonrenewal.

(a) If the motor vehicle insurance policy covers four (4) or less motor vehicles, insurers shall provide the following information:

1. Vehicle identification number(s).

2. Year(s) and make(s) or model(s) of the motor vehicle(s).

3. Name of the named insured.

4. Policy number.

5. Company code.

6. Effective date of the termination of the motor vehicle insurance policy.

(b) If the motor vehicle insurance policy covers five (5) or more motor vehicles, insurers shall provide the information required by paragraph (a) of this subsection, except that the vehicle identification numbers, years, and makes or models of the covered motor vehicles need not be given. In place of this information, the notice will state "Fleet."

(5) Insurers shall attempt to edit their lists of cancellations and nonrenewals prior to submitting them to the Department of Vehicle Regulation in order to eliminate policyholders whose policies were terminated and then reinstated or terminated and replaced by a policy issued by the same insurer. Both the

Department of Insurance and the Department of Vehicle Regulation understand that the technology to accomplish this may not be available to all insurers, but an attempt should be made in order to determine the feasibility of such editing.

Section 5. Severability. If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of this regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 6. Effective Date. (1) This regulation shall become effective January 1, 1985.

(2) However, insurers should be aware that the requirements of this regulation contemplate considerable preparatory activities on their part prior to January 1, 1985, in order to comply by that date.

GIL McCARTY, Commissioner

M. H. WILSON, Secretary

APPROVED BY AGENCY: April 11, 1985

FILED WITH LRC: April 15, 1985 at 10 a.m.

PUBLIC HEARING SCHEDULED: Persons with an interest in the subject matter of the proposed regulation may attend a public hearing scheduled for May 21, 1985, at 9 a.m. (ET) in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601. Written comments may be submitted to Gil McCarty, Commissioner, Kentucky Department of Insurance, P. O. Box 517, Frankfort, Kentucky 40602. Written comments must be received by the date of the public hearing.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Patrick Watts

Need for the Proposed Regulation: The proposed amendment to Section 2(7), requiring insurers to provide instructions to policyholders to compare vehicle identification numbers on identification cards with vehicle identification numbers on the vehicle registration, was suggested by Jean Bailey, Rowan County Clerk and President of the Kentucky County Clerks Association, at the April 2, 1985, meeting of the Highway and Vehicle Regulation Subcommittee. The purpose of the proposed amendment is to reduce the number of incomplete and erroneous VINs in insurer records and to reduce inconvenience to the public.

The proposed amendment to Section 3 was suggested by Alton Scott, Manager of the Kentucky Automobile Insurance Plan. The proposed amendment permits a letter from the Kentucky Automobile Insurance Plan serving as prima facie evidence of insurance in force to be an alternative method of proving motor vehicle insurance pursuant to KRS 186.021. Such a letter is issued by the manager of the Kentucky Automobile Insurance Plan pending assignment of the risk to an insurer.

Type and Number of Entities Affected: The proposed amendments apply to the over 500 insurers authorized to transact motor vehicle insurance in Kentucky. They will also affect all persons purchasing motor vehicle insurance in Kentucky.

1. Direct or Indirect Cost or Savings to Those Affected: The proposed amendments will require

motor vehicle insurers to add to the instructions given to insureds with motor vehicle insurance identification cards. There will be some cost to motor vehicle insurers due to a change in forms. It will also take time to accomplish this change. When review of the proposed amendment is completed, it is anticipated that the Commissioner will issue a bulletin notifying motor vehicle insurers of the change and giving them a certain period of time to comply (probably 30 days).

The proposed amendments should be helpful to motor vehicle insurance policyholders. They will be able to correct problems in identification cards prior to the time they come in to the county clerk's office to renew a vehicle registration. The addition of a letter from the Kentucky Automobile Insurance Plan serving as prima facie evidence of insurance in force to the alternative methods of proving motor vehicle insurance should allow persons to renew a registration without waiting until an identification card is issued.

2. Reporting and Paperwork Requirements: None  
Effects on the Promulgating Administrative Body: None

Assessment of Anticipated Effect on State and Local Revenues: None

Assessment of Alternative Methods; Reasons Why Alternatives Were Rejected: As outlined at the April 2, 1985, meeting of the Highway and Vehicle Regulation Subcommittee, action is necessary to reduce the number of incorrect VINs being provided by the insurance industry.

Statutes, Rules, Regulations, or Governmental Policies Which May Conflict, Overlap, or Duplicate the Proposed Regulation: None

Tiering:

Was tiering applied? No. Tiering is not applied in the amendment to Section 2 because all motor vehicle insurers are required to provide proof of insurance and all motor vehicle insurers are required to provide instructions for the use of proof of motor vehicle insurance. The amendment to Section 3 uses tiering in that it recognizes a new method of proof of motor vehicle insurance.

**CABINET FOR HUMAN RESOURCES**  
**Department for Health Services**  
**(Proposed Amendment)**

902 KAR 4:050. Kentucky family planning program.

RELATES TO: KRS 211.180, 214.185  
PURSUANT TO: KRS 194.050(1), 211.090, 211.180  
NECESSITY AND FUNCTION: P.L. 91-571, the "Family Planning Services and Population Research Act of 1970" and 42 CFR, Part 59, authorizes grants for family planning services. The Cabinet for Human Resources is authorized by KRS 194.050 to adopt such rules and regulations as are necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this regulation is to implement the Kentucky Family Planning Program in accordance with applicable federal laws and regulations.

Section 1. State Plan for Family Planning Services. The Cabinet for Human Resources hereby adopts the "Kentucky State Plan for Family Planning Services - Fiscal Year 1984-1985 [1983-1984]" and the "Kentucky State Plan for Family Planning Services - Fiscal Year 1985-1986 [1984-1985]" by reference as the Kentucky Family Planning regulation covering all phases of program operation including but not limited to program eligibility for services and provision for fee collections in accordance with federal regulations and guidelines, consent requirements, medical standards, quality assurance, and other relevant components of the program. A copy of the State Plan for Family Planning Services - Fiscal Year 1984-1985 (three (3) volumes) [1983-1984 (one (1) volume)] and the State Plan for Family Planning Services - Fiscal Year 1985-1986 (one (1) volume) [1984-1985 (three (3) volumes)] have been filed with Region IV, Department of Health and Human Services, 101 Marietta Tower, Atlanta, GA 30323. A copy shall be on file and available for public inspection in the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, KY 40621.

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 9, 1985

FILED WITH LRC: April 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 21, 1985, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by May 16, 1985: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: T. G. Hanekamp

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: 97,472 clients; 143 clinics, including all local health departments and some private, non-profit clinics.

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs (note any effects upon competition): Slight increase in sliding fee scale costs to clients above poverty level.

(b) Reporting and paperwork requirements: N/A

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: Inflationary factors have increased cost per client 7% over the previous fiscal year.

(b) Reporting and paperwork requirements: No additional paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: Services already existing, no additional effect.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Most efficient alternative.

(5) Identify any statute, administrative

regulation or government policy which may be in conflict, overlapping, or duplication: No apparent conflict.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No N/A

**CABINET FOR HUMAN RESOURCES**  
**Department for Health Services**  
**Division of Consumer Health Protection**  
**(Proposed Amendment)**

**902 KAR 10:060. Onsite sewage disposal.**

RELATES TO: KRS 211.350

PURSUANT TO: KRS [13.082,] 194.050, 211.350

NECESSITY AND FUNCTION: KRS 211.350(5) authorizes the Cabinet for Human Resources to establish a schedule of reasonable fees to cover the costs of services performed by the Cabinet with respect to onsite sewage disposal systems. The function of this regulation is to set forth the fee to be charged in order to cover the actual cost to the Cabinet of the administration of the onsite sewage disposal system program.

[Section 1. Definitions. (1) "Cabinet" means Cabinet for Human Resources.]

[(2) "Onsite sewage disposal system" means an installation intended for the treatment and disposal of sewage by means of a septic tank, or other approved device, and includes the drainfield into which the effluent will be dispersed.]

Section 1. [2.] All applications for a permit to construct, install, or alter an onsite sewage disposal system filed with the Cabinet or its agent shall be accompanied by a fee of fifteen (15) dollars [nine dollars (\$9)].

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 12, 1985

FILED WITH LRC: April 15, 1985 at noon

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 14, 1985 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Irving Bell

(1) Type and number of entities affected: Consumers, contractors, onsite sewage disposal system installers. Approximately 6,000-8,000 systems installed per year.

(a) Direct and indirect costs or savings to those affected:

1. First year: Additional \$6.00 per permit

which is a one-time cost.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No increase; use existing forms, no changes otherwise.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Will generate additional revenues (\$50,000) to allow addition of critically needed staff positions (2).

2. Continuing costs or savings: See above

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Increases as a result of additional staff only.

(3) Assessment of anticipated effect on state and local revenues: Increase state revenues; no effect on local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternatives involved either more general fund monies needed or no additional staff which would be extremely detrimental to program efficiency and effectiveness.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Tiering would serve no useful purpose in this instance. Increased cost to affected parties on a one-time basis is an extremely minor portion in relation to total system installation cost.

**CABINET FOR HUMAN RESOURCES**  
**Department for Mental Health and Mental**  
**Retardation Services**  
**(Proposed Amendment)**

**902 KAR 12:080. Policies and procedures for mental health/mental retardation facilities.**

RELATES TO: KRS Chapter 210

PURSUANT TO: KRS 210.010

NECESSITY AND FUNCTION: KRS 210.010 directs the Secretary of the Cabinet for Human Resources to prescribe regulations for the institutions under the control of the cabinet. The function of this regulation is to adopt policies and procedures for such institutions.

Section 1. Oakwood Policy Manual. The policies set forth in the April 1, 1985 [December 1, 1984], edition of the "Oakwood Policy Manual" consisting of three (3) volumes relating to the operation of Oakwood ICF-MR Facility are hereby adopted by reference.

Section 2. Hazelwood Policy Manual. The policies and procedures set forth in the April 1, 1985 [December 1, 1984], edition of the "Hazelwood Policy Manual" consisting of two (2)

volumes relating to the operation of Hazelwood ICF-MR Facility are hereby adopted by reference.

Section 3. Central State Hospital ICF-MR Policy Manual. The policies and procedures set forth in the May 1, 1984, edition of the "Central State Hospital ICF-MR Policy Manual" consisting of two (2) volumes relating to the operation of Central State Hospital ICF-MR Facility are hereby adopted by reference.

Section 4. Eastern State Hospital Policy Manual. The policies and procedures set forth in the April 1, 1985 [December 1, 1984], edition of the "Eastern State Hospital Policy Manual" consisting of twenty-one (21) volumes relating to the operation of Eastern State Hospital Facility are hereby adopted by reference.

Section 5. Central State Hospital Policy Manual. The policies and procedures set forth in the April 1, 1985 [September 1, 1984], edition of the "Central State Hospital Policy Manual" consisting of nineteen (19) volumes relating to the operation of Central State Hospital Facility are hereby adopted by reference.

Section 6. Western State Hospital Policy Manual. The policies and procedures set forth in the April 1, 1985 [December 1, 1984], edition of the "Western State Hospital Policy Manual" consisting of thirty-one (31) volumes relating to the operation of Western State Hospital Facility are hereby adopted by reference.

Section 7. Glasgow ICF Policy Manual. The policies and procedures set forth in the May 1, 1984, edition of the "Glasgow ICF Policy Manual" consisting of twelve (12) volumes relating to the operation of Glasgow ICF Facility are hereby adopted by reference.

Section 8. Western State Hospital ICF Policy Manual. The policies and procedures set forth in the April 1, 1985 [November 1, 1984], edition of the "Western State Hospital ICF Policy Manual" consisting of nine (9) volumes relating to the operation of Western State Hospital ICF Facility are hereby adopted by reference.

Section 9. Volta Policy Manual. The policies and procedures set forth in the September 1, 1984, edition of the "Volta Policy Manual" consisting of one (1) volume relating to the operation of Volta Facility are hereby adopted by reference.

Section 10. Kentucky Correctional Psychiatric Center Policy Manual. The policies and procedures set forth in the April 1, 1985 [December 1, 1984], edition of the "Kentucky Correctional Psychiatric Center Policy Manual" consisting of thirteen (13) volumes relating to the operation of Kentucky Correctional Psychiatric Center Facility are hereby adopted by reference.

Section 11. Location of Manuals Referenced in This Regulation. A copy of each manual referenced in this regulation is on file in the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky, and is open to public inspection.

## Section 12. Summary of Amendment.

Section 1 is revised as follows:

### OAKWOOD POLICY MANUAL - A-1 - Volume I

<u>DST-0-1</u>	<u>#3</u>	<u>Revised</u>	<u>Departmental</u>
		<u>Organizational Chart</u>	
		<u>Attachment Only</u>	
<u>DST-0-2</u>	<u>#5C</u>	<u>Requires written reports to be</u>	<u>submitted to IDT Staffing</u>
		<u>Chairman earlier</u>	

### OAKWOOD POLICY MANUAL - A-3 - Volume III

<u>DST-2-2</u>	<u>#33C</u>	<u>Increases accountability and</u>	<u>security of medications</u>
		<u>administered in the cottage.</u>	
<u>DST-2-5</u>	<u>#2B</u>	<u>Adjusts Pharmacy hours of</u>	<u>operation.</u>
	<u>#25B</u>	<u>Increases accountability and</u>	<u>security of drug deliveries.</u>
	<u>#27</u>	<u>New Policy - Insures control of</u>	<u>cottage and infirmary</u>
		<u>medications on weekends and</u>	<u>holidays, extra doses, and PRN's.</u>
<u>DST-3-6</u>	<u>#1B</u>	<u>Adjusted to reflect coordinative</u>	<u>services of all recreation</u>
		<u>programs.</u>	

### HAZELWOOD POLICY MANUAL - B - Volume I

<u>87-1-1</u>	<u>#1A</u>	<u>Policy &amp; Procedure Manuals:</u>	<u>This policy was revised to now</u>
			<u>state the Executive Committee is</u>
			<u>primarily responsible for the</u>
			<u>development, review and revision</u>
			<u>of all facility policies and</u>
			<u>procedures.</u>
<u>87-1-2</u>	<u>#3</u>	<u>Program Evaluation:</u>	<u>This new policy initiates a</u>
			<u>program by which the previous</u>
			<u>year's activities shall be</u>
			<u>evaluated and utilized in</u>
			<u>planning the coming year's</u>
			<u>activities. This shall be from a</u>
			<u>wide-base of information</u>
			<u>involving activities inside the</u>
			<u>facility and outside the</u>
			<u>facility with a primary focus on</u>
			<u>the results of quality of</u>
			<u>service to our residents. A</u>
			<u>program evaluation will enable</u>
			<u>us to better plan to meet the</u>
			<u>needs of our residents in future</u>
			<u>managerial activities.</u>
<u>87-1-3</u>	<u>#4C</u>	<u>Resident/Guardian Complaint:</u>	<u>Policy revision needed to better</u>
			<u>establish time limits on the</u>
			<u>responses and resolution of the</u>
			<u>complaint.</u>
<u>87-2-1</u>	<u>1E</u>	<u>Organization of Services:</u>	<u>Licensing &amp; Regulation require a</u>
			<u>policy on organization of</u>
			<u>services. This policy has been</u>
			<u>updated in order to better</u>
			<u>exemplify the current</u>
			<u>organization of services at</u>
			<u>Hazelwood.</u>

The attachment to the above  
policy is an update in the  
current Governing Body for all  
Department for Mental Health and

- Mental Retardation Services facilities.  
Staff-Resident Communication:  
 This is a new policy. Licensing and Regulation require a policy and procedure on communications within the facility involving both staff and residents. This policy indicates required communications in other licensure regulations and the requirements of documentation for necessary meetings or formalized communication.
- 87-3-1 #5
- 87-4-1 #11 Telephone Usage:  
 This new policy was needed for proper utilization of the facility telephone system and keeping personal calls to a minimum, thus freeing lines for calls relating to facility business.
- 87-4-4 #3C Sorting of Linen and Clothing:  
 The revision in this policy is due to the diapers being furnished by National Linen Service Contract.
- 87-4-4 #4B Pick-Up of Soiled Linen and Clothing:  
 The revision in this policy is due to the upholstering being moved to the Physical Therapy Department.
- 87-4-4 #6A Condemning of Linen, Clothing and Mending:  
 The revision in this policy is due to the upholstering work being assigned to the P.T. Department.
- 87-4-4 #13B Isolation:  
 This policy was revised because of the diapers being furnished by National Linen Service Contract.
- 87-4-4 #20A Preparing Residents' Soiled Clothing for Laundering:  
 This policy was revised because a washing machine with a larger capacity was installed.
- B - VOLUME II
- 87-5-1 #2C An attachment to the Medical Services policy which is an update in the medical agreement between Hazelwood and NKC, Inc.
- 87-5-1 #2C An attachment to the Medical Services policy which is an update of the medical agreement between Hazelwood and Sts. Mary & Elizabeth Hospital.

Section 4 is revised as follows:

EASTERN STATE HOSPITAL POLICY MANUAL

Volume D1

- Section 1, #48 The clarification "with or without the patient's consent" has been added to the definition of "physical abuse - sexual involvement."

Volume D1

- Section 2, #9 This policy is repealed.

Volume D1

- Section 2, #15 The clarification "with or without the patient's consent" has been added to the definition of "physical abuse - sexual involvement."

Volume D1

- Section 2, #39 "Inclement Weather to Patients" is added for patient protection during inclement weather when conditions are unsafe for patients to leave the wards unescorted.

Section 6 is revised as follows:

WESTERN STATE HOSPITAL POLICY MANUAL - F15

- #IV Policy revised to change employee classification of Health Aide to reflect the new classification of Patient Aide.
- #V Policy deleted - initial training is no longer given.
- #XIII Policy revised to show new processing route for tuition assistance applications.
- #XVI Policy revised to require monthly reports.
- F-26 Pharmaceutical Services  
 Approved sheet for updated material.  
 Cover sheet - Philosophy and purpose of pharmacy.  
 Organization chart updated.
- Section II #19 Revised list of drugs in the mini drug room.
- Section II #22 Changed to show that the Maintenance Department delivers drugs since the Transportation Department has been dissolved.
- Section II #26 Delete Formulary policy #26.
- Section I #9 Policy on compensatory time revised to agree with personnel.
- #7 Policy revised to include an intra-departmental monitor in the quality assurance program.
- Section II #9 Policy revised to show change in pharmacy hours.
- Section VIII #1 Policy revised to add Merck Manual to the reference material.
- Section V Revised list of authorized persons who can write prescriptions.
- Section IX #1 Revision of policy to require employees to see health nurse for drugs for personal use.
- F-31
- Section IV #17 Policy revised to prevent patients from coming onto wards carrying dangerous weapons.

Section 5 is revised as follows:

CENTRAL STATE HOSPITAL POLICY MANUAL - E1

- Section B 9A Content Sheet:  
 Section 9A added to the content sheet.

- 9A This policy & procedure was developed because the use of regular incident reporting did not always result in the causative agent or the name of the person committing the error. This new policy & procedure clearly delineates causes, name of person discovering the error, name of person committing the error, and it completed with the action taken by the supervisor.

The new form will also lend itself well to a statistical analysis of medication errors. This analysis will provide a basis for both corrective action & recommendations for the eradication or alleviation of the errors.

- 10 Policy revised (procedure #12) to make reference to policy HH 5.10 on how to handle a Code I for an employee. The older procedure did not clearly state how the forms were to be distributed if a Code I was called.
- #15 Policy revised so that procedure #2 makes the supervisor responsible for waking employees found sleeping.

#### Section C

- #1 Fire & Safety Manual: Replaces former fire and safety manual for the following reasons:

##### Additions:

- (1) To include Hospital policy on accident/incident reporting.
- (2) To include procedure for calling a "Manpower Emergency."
- (3) To include procedure for calling a "Medical Emergency (Code One)."

##### Changes:

Additional changes were made to clarify and bring written procedures in line with proven safety practices.

#### Section D - Clinical Staff

Pages 1, 19 & 27

The Committee needed to make changes in order to be in line with the re-organization February of 1984.

#### Section F - Dental Services

- #5 New policy for dental treatment of Hepatitis B patients & carriers. During the past year there has been an increased awareness of the risk of Hepatitis B carriers among our hospital population. This awareness

has prompted concern about transmission of the Hepatitis B virus to patients & staff in the dental clinic environment. Dental equipment presents a special sterilization problem with respect to the Hepatitis B virus.

#### Section G - Nursing Services

- #5 The old nurse practice act needed to be removed from the policy and procedure manual.

Licensure in Kentucky is mandatory. This new regulation is in compliance with Kentucky licensure regulations.

#### Section Z - Quality Assurance

- #1 QA Plan/Program reviewed and revised yearly. Our QA Plan has been reviewed but not revised until November 1984. The Plan has been rewritten to provide of for the inclusion of the QA committees that have been established in the past on each Ward and in every Department. Those committees are functioning appropriately and follow JCAH guidelines. The revised plan provides for a clear, concise QA program with responsibilities and actions more clearly delineated than the previous plan.

#### Section FF - Utilization Review & Medical Care Evaluation Plan of Central State Hospital

The U.R. Committee reviewed and revised the methods of review Part A. This was in the interest of assuring quality care for the patients.

Under Methods of Review, Part B, Admission Review: "In the Patient Review Coordinator's absence, an alternate will be appointed to review admissions."

Under IV. Organization of Committee, the second paragraph of Part A was reworded to improve classification.

Remove Section FF #2 - This policy is now combined in FF #1.

#### Section HH - Treatment Program

No. 4.40  
& Checklist

The Case Manger Responsibilities section of the Discharge Checklist has



been revised to include address, type of living arrangement and risk factor. Made at the request of Seven Counties for computer information to be used in the tracking system. The risk factor will identify "high risk" patients for more intense follow-up by SCS upon discharge from the hospital.

The Nursing Responsibilities section if the checklist has been revised to include the notification of Vocational Rehabilitation upon discharge to current information on patients.

The Policy, No. 8 has been revised to reflect these changes as needed.

No. 5.10

The new Code I policy & procedure clearly states the responsibilities of each rescuer. Reports had been sent to Administration that the professional staff needed inservice & guidance in how to respond to medical emergencies.

#### Section HH - Crash Cart Medications

Behind No. 5.10

The Clinical Executive Committee recommended an updated list of medications on the crash cart for emergencies.

#### Section HH - Treatment Program

No. 6.70

Revised Page 2 and added No. 20, to prevent sexual assault with female patients.

#### Form - Restraint & Seclusion Record

Placed behind HH 6.70

Form changed to more efficiently meet standard in documentation especially concerning nursing care and length of time patient is under intensive observation and care.

#### Form - Interdisciplinary Progress Notes

Placed Behind HH 8.60

The Clinical Executive Committee, becoming more legally conscious requested that time be clearly stated on the progress note. Discipline column was added because we could not keep up with 8 different colored pens for all disciplines to use. Problem number was added to assist staff in charting with the guidelines of problem oriented charting. The revised policy assures an implemented plan of treatment for all patients

No. 8.80

but reserves the Master Treatment Plan for those patients continuing hospitalization 10 days and beyond. This revision should avoid unnecessary documentation and enhance staff availability for implementing treatment services.

The care of the epileptic patient needed to be revised and the Clinical Director requested a report of epileptic seizure form be used. The hospital had recently lost a case where staff had not clearly documented care of a patient who died after a seizure.

No. 10.90

#### CENTRAL STATE HOSPITAL POLICY MANUAL - E2

##### Section 5

#5

The change from a 30-day to a 14-day M.A.R. (medication administrative record) necessitated these additions to the M.A.R. procedure 5.5 of the Nursing Manual.

Section 8 is revised as follows:

#### WESTERN STATE HOSPITAL INTERMEDIATE CARE FACILITY POLICY MANUAL - H-4

- H4 Section I P.9 Revised to change name of chief nurse.
- H4 Section I P.10 Revised to change name of chief nurse.
- H4 Section I P.11 Revised to change name of chief nurse.
- H4 #8 P.1 Revised to change ward # to Ward 31-1.
- H4 #9 Revised to 11-7 shift to read 11:00 p.m. to 7:00 a.m.
- H4 #15 Revised to change ward # to Ward 31-1, and to change 11-7 shift to read 11:00 p.m. to 7:00 a.m.
- H4 #29 Revised to delete WPPR performance raises.
- H4 #46 Revised to add statement if an employee does not work extra after three (3) requests the employee's name will be dropped from the list.
- H4 Section III 7-3 Shift Duties - revised to explain current duties.
- H4 Section III 3-11 Shift Duties - revised to explain current duties.
- H4 Section III 11-7 Shift Duties - revised to explain current duties.
- H4 #40 Revised because new parking permits were issued.
- H3 Table of Contents - Revised to include new material.
- H3 Section IV - Procedure 14 - new bowel training program.
- H3 Section IV - Procedure 15 - new bladder training program.
- H8 Section B - Social Service Assessment - revised to include more information.
- H8 Section B - Patient Admissions - Item 4 - revised to show current information.

WESTERN STATE HOSPITAL INTERMEDIATE CARE FACILITY POLICY MANUAL - H10

A new Diet Manual is developed utilizing part of the Diet Manual of Western State Hospital and adding a section on "Supplemental Feedings."

Section 10 is revised as follows:

KENTUCKY CORRECTIONAL PSYCHIATRIC CENTER POLICY MANUAL - J9

- J9-1- policy revised to require utilization of a new referral form.
- J9-2- policy revised to require use of Intake Summary Form for more useful information.
- J9-3- policy title is changed from Securing Patient Information and Securing Patient Information from other agencies.
- J9-4- a new policy listing conditions for admission to and discharge from other agencies.
- J9-5- Admission for Continuing Treatment is revised to show the role of the Director of Outpatient Services, and the Medical Records Department.
- J9-6- Policy revised to show records to be maintained by Outpatient Services.
- J9-7- Policy revised to require social worker statement and the signature of supervisor for non-privileged staff.
- J9-8- Psychosocial History Update: This policy was revised to include medical, family and institutional information and to require signature of supervisor for non-privileged staff.
- J9-9- Treatment Planning: Minor revisions were made in the policy to more accurately reflect the intent of treatment planning.
- J9-10- Treatment Planning Reviews: This policy was changed to standardize the frequency of treatment plan reviews as required by JCAH standards.
- J9-11, J9-12, J9-13, J9-14 had no changes.
- J9-15- Discharge Summary: Policy and procedure was edited for clarity and added the requirement of co-signature of the supervisor for non-privileged staff.
- J9-16- Discharge Procedures: This policy is a new policy to establish a standard procedure for the discharge of patients from the service.
- J9-17- Staff Services Log: The policy statement was revised, deleting "serve as a method to keep notes for entering into medical charts," this being done to reduce duplication of documentation.
- J9-18- Monthly Report & Statistical Summary: The requirements for the monthly report have been changed by the administration during the

year and this policy was revised to correspond to the administrations requirements.  
Patient Census - No change.  
Personnel Policy - No change.

J9-19-  
J9-20-

OPS Policy & Procedure - "Transfer Summary & Update" has been deleted.

KENTUCKY CORRECTIONAL PSYCHIATRIC CENTER POLICY MANUAL - J-1

- J-1 A44 Revised policy to restrict the back door to the nurses station as a security precaution.
- J-1 B33 Revised to restrict the number of patients who can use the gym, and to allow officers near the gym to respond to a "code 500" call.
- J-1-B-19 Revision of request for discharge procedure to require witnessing of patients "mark" or signature, notification of the Admissions Coordinator about the patient's interview, and delivering a copy to psychiatrist and program director.
- J-1 Section I "Snow Plan" is hereby deleted.
- KENTUCKY CORRECTIONAL PSYCHIATRIC CENTER POLICY MANUAL - J-11
- J-11/14 Medical Staff Policy & Procedure - a new policy in compliance with the Division of Licensing and Regulations, to define responsibilities of physicians.
- [DST-0-1 #2B Terminology adjusted to refer to clients as "persons with mental retardation".
- #3A More clearly identifies support services reporting to the Office of the Facility Director.
- DST-0-2 #3A Adds section for search by Unit V Shift Supervisor.
- Attachment
- #4B More clearly defines training objectives; process reviewed monthly.
- #5B Revised staffing format. Omits procedure requiring recommendations to be sent to DSI.
- #17C Includes representation for Unit DST-0-1
- #19B Updates reference to current forms and Retention and Disposal Schedule.
- DST-0-3 #9A Omits reference to use of contingency management system.
- #15C Revises list of authorizations necessary for program approval.
- DST-0-5 #4A Deletes requirement to send documentation to Training and Education Branch.
- #15B Tightens training requirements for personnel transporting residents.
- DST-0-6 #9B More clearly delineates sponsorship approvals. Deletes ID card requirement.
- DST-0-7 #8B Adjusts increment specifications and annual and sick leave accrual rates for part-time over 100 hours employees.

# ADMINISTRATIVE REGISTER - 1671

- #15B Revises form numbers and updates procedures according to current timekeeping procedures.
- #17C Revises annual leave accrual for part-time over 100 employees.
- #18C Revises sick leave accrual for part-time over 100 hours employees.

## OAKWOOD POLICY MANUAL - A-2 - Volume II

- DST-0-8A #3A Generalizes resident advocate responsibility to apply for any funds resident may qualify for rather than specifying each form and fund.
- #4A More clearly defines role of Placements and Admissions Coordinators.
- DST-0-8B #1B Transfers responsibilities for some placement procedures to other staff.
- #4B Changes New Neighbors terminology to AIS/MRDD and specifies need for authorization for release of information.
- DST-0-8C #3A Deletes authorization for permanent record to accompany resident to another CHR facility.
- #6B Adds KRS reference and specifies expiration of authorization for release of information.
- #8A Provides stricter controls for removal of permanent records from central record room.
- #9B Revises retention time period to agree with current guidelines.
- #10A Revised to conform to KRS 422.300-330. Permanent record not transferable to other facilities.
- #13B Specifies transfer of pertinent record material rather than complete record to/from other CHR facilities.
- #15A Revised listing of statistical data maintained by Resident Records Department.
- #16 New policy to standardize procedures for charging for copying Resident Record material.
- DST-0-8D #5A Gives social worker or R.N. authority to notify families of infirmary admission.
- DST-1-1 #5 Policy deleted. (Identification not required for Administrative Services employees for work on facility.)
- DST-1-2 #4B Revised procedure for requesting food in lieu of menu.
- DST-1-3 #13C Terminology revised to refer to cottage teacher as Residential Training Specialist.
- #16B Includes revised forms.
- DST-1-7 #3A Changes laundry bagging procedures.

## OAKWOOD POLICY MANUAL - A-3 - Volume III

- DST-2-2 #4B Revises procedure for administration of injections.
- #9C Increases number of locations for denoting allergies.

- #10C Includes date in medication checks.
- #14B Includes additional medical information on Kardex.
- #26C Revises procedures for receiving lab results.
- #32C Includes date in medication check.
- #41 New procedure for measuring and recording resident weight and height.
- DST-2-5 #1A Specifies approval of medications by State Formulary Committee and Oakwood Pharmacy and Therapeutic Committee.
- DST-3-1 #2A Title change from Director of Program Services to Program Director.
- #3A Deleted (Reports)
- #6B Revised copy room procedures.
- DST-3-2 #1C Revises mission of Developmental Training Department.
- DST-3-3 #1B Revises mission of Habilitative Training Department.
- DST-3-4 #1C Revises mission of Diagnostic and Therapeutic Services Department.
- DST-4-1 #1C Reflects new structure of five Units.
- #2B Reflects new structure of five Units.
- #5B Deleted (Employee Work Performance Appraisal no longer applicable).
- DST-4-2 #1B Reflects new five-Unit structure.
- #2A Reflects new five-Unit structure.
- #6A Includes transmitters in transfer of items between shifts.
- #7A Requires staff to sign log book at beginning and end of shift.
- #9C Requires social worker to provide current list of approved resident visitors.
- #12B Revised mealtime hours.
- #15B More clearly defines procedures for resident treatment programs.
- #17A Revised to refer to "teacher" as instructor.
- #20B Revises intrafacility resident transfer procedures.

Section 2 is revised as follows:

## HAZELWOOD POLICY MANUAL - B-1

- 87-3-3 #7B Sub group A - page 1: Staff Services Director has been added to the call list. Reason: The Staff Services director is one of the branch managers, and the Safety Committee is of the opinion that all branch managers should report to the facility during an internal disaster to assist their respective departments in an emergency.

Sub group A - page 2: The word "Director's" added so as to read "Program Director's Secretary". This was changed to avoid confusion with other program secretaries.

- 87-3-3 #11C #2 - Page 1: Change made from Independent Home Living to

# ADMINISTRATIVE REGISTER - 1672

Independent Living Environment. Independent Living Environment is the correct name, and this change will eliminate confusion among employees. The word "ward" was changed to read unit (floor). Reason: To eliminate confusion on the unit areas when making severe weather announcements.

Addendum to 87-3-3, #11C: Under subject - Page 1: Independent Home Living changed to Independent Living Environment to eliminate confusion during severe weather announcements.

87-3-3 #9B

#6: The word "patients" was changed to "residents". Reason: Hazelwood is a ICF-MR and in compliance with L & R, when referring to the occupancy, the term used shall be "residents".

3-East Nurses Station Attachment: #4-I: An addition was made - Staff Services Director shall report to scene of fire. Reason: All branch managers shall report to scene of fire.

Nursing Department and Volunteers Attachment: The term "ward" changed to floor. Reason: The term "ward" causes confusion on unit areas when making fire announcements.

Administrative Attachment: The term "ward" changed to floor and "floor personnel" to "direct care personnel". Reason: The term "ward" causes confusion on unit areas when making fire announcements. "Direct care personnel" is the term used for individuals working on units.

Business Office, Colonial Inn, Elks Building, Independent Living Building, Volunteer House Attachment: Independent Living Building changed to Independent Living Environment. Reason: Independent Living Environment is the correct name and this will eliminate confusion during fire announcements.

87-3-3 #12A

Bomb Threat, 1st Shift: The Facility Director should be contacted. Reason: The Facility Director is in charge of the facility - he should know first hand the situation and make decisions accordingly.

Notification List, Annex III - Staff Services Director and Program Director were added to the notification list. Reason: The Staff Services Director play an important role in the Bomb Response Plan.

87-3-3 #14B #2 - Staff Services Director added to notification list. Reason: The Staff Services Director is a branch manager and plays an important role in the evacuation plan.

87-3-3 #15C #1 - Ward personnel changed to "direct care personnel". Reason: The term "ward personnel" causes confusion on unit areas. Employees in these areas should be referred to as "direct care personnel".

Section 4 is revised as follows:

## EASTERN HOSPITAL POLICY MANUAL - DI

- D1 Page 14 Medical Emerging (Code Blue) policy is revised to simplify wording and to list new emergency phone #500.
- D1 Page 5 Policy is revised to prohibit smoking by anyone on wards at times when patients are restricted from smoking, and from smoking in areas where a "No Smoking" sign is displayed.
- D1 Page 64 This policy establishes a staff support means of coping with the normal feelings of shock, and loss which naturally occur following any death of a patient.
- D2 Section II #3 This revision reflects the State Personnel policy on annual and sick time accumulations for part time employees.
- D2 Section I #5 Revised policy providing for orientation of new employees and outlines duties of the department head for orientation.
- D2 Section I #62 A new policy establishing a Quality Assurance program for the Personnel Department.
- D11 #11 Admissions - A psychosocial assessment must be completed in 14 days, rather than 10.
- D11 #7 Psychosocial assessment is done within 10 days, rather than the seven days stated.

Section 6 is revised as follows:

## WESTERN STATE HOSPITAL POLICY MANUAL - F-1

- F1 #18 A new policy on parking permits.
- F3 Cover sheet -updated to show revision.
- F3 Section IV #11 Changes list of supplies needed in treatment rooms.
- F2 Section III #5 Addition to policy to assure correct medical and legal procedure for rape victim.
- F8 #10 Procedure for Ambulation Limitation Restraint added.
- #18 Court leave added.
- #26 Procedure for medication orders added to physician orders.
- F9 Cover sheet is amended to indicate revision of manual. Title page is revised to omit "pay for performance" from policy #27.

Patient aide job description is revised to remove responsibility for medication administration and to drop high school graduate qualification.

F19 Physical Therapy last policy added for infection control procedures.

F19 EKG last policy added for infection control procedures.

F19 EEG last policy added for infection control procedures.

F33 Policy revised to consolidate changes made in annual time, sick days, vacation time, tardiness, and use of time clock.

Section 10 is revised as follows:

KENTUCKY CORRECTIONAL PSYCHIATRIC CENTER POLICY MANUAL - J5

J5 Policy revised to change shift assignment of patient orientation to 8-4 shift.]

DENNIS D. BOYD, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 9, 1985

FILED WITH LRC: April 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1985, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Verna Fairchild

(1) Type and number of entities affected: This regulation with the attached reference material is the on-going policy and procedure manual of the state facilities for the treatment of patients with mental illness and mental retardation. These facilities function with 2,880 staff members serving 6,525 residents.

(a) Direct and indirect costs or savings to those affected:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: This regulation usually does not affect the fiscal operation of these state facilities significantly. It affects the care and treatment of patients, compliance with JCAH standards, and Kentucky licensure regulations. The work environment of the staff is frequently the subject of this regulation also, along with the orderly management of the various programs.

Occasionally, some minor fiscal effect will be noted. For example, the revised policy for Western State Hospital, F31, Section IV, #17, provides for a search of patients being admitted

for dangerous weapons, by the use of metal detector. This costs the hospital about \$150.00, thus presenting very little fiscal impact. However, the security of other patients and staff is the significant factor in this case, and cannot be accurately measured in financial standards.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Present procedure not previously adopted by regulation.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? Yes

CABINET FOR HUMAN RESOURCES  
Department for Human Resources  
Division of Consumer Health Protection  
(Proposed Amendment)

902 KAR 55:010. Licensing of manufacturers and wholesalers.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS [13.082,] 194.050, 211.090, 218A.250

NECESSITY AND FUNCTION: KRS 218A.150, 218A.160 and 218A.170 authorizes the Cabinet [Department] for Human Resources to license manufacturers and wholesalers of controlled substances. It is the purpose of this regulation to establish uniform requirements for such licenses.

Section 1. State License Required of Manufacturers and Wholesalers. No person shall manufacture, wholesale, distribute, or repack any controlled substance in this state without having first obtained a license to do so from the Cabinet [Department] for Human Resources.

Section 2. Out-of-State Exemptions. Manufacturers, wholesalers, distributors, and repackers not located within the Commonwealth of Kentucky, but who are registered with the appropriate federal agency pursuant to the provisions of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970 (PL 91-513: 84 Stat. 1236) and the regulations promulgated thereunder, are hereby exempted from the licensure requirements of this regulation and are authorized to operate as such in this state by virtue of their federal registration.

Section 3. Joint Venture Exemptions. Two (2) or more pharmacies, who engage in a joint

venture for the purpose of purchasing drugs in order to effectuate a savings in the purchase price thereof and in which no profit is realized in the transaction by any of the participating pharmacies, are exempt from the licensure requirements of this regulation provided proper records of the transaction are maintained.

Section 4. Qualifications for Licensing. (1) No license shall be issued pursuant to this regulation unless and until the applicant has furnished proof satisfactory to the Cabinet [Department] for Human Resources:

(a) That the applicant is in compliance with all applicable federal and state laws and regulations relating to controlled substances and is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character; and

(b) That the applicant is equipped as to land, buildings, and security to properly carry on the business described in his application.

(2) No license shall be granted to any person who has been convicted of a misdemeanor involving any controlled substance or who has been convicted of any felony.

(3) A license issued pursuant to this regulation may be suspended or revoked for cause.

Section 5. License Fees; Renewals. All applications for a license under the provisions of this regulation shall be submitted to the Cabinet [Department] for Human Resources on forms furnished by the department and shall be accompanied by a license fee of \$150. All licenses shall expire on June 30th following date of issuance and be renewable annually thereafter upon payment of a renewal fee of \$100 and shall be nontransferable.

Section 6. Codeine Registry. All wholesalers and [,] manufacturers (including distributors and repackers) shall keep a separate codeine registry showing the following: date, registration number of recipient, name of recipient, address, name of preparation, and quantity.

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 9, 1985

FILED WITH LRC: April 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1985, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Irving Bell

(1) Type and number of entities affected: All citizens of the Commonwealth

(a) Direct and indirect costs or savings to those affected: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Not applicable for controlled substances regulations.

#### CABINET FOR HUMAN RESOURCES Department for Health Services Division of Consumer Health Protection (Proposed Amendment)

#### 902 KAR 55:015. Schedule I substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS [13.082,] 194.050, 218A.020, 218A.040, 218A.250

NECESSITY AND FUNCTION: KRS 218A.020 authorizes the Cabinet [Department] for Human Resources to add substances to or delete or reschedule substances enumerated in KRS Chapter 218A. After considering the criteria set forth in KRS 218A.020 and 218A.040 and applicable federal regulations, the Cabinet [Department] for Human Resources designates the substances set forth in this regulation as Schedule I controlled substances.

Section 1. Opiates. The Cabinet [Department] for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any of the following opiates, including their isomers, esters, ethers, salts, salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alfentanil;

(2) Alpha-Methylfentanyl;

(3) Difenoixin; and

(4) Tilidine.

Section 2. Opium Derivatives. The Cabinet [Department] for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050,

any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation: Drotebanol.

Section 3. Hallucinogenic Substances. The Cabinet [Department] for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any material, compound, mixture, or [of] preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is [if] possible within the specific chemical designation (for purpose of this paragraph only, the term "isomer" includes the optical position and geometric isomers):

- (1) 4-bromo-2, 5-dimethoxy-amphetamine;
- (2) 2, 5-dimethoxyamphetamine (2, 5 DMA);
- (3) [(4)] Ethylamine analog of phencyclidine (N-ethyl-1-phenylcyclohexylamine, cyclohexamine, PCE);
- (4) [(3)] 4-methoxyamphetamine (PMA);
- (5) Parahexyl (Synhexyl);
- (6) [(5)] Pyrrolidine analog of phencyclidine (1-(1-phenylcyclohexyl) -pyrrolidine, PCPy, PHP); and
- (7) [(6)] Thiophene analog of phencyclidine (1-(1-(2-thienyl) cyclohexyl) piperidine, TCP, TPCP).

Section 4. Depressants. The Cabinet [Department] for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Mecloqualone; and
- (2) Methaqualone (2-methyl-3-o-tolyl-4(3H)-quinazolinone).

Section 5. Stimulants. The Cabinet for Human Resources herby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Fenethylline; and
- (2) N-ethylamphetamine.

C. HERNANDEZ, Commissioner  
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 9, 1985

FILED WITH LRC: April 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify

the following office in writing by May 16, 1985, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Irving Bell

(1) Type and number of entities affected:  
All citizens of the Commonwealth

(a) Direct and indirect costs or savings to those affected: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:  
None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:  
None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:  
None

Tiering:

Was tiering applied? No. Not applicable for controlled substances regulations.

#### CABINET FOR HUMAN RESOURCES Department for Health Services Division of Consumer Health Protection (Proposed Amendment)

902 KAR 55:020. Schedule II substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS [13.082,] 194.050, 211.090, 218A.020, 218A.060, 218A.250

NECESSITY AND FUNCTION: KRS 218A.020 authorizes the Cabinet [Department] for Human Resources to add substances to or delete or reschedule substances enumerated in KRS Chapter 218A. After considering the criteria set forth in KRS 218A.020 and 218A.060 and applicable federal regulations, the Cabinet [Department] for Human Resources designates the substances set forth in this regulation as Schedule II controlled substances.

[Section 1. Depressants. The Department for Human Resources hereby designates as Schedule II controlled substances, in addition to those specified by KRS 218A.070, any material,

compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: Methaqualone (2-methyl-3-o-tolyl-4 (3H)-quinazolinone).]

Section 1. [2.] Reschedule of Certain Barbituric [Barbiturate] Acid Derivatives to "Schedule II" Controlled Substances; Exceptions. The Cabinet [Department] for Human Resources hereby reschedules the following barbituric acid derivatives from Schedule III to Schedule II controlled substances, viz:

- (1) Amobarbital;
- (2) Secobarbital;
- (3) Pentobarbital;

(4) Provided; however, that any material, compound, mixture, or preparation containing amobarbital, secobarbital and pentobarbital or any salt thereof and one (1) or more other active medicinal ingredient(s) which is not a controlled substance shall be in "Schedule III."

(5) Provided; further, that any suppository dosage form containing amobarbital, secobarbital and pentobarbital or any salt thereof which has been approved by the United States Food and Drug Administration for marketing only as a suppository shall be in "Schedule III."

Section 2. [3.] Immediate Precursors. The Cabinet for Human Resources hereby designates as Schedule II controlled substances, in addition to those specified by KRS 218A.070 and unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) [Placement into Schedule II of] 1-Piperidinocyclohexanecarbonitrile and 1-Phenylcyclohexylamine, immediate precursors to Phencyclidine. [The Department for Human Resources hereby designates 1-Piperidinocyclohexanecarbonitrile and 1-Phenylcyclohexylamine, immediate precursors, to Phencyclidine as "Schedule II" controlled substances.]

(2) Phenylacetone. Some trade or other names include: phenyl-2-propanone, P2P, benzyl methyl ketone, and methyl benzyl ketone, immediate precursors to amphetamine and methamphetamine.

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 9, 1985

FILED WITH LRC: April 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1985, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

# REGULATORY IMPACT ANALYSIS

Agency Contact Person: Irving Bell

(1) Type and number of entities affected: All citizens of the Commonwealth

(a) Direct and indirect costs or savings to those affected: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Not applicable for controlled substances regulations.

## CABINET FOR HUMAN RESOURCES

Department for Health Services  
Division of Consumer Health Protection  
(Proposed Amendment)

902 KAR 55:025. Schedule III substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS [13.082,] 194.050, 211.090, 218A.020, 218A.080, 218A.250

NECESSITY AND FUNCTION: KRS 218A.080 provides that the Cabinet [Department] for Human Resources shall place a substance in Schedule III under the Kentucky Controlled Substances Act if: (1) the substance has a potential for abuse less than the substances listed in Schedules I and II; (2) the substance has currently accepted medical use in treatment in the United States; and (3) abuse of the substance may lead to moderate or low physical dependence or high psychological dependence. The Cabinet [Department] for Human Resources hereby finds that the substances in this regulation meet[s] this criteria.

Section 1. Amphetamine and Methamphetamine Combination Products. The Cabinet [Department] for Human Resources hereby designates the following amphetamine and methamphetamine combination products as "Schedule III Controlled Substances" and any other drug of the



quantitative composition shown below or which is the same except that it contains a lesser quantity of controlled substances, to wit:

(1) Edrisal; Tablet: Amphetamine sulfate 2.5 mg.; aspirin 162 mg.; phenacetin 162 mg.

(2) Genegesic Capsules; Capsule: Methamphetamine hydrochloride 1.2 mg.; chlorpheniramine maleate 3.8 mg.; phenacetin 120.0 mg.; salicylamide 180.0 mg.; caffeine 30.0 mg.; ascorbic acid 50.0 mg.

(3) Hovizyme; Tablet: Methamphetamine hydrochloride 0.5 mg.; conjugated estrogens-equine 0.125 mg.; methyl testosterone 1.25 mg.; amylase 10.0 mg.; protease 5.0 mg.; cellulase 2.0 mg.; nicotinic alcohol [alcohol] tartrate 7.5 mg.; dehydrocholic acid 50.0 mg.; ferrous fumarate 6.0 mg.

(4) Mediatric; Tablet or capsule: Methamphetamine hydrochloride 1 mg.; conjugated estrogens-equine 0.25 mg.; methyl testosterone 2.5 mg.

(5) Mediatric Liquid; Solution (15 cc.): Methamphetamine hydrochloride 1 mg.; conjugated estrogens-equine 0.25 mg.; methyl [methyl] testosterone 2.5 mg.

(6) Special Formula 711; Tablet: d-Amphetamine sulfate 2.5 mg.; mephensin 500 mg.; salicylamine 300 mg.

(7) Thora-Dex No. 1; Tablet: Dextroamphetamine sulfate 2 mg.; chlorpromazine hydrochloride 10 mg.

(8) Thora-Dex No. 2; Tablet: Dextroamphetamine sulfate 5 mg.; Chlorpromazine hydrochloride 25 mg.

Section 2. Certain Amobarbital, Secobarbital and Pentobarbital Preparations in Combination with a Non-Controlled Substance. The Cabinet [Department] for Human Resources hereby designates as "Schedule III" controlled substances the following: Any material, compound, mixture or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one (1) or more other active medicinal ingredients which is not a controlled substance.

Section 3. Suppository Dosage Forms Containing Amobarbital, Secobarbital and Pentobarbital. The Cabinet [Department] for Human Resources hereby designates as "Schedule III" controlled substances the following: Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or salt thereof which has been approved by the United States Food and Drug Administration for marketing only as a suppository.

Section 4. Stimulants[: New Anorectic Drugs.] The Cabinet [Department] for Human Resources hereby designates as "Schedule III" controlled substances any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers (whether optical position or geometric), and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Benzphetamine;
- (2) Chlorphentermine;
- (3) Chlortermine;
- (4) Mazindol; and
- (5) Phendimetrazine.

Section 5. Pentazocine Drug Products. The Cabinet [Department] for Human Resources hereby designates, in addition to the parenteral or injectable form of Pentazocine which is designated as a "Schedule III" controlled substance by KRS 218A.090(3), all other dosage forms of Pentazocine as "Schedule III" controlled substances. Any material, compound, mixture, or preparation which contains any quantity of Pentazocine, including its salts, is hereby designated as a "Schedule III" controlled substance.

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 9, 1985

FILED WITH LRC: April 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1985, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Irving Bell

(1) Type and number of entities affected: All citizens of the Commonwealth

(a) Direct and indirect costs or savings to those affected: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Not applicable for controlled substances regulations.

CABINET FOR HUMAN RESOURCES  
Department for Health Services  
Division of Consumer Health Protection  
(Proposed Amendment)

902 KAR 55:030. Schedule IV substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS [13.082,] 194.050, 211.090,  
218A.020, 218A.100, 218A.250

NECESSITY AND FUNCTION: KRS 218A.100 authorizes the Cabinet [Department] for Human Resources to place a substance in Schedule IV if it finds that: (1) the substance has a low potential for abuse relative to substances in Schedule III; (2) the substance has currently accepted medical use in treatment in the United States; and (3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III. The Cabinet [Department] for Human Resources, after considering such criteria, hereby designates the substances set forth in this regulation as Schedule IV controlled substances.

Section 1. Stimulants[: New Anorectic Drugs]. The Cabinet [Department] for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers (whether optical position or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

- (1) Fenfluramine;
- (2) Diethylpropion;
- (3) Phentermine;
- (4) Pipradrol; and
- (5) SPA ((-)-1-dimethylamino-1, 2-diphenyl ethane).

Section 2. Depressants. The Cabinet [Department] for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Alprazolam;
- (2) Bromazepam;
- (3) Camazepam;
- (4) [(1)] Chlordiazepoxide;
- (5) Clobazam;
- (6) [(2)] Clonazepam;
- (7) [(3)] Clorazepate;
- (8) Clothiazepam;
- (9) Cloxazolam;
- (10) Delorazepam;
- (11) [(4)] Diazepam;
- (12) Estazolam;
- (13) Ethyl loflazepate;
- (14) Fludiazepam;
- (15) Flunitrazepam;
- (16) [(5)] Flurazepam;
- (17) Halazepam;
- (18) Haloxazolam;
- (19) Ketazolam;

- (20) Loprazolam;
- (21) [(6)] Lorazepam;
- (22) Lormetazepam;
- (23) [(7)] Mebutamate;
- (24) Medazepam;
- (25) [(8)] Methohexital;
- (26) Nimetazepam;
- (27) Nitrazepam;
- (28) Nordiazepam;
- (29) [(9)] Oxazepam;
- (30) Oxazolam;
- (31) [(10)] Pemoline;
- (32) Pinazepam;
- (33) [(11)] Prazepam;
- (34) Temazepam;
- (35) Tetrazepam; and
- (36) Triazolam.

Section 3. Analgesics, Non-Narcotics. The Cabinet [Department] for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substance[s], including its salts: Dextropropoxyphene (Alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane).

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 9, 1985

FILED WITH LRC: April 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1985 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Irving Bell

(1) Type and number of entities affected: All citizens of the Commonwealth

(a) Direct and indirect costs or savings to those affected: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to

harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Not applicable for controlled substances regulations.

**CABINET FOR HUMAN RESOURCES  
Department for Health Services  
Division of Consumer Health Protection  
(Proposed Amendment)**

902 KAR 55:035. Schedule V substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS [13.082,] 194.050, 211.090, 218A.020, 218A.120, 218A.250

NECESSITY AND FUNCTION: KRS 218A.120 authorizes the Cabinet [Department] for Human Resources to place a substance in Schedule V under the Kentucky Controlled Substances Act if it finds that: (1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV; (2) the substance has currently accepted medical use in treatment in the United States; and (3) the substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

Section 1. Schedule V Controlled Substances. The Cabinet [Department] for Human Resources hereby designates as "Schedule V" controlled substances, in addition to those specified by KRS 218A.130, the following:

(1) Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which shall include one (1) or more non-narcotic active ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone: Not more than 2.5 milligrams of diphenoxylate hydrochloride and not less than 25 micrograms of atropine sulfate per dosage unit. [; and]

[(2) Loperamide.]

(2) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts: Buprenorphine.

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 9, 1985

FILED WITH LRC: April 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1985 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main

Street, 4 West, Frankfort, Kentucky 40621.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Irving Bell

(1) Type and number of entities affected: All citizens of the Commonwealth.

(a) Direct and indirect costs or savings to those affected: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Not applicable for controlled substances regulations.

**CABINET FOR HUMAN RESOURCES  
Department for Health Services  
Division of Consumer Health Protection  
(Proposed Amendment)**

902 KAR 55:040. Exempt over the counter preparations.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS [13.082,] 194.050, 211.090, 218A.020, 218A.250

NECESSITY AND FUNCTION: KRS 218A.020(4) and 218A.090(4)(i) authorizes the Cabinet [Department] for Human Resources to exclude certain preparations that may be lawfully sold over the counter [without prescription][s] from the provisions relating to controlled substances of KRS Chapter 218A. The purpose of this regulation is to exclude certain over the counter preparations from the provisions of the Kentucky Controlled Substances Act.

Section 1. Exempt Over The Counter Barbiturate Combination Preparations. (1) Properly labeled over the counter preparations containing not more than one-eighth (1/8) grain of barbituric acid or derivatives of barbituric acid, or salts of barbituric acid or salts of derivatives of barbituric acid, in combination with Theophylline two (2) grains and/or Ephedrine three-eighths (3/8) grain or their salts are exempt from the provisions of KRS Chapter 218A,

the "Kentucky Controlled Substances Act of 1972."

(2) Properly labeled over the counter suppository preparations containing not more than one-fourth (1/4) grain of barbituric acid or derivatives of barbituric acid, or salts of barbituric acid or salts of derivatives of barbituric acid, in combination with Theophylline two (2) grains and/or Ephedrine three-eighths (3/8) grain or their salts are exempt from the provisions of KRS Chapter 218A, the "Kentucky Controlled Substances Act of 1972."

C. HERNANDEZ, M.D., Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 9, 1985

FILED WITH LRC: April 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1985, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Irving Bell

(1) Type and number of entities affected: All citizens of the Commonwealth

(a) Direct and indirect costs or savings to those affected: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Not applicable for controlled substances regulations.

#### CABINET FOR HUMAN RESOURCES Department for Health Services Division of Consumer Health Protection (Proposed Amendment)

902 KAR 55:045. Exempt prescription preparations.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS [13.082,] 194.050, 211.090, 218A.020, 218A.250

NECESSITY AND FUNCTION: KRS 218A.020(3) provides that if any controlled substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the Cabinet [Department] for Human Resources, the Cabinet [Department] for Human Resources may similarly control the substance under KRS Chapter 218A by regulation. The purpose of this regulation is to delete and exempt certain stimulant or depressant compounds from the provisions of KRS Chapter 218A that have been deleted and exempted pursuant to federal regulation.

Section 1. Exempt Prescription Stimulant or Depressant Combination Preparations. Any compound, mixture or preparation containing any depressant or stimulant substance exempted from the provisions of the federal controlled substance law as set forth in the April 1, 1984 [1978], edition of the Code of Federal Regulations, Title 21, Food and Drugs, Chapter II - Drug Enforcement Administration, Department of Justice, [Part 1308,] Section 1308.32, Excepted Prescription Drugs, pages 125 to 162 [117 to 341], filed herein by reference, are hereby exempted from the provisions of KRS Chapter 218A, the Controlled Substances Act. The Code of Federal Regulations is published by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408. A copy of this publication shall be on file in the Office of Drug Control [Inspector General], Cabinet [Department] for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621, and is available for public inspection. A copy of this publication is also available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

C. HERNANDEZ, M.D., Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 9, 1985

FILED WITH LRC: April 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1985, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Irving Bell

(1) Type and number of entities affected: All citizens of the Commonwealth

(a) Direct and indirect costs or savings to

those affected: N/A

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
  - (b) Reporting and paperwork requirements: None
- (2) Effects on the promulgating administrative body: None
  - (a) Direct and indirect costs or savings: N/A
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
  - (b) Reporting and paperwork requirements: None
- (3) Assessment of anticipated effect on state and local revenues: None
- (4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
- (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
  - (a) Necessity of proposed regulation if in conflict:
  - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
- (6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Not applicable for controlled substances regulations.

**CABINET FOR HUMAN RESOURCES  
Department for Health Services  
Division of Consumer Health Protection  
(Proposed Amendment)**

**902 KAR 55:060. Requirements for distribution of small amounts of controlled substances without manufacturer's or wholesaler's licenses.**

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS [13.082,] 194.050, 218A.250

NECESSITY AND FUNCTION: KRS 218A.250 directs the Cabinet [Department] for Human Resources to adopt rules and regulations for carrying out the provisions of KRS Chapter 218A relating to controlled substances. KRS 218A.170(2) provides that all sales and distributions of controlled substances shall be in accordance with the federal controlled substances laws, including the requirements governing the use of order forms. The purpose of this regulation is to provide for the distribution of small amounts of controlled substances by pharmacies to practitioners or other pharmacies, without the necessity of obtaining a state license as a manufacturer or a wholesaler, in accordance with applicable federal laws and regulations.

Section 1. Distribution of Controlled Substances by Pharmacy to Practitioner or Other Pharmacy. A pharmacy licensed in Kentucky and registered with the U.S. Drug Enforcement Administration may distribute, without being licensed as a manufacturer or wholesaler in Kentucky, a quantity of a controlled substance to a practitioner or another pharmacy provided that:

(1) The practitioner or pharmacy to whom the controlled substance is to be distributed is registered with the U.S. Drug Enforcement

Administration;

(2) The distribution is recorded by the distributing pharmacy and by the receiving practitioner or pharmacy in accordance with KRS 218A.200;

(3) If the substance is listed in Schedule II, DEA Order Form 222C shall be utilized and copy one thereof shall be completed and filed in the Schedule II prescription file and copy two thereof shall be completed and forwarded to U.S. Drug Enforcement Administration;

(4) If the substance is listed in Schedule III, IV or V, a written record of the substance distributed shall be maintained in the appropriate prescription file showing: the date of the transaction, the name, form and quantity of the substance, the name, address and registration number of the purchaser;

(5) The total number of dosage units of all controlled substances distributed by the pharmacy pursuant to this regulation during a twelve (12) month period shall not exceed five (5) percent of the total number of dosage units of all controlled substances distributed and dispensed by such pharmacy during the twelve (12) month period. In the event the five (5) percent limitation is expected to be exceeded, the pharmacy shall obtain a license to distribute controlled substances in accordance with KRS 218A.160 and 218A.170;

(6) No prescription shall be issued by a practitioner to obtain any controlled substance for the purpose of general dispensing, administering or office use;

(7) All distributions shall be in accordance with applicable federal and state laws and regulations.

C. HERNANDEZ, M.D., Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 9, 1985

FILED WITH LRC: April 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1985, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Irving Bell

(1) Type and number of entities affected: All citizens of the Commonwealth

(a) Direct and indirect costs or savings to those affected: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Not applicable for controlled substances regulations.

**CABINET FOR HUMAN RESOURCES**  
**Department for Social Insurance**  
**Division of Management & Development**  
**(Proposed Amendment)**

**904 KAR 1:250. Incorporation by reference of materials relating to the Medical Assistance Program.**

RELATES TO: KRS 194.030(6), 205.520

PURSUANT TO: KRS 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 incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Medical Assistance Program and is applicable for both the categorically and medically needy.

Section 1. Incorporation by Reference. The cabinet shall incorporate by reference materials used in the implementation of the Medical Assistance Program, subject to the provisions contained in 904 KAR 2:140, Section 1, Supplementary policies for programs administered by the Department for Social Insurance.

Section 2. Listing of Incorporated Material. The following listed materials are hereby incorporated by reference, effective on the date shown:

(1) Federal Medicaid regulations at 42 CFR Parts 430-456, and interim final regulations at 42 CFR Parts 430-456, effective April [January] 1, 1985. The regulations contain federal supplementary policies, interpretations and implementing instructions for the Medical Assistance Program as authorized by Title XIX of the Social Security Act.

(2) Federal "State Medicaid Manual," effective April [January] 1, 1985. The "State Medicaid Manual" contains federal interpretations and clarifications of policy relating to implementation of the Medical Assistance Program.

(3) Federal action transmittals issued by the Health Care Financing Administration as follows: HCFA-AT-79-63, 79-72, 79-98, 80-9, 80-59, 81-23, 81-33, 81-35, 82-1, 82-2, 82-20, 83-1, 83-4,

83-7, 83-8, 83-11, 84-1, 84-2, 84-4, 84-5, 84-10, [and] 84-16, and 85-1, effective April [January] 1, 1985. Action transmittals contain federal instructions relating to implementation of the Medical Assistance Program.

(4) Federal transmittal notices issued by the Health Care Financing Administration as follows: DQC-1-82, 10-82; DPO-76-81, 77-81, 78-81; MCD-46-81, 48-81, 55-81, 61-81, 62-81, 64-81, 67-81, 82-81, 86-81, 87-81, 89-81, 92-81, 1-82, 2-82, 6-82, 7-82, 10-82, 14-82, 16-82, 17-82, 18-82, 19-82, 25-82, 26-82, 28-82, 30-82, 33-82, 34-82, 35-82, 38-82, 41-82, 42-82, 50-82, 52-82, 2-83, 5-83, 9-83, 11-83, 12-83, 13-83, 14-83, 15-83, 19-83, 20-83, 26-83, 28-83, 29-83, 30-83, 35-83, 39-83, 40-83, 42-83, 1-84, 6-84, 7-84, 8-84, 9-84, 11-84, 13-84, 14-84, 15-84, 16-84, 18-84, 20-84, 23-84, 24-84, 25-84, 26-84, 27-84, 29-84, 34-84, 35-84, 36-84, 39-84, [and] 48-84, 50-84, 51-84, 55-84, 2-85, 4-85, 5-85, 6-85, and 8-85, effective April [January] 1, 1985. Transmittal notices contain federal clarifications of policy relating to implementation of the Medical Assistance Program.

(5) Medicare and Medicaid Guide, Volumes I, II, III, and IV, as published by the Commerce Clearing House, Inc., with the following related new developments transfer binders: 1981-1, 1981-2, 1982, 1983-1, 1983-2, and 1984-1, effective April [January] 1, 1985. The Medicare and Medicaid Guide contains reprints of federal laws and regulations relating to the Medicare and Medicaid programs; reprints of Medicare/Medicaid related court decisions; Medicare principles of reimbursement; summaries of state plan characteristics; and other items of general information relating to the Medicare and Medicaid programs. Although the cabinet is bound by federal Medicaid law and regulations in the implementation of the Medical Assistance Program, the Guide is used principally as supplementary material for reimbursement issues in situations where the cabinet's vendor reimbursement system uses the Medicare cost principles in unaddressed areas.

(6) State Medicaid Program policies and procedures manuals issued by the cabinet, and which contain benefit descriptions and operating instructions used by agency staff and participating vendors in the provision of, and billing for, Medical Assistance benefits provided eligible program recipients, as follows:

(a) Home and Community Based Services Waiver Project Adult Day Health Care Services, effective May 16, 1984;

(b) Alternative Intermediate Services/Mental Retardation Project, effective October 1, 1984;

(c) Birthing Center Services, effective January 1, 1985;

(d) Community Mental Health Benefits, effective May 16, 1984;

(e) Dental Benefits, effective May 16, 1984;

(f) Early and Periodic Screening, Diagnosis and Treatment Benefits, effective May 16, 1984;

(g) Family Planning Benefits, effective May 16, 1984;

(h) Hearing Services Benefits, effective January 1, 1985;

(i) Home and Community Based Services Waiver Project, effective May 16, 1984;

(j) Home Health Benefits, effective May 16, 1984;

(k) Hospital Services Benefits, effective April [January] 1, 1985;

- (l) Independent Laboratory Services Benefits, effective January 1, 1985;
- (m) Intermediate Care Facility Benefits, effective January 1, 1985;
- (n) Mental Hospital Services Benefits, effective May 16, 1984;
- (o) Nurse Anesthetist Services, effective May 16, 1984;
- (p) Nurse Midwife, effective May 16, 1984;
- (q) Pharmacy Services [Benefits], effective April [January] 1, 1985;
- (r) Physician Services Benefits, effective April [January] 1, 1985;
- (s) Primary Care Benefits, effective May 16, 1984;
- (t) Rural Health Clinic Benefits, effective May 16, 1984;
- (u) Skilled Nursing Facility Benefits, effective January 1, 1985;
- (v) Ambulance Transportation Benefits, effective May 16, 1984, as revised;
- (w) Vision Services Benefits, effective May 16, 1984;
- (x) Pharmacy letters, effective April [January] 1, 1985; [and]
- (y) Podiatry Letter #A-3, effective January 1, 1985; and
- (z) Podiatry Services, effective April 1, 1985.

Section 3. All documents incorporated by reference herein may be reviewed during regular working hours in the Division of Management and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

JACK F. WADDELL, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 2, 1985

FILED WITH LRC: April 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1985 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: All Medicaid recipients and providers

(a) Direct and indirect costs or savings to those affected: None\*

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None\*

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons

why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: \*Any cost impact has been shown in the implementing regulations for the particular service element

Tiering:

Was tiering applied? No. Not applicable to Medicaid Program regulations

#### CABINET FOR HUMAN RESOURCES Department for Social Insurance Division of Management & Development (Proposed Amendment)

904 KAR 2:140. Supplementary policies for programs administered by the Department for Social Insurance.

RELATES TO: KRS 194.030(6), Chapter 205

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: KRS 194.010 designates the Cabinet for Human Resources as the primary state agency responsible for the development and operation of assistance programs, and KRS 194.050 empowers the secretary of the Cabinet for Human Resources to adopt, administer and enforce regulations sufficient to operate the programs and fulfill the responsibilities vested in the cabinet. This regulation states the general policy of the cabinet with regard to program materials incorporated into regulatory form by reference for use by the Department for Social Insurance, and incorporates by reference materials related to the programs of aid to families with dependent children, medical assistance, home energy assistance, refugee assistance, food stamps, child support enforcement, state supplemental payments for the aged, blind or disabled, disability determination, and collections which are essential for the implementation of those programs.

Section 1. General Policy Relating to Program Materials Incorporated by Reference. (1) Kentucky administrative regulations relating to program matters reflect the policy of the cabinet with regard to the issues addressed in the regulation.

(2) Materials incorporated by reference shall be construed and interpreted in such a manner as to be consistent with the intent of agency policy as reflected in Kentucky administrative regulations, and shall be considered the agency statement of policy with regard to issues not otherwise addressed in Kentucky administrative regulations.

Section 2. Incorporation by Reference. The following listed materials are hereby incorporated by reference, effective on the date shown.

(1) Department for Social Insurance Manual of Operations, effective April [January] 1, 1985.

The Manual of Operations provides operating instructions, procedural detail, and technical clarification for use of the department's field staff in implementing programs, under the authority of the department, including: aid to families with dependent children; refugee assistance; home energy assistance; child support enforcement; state supplementary payments; and medical assistance.

(2) Department for Social Insurance Manual of Forms, effective April [January] 1, 1985. The Manual of Forms provides forms with instructions for completion, usage, distribution and files maintenance for use of the department's field staff in implementing programs under the authority of the department, including: aid to families with dependent children; refugee assistance; home energy assistance; child support enforcement; state supplementary payments; medical assistance; and the food stamp program.

(3) Federal regulations at 45 CFR Parts 16, 74, and 95, effective May 16, 1984. Part 16, Procedures of the Departmental Grant Appeals Board, provides requirements and procedures applicable to resolution of certain disputes arising under several assistance programs funded by the United States Department of Health and Human Services. Part 74, Administration of Grants, establishes uniform requirements for the administration of grants provided under the authority of the United States Department of Health and Human Services, and principles for determining costs applicable to activities assisted by Department of Health and Human Services grants. Part 95, General Administration - Grant Programs (Public Assistance and Medical Assistance), establishes requirements of the United States Department of Health and Human Services for various administrative matters relating to grant programs, including time limits for states to file claims, cost allocation plans, and conditions for federal financial participation for automatic data processing equipment and services.

Section 3. All documents incorporated by reference herein may be reviewed during regular working hours in the Division of Management and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

JACK F. WADDELL, Commissioner  
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 2, 1985

FILED WITH LRC: April 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1985 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: All applicants for or recipients of public welfare programs administered by the Department.

(a) Direct and indirect costs or savings to those affected: Minimal

1. First year: Unknown

2. Continuing costs or savings: Unknown

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: Minimal

(a) Direct and indirect costs or savings: Unknown

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Not applicable to public welfare regulations

#### CABINET FOR HUMAN RESOURCES Department for Social Insurance Division of Management & Development (Proposed Amendment)

904 KAR 2:150. Incorporation by reference of materials relating to the Aid to Families with Dependent Children Program.

RELATES TO: KRS 194.030(6), 205.200, 205.220, 205.231

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility under the provisions of KRS Chapter 205 to administer public assistance programs under Title IV-A of the Social Security Act, namely Aid to Families with Dependent Children, herein referred to as AFDC. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the AFDC program.

Section 1. Incorporation by Reference. The cabinet shall incorporate by reference materials used in the implementation of the Aid to Families with Dependent Children Program, subject to the provisions contained in 904 KAR 2:140, Section 1, Supplementary policies for programs administered by the Department for Social Insurance.

Section 2. Listing of Incorporated Materials. The following listed materials are hereby incorporated by reference, effective on the date shown:

(1) Federal regulations at 45 CFR Parts 200-299, which set forth the federal



requirements and guidelines for the administration of the Aid to Families with Dependent Children Program, effective April [January] 1, 1985; and

(2) Federal action transmittals, which provide operating instructions, procedural detail and technical clarification for use by the department's staff in administering the Aid to Families with Dependent Children Program, as follows: SSA-AT-77-44, 78-13, 78-14, 78-16, 78-21, 78-27, 78-28, 78-38, 79-2, 79-4, 79-5, 79-7, 79-11, 79-14, 79-18, 79-22, 79-26, 79-29, 79-31, 79-32, 79-33, 79-35, 79-42, 79-44, 80-2, 80-3, 80-9, 80-11, 80-19, 80-22, 80-24, 80-29, 80-30, 80-36, 80-38, 80-42, 80-44, 80-45, 80-50, 81-2, 81-7, 81-8, 81-10, 81-11, 81-12, 81-15, 81-16, 81-17, 81-18, 81-23, 81-29, 81-31, 81-33, 81-34, 81-35, 81-36, 81-37, 82-1, 82-5, 82-6, 82-9, 82-11, 82-13, 82-15, 82-16, 82-17, 82-18, 82-19, 82-20, 82-28, 82-33, 82-34, 83-6, 83-7, 83-10, 83-11, 83-13, 83-14, 83-17, 83-18, 83-21, 83-22, 83-23, 83-25, 83-27, 84-2, 84-3, 84-5, 84-6, 84-7, 84-8, 84-9, 84-13, 84-16, and 84-25, effective January 1, 1985.

Section 3. All documents incorporated by reference herein may be reviewed during regular working hours in the Division of Management and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

JACK F. WADDELL, Commissioner  
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 2, 1985

FILED WITH LRC: April 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1985, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: All applicants for and recipients of the Aid to Families with Dependent Children (AFDC) program

(a) Direct and indirect costs or savings to those affected: Unknown

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in

conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Not applicable to Aid to Families with Dependent Children regulations

#### CABINET FOR HUMAN RESOURCES Department for Social Insurance Division of Management and Development (Proposed Amendment)

904 KAR 2:170. Incorporation by reference of materials relating to the Child Support Program.

RELATES TO: KRS 205.795

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet 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. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Child Support Program.

Section 1. Incorporation by Reference. The cabinet shall incorporate by reference materials used in the implementation of the Child Support Program, subject to the provisions contained in 904 KAR 2:140, Section 1, Supplementary Policies for Programs Administered by the Department for Social Insurance.

Section 2. Listing of Incorporated Materials. The following listed materials are hereby incorporated by reference, effective on the date shown:

(1) Federal child support regulations at 45 CFR Parts 300-399, which set forth the requirements and guidelines for the administration of the Child Support Program, effective October 1, 1984;

(2) Federal Office of Child Support Enforcement Action Transmittals, which provide federal program instructions for the implementation of the child support enforcement program in accordance with federal laws and regulations, as follows: OCSE-AT-75-5, 75-6, 76-1, 76-2, 76-5, 76-7, 76-8, 76-9, 76-14, 76-21, 76-22, 76-23, 77-3, 77-14, 78-2, 78-5, 78-6, 78-8, 78-16, 78-18, 79-2, 79-3, 79-6, 79-7, 79-8, 80-5, 80-9, 80-11, 80-17, 81-7, 81-12, 81-26, 82-17, 83-15, 83-18, and 84-05, effective October 1, 1984;

(3) Department for Social Insurance Child Support Manual of Procedures, which provides operational instructions and procedural detail for the implementation of the child support enforcement program, effective April [January] 1, 1985;

(4) Department for Social Insurance Child Support System Handbook, which provides systems and data processing instructions for the implementation of the child support enforcement program, effective May 16, 1984; and

(5) Department for Social Insurance Child

Support Action Memorandums, which provide program clarifications, instructions, and procedural detail for the implementation of the child support enforcement program, as follows: DCSE-AM-82-07, 82-36, [82-53,] 83-16, 83-21, [83-29,] 83-30, 83-31, [83-36,] 83-38, 83-39, 83-48, 84-10, 84-16, 84-18, 84-19, 84-20, 84-29, 84-34, 84-36, [and] 84-41, and 85-10, effective April [January] 1, 1985.

Section 3. All documents incorporated by reference herein may be reviewed during regular working hours in the Division of Management and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

JACK F. WADDELL, Commissioner  
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 2, 1985

FILED WITH LRC: April 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1985 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: All recipients of IV-D Services.

(a) Direct and indirect costs or savings to those affected:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: Minimal

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues:

(4) Assessment of alternative methods; reasons why alternatives were rejected:

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Not applicable to the Child Support Program.

#### CABINET FOR HUMAN RESOURCES Department for Social Insurance Division of Management & Development (Proposed Amendment)

904 KAR 3:045. Coupon issuance procedures.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 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 coupon issuance procedures used by the cabinet in the administration of the Food Stamp Program.

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

(1) Only certified households receive benefits;

(2) Coupons are accepted, stored, and protected after delivery to receiving points within the state;

(3) Program benefits are distributed in the correct amounts; and

(4) Coupon issuance and reconciliation activities are properly conducted in accordance with 7 CFR Part 274 and accurately reported to the Food and Nutrition Service.

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

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

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

(3) Alternate issuance is a system used, in accordance with 7 CFR 274.3(c)(3), when circumstances exist which indicate a household may not receive their benefits through the normal issuance system.

(a) Local office pickup is a system whereby a household's benefits are mailed to the local office for the household to pick up.

(b) Certified mail is a system whereby benefits are sent via the postal system and must be signed for before they are obtained.

(c) As determined by the cabinet, other issuance systems may be utilized to ensure receipt of benefits by the eligible household.

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

(2) New approvals, reapprovals and current month recertifications shall have their coupon packet/ATP card mailed to their home/issuance

center within thirty (30) days after the date of application in accordance with 7 CFR 273.2(g)(2).

(a) Households eligible for expedited service shall have their coupon packet/ATP card mailed or made available for pick-up no later than the close of business on the fifth calendar day after the date of application.

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

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

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

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

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

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

(5) Effective April 1, 1985, mutilated ATP cards which are identifiable as being for the current month, belonging to the household which requested the replacement, and which have not expired, shall be replaced provided the request for replacement was made during the period of intended use. Mutilated ATP cards which are not identifiable shall be considered as lost and not replaceable.

(6) Food purchased with food stamps which is subsequently destroyed in an individual disaster, as well as in a natural disaster affecting more than one (1) household, which affects the participating household, may be eligible for replacement of the actual value of loss, not to exceed one (1) month's food stamp allotment. The disaster must be reported within ten (10) days and verified. A replacement shall

be issued or the opportunity to obtain a replacement given within ten (10) days of the reported loss and shall be limited to two (2) times during a six (6) month period. Where FNS has issued a disaster declaration and the household is eligible for emergency food stamp benefits the household shall not receive both the disaster allotment and a replacement allotment under this provision.

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

(1) Effective July 1, 1985 the ATP card shall be valid for the entire month of issuance unless it is issued after the twentieth [twenty-fifth (25th)] day of the month. Those issued after that date are valid through the last day of the following month.

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

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

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

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

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

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

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

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

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

JACK F. WADDELL, Commissioner

E. AUSTIN, JR., Secretary

ADOPTED BY AGENCY: April 12, 1985

FILED WITH LRC: April 15, 1985 at noon

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1985 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: The change in this regulation will incorporate a previously approved waiver and will have minimal impact on recipients.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: Minimal

(2) Effects on the promulgating administrative body: Minimal - this change merely extends a waiver

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Minimal

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Not applicable to Food Stamp Program. Federal regulations require statewide, uniform application of this provision; therefore, tiering was not applied.

**CABINET FOR HUMAN RESOURCES**  
Department of Social Insurance  
Division of Management & Development  
(Proposed Amendment)

904 KAR 3:090. Incorporation by reference of materials relating to the Food Stamp Program.

RELATES TO: KRS 194.030(6)

PURSUANT TO: KRS 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 Parts 251-282. KRS 194.050 authorizes the Secretary, Cabinet for Human Resources, to issue regulations necessary for the operation of the cabinet's programs. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Food Stamp Program.

Section 1. Incorporation by Reference. The cabinet shall incorporate by reference materials used in the implementation of the Food Stamp Program, subject to the provisions contained in 904 KAR 2:140, Section 1, Supplementary Policies

for Programs Administered by the Department for Social Insurance.

Section 2. Listing of Incorporated Materials. The following materials are hereby incorporated by reference, effective on the date shown:

(1) Federal food stamp regulations at 7 CFR Parts 250, 251 and 271-282, which set forth the federal requirements and guidelines for the administration of the Food Stamp Program and federal food stamp general notices published through the Federal Register, effective April [January] 1, 1985;

(2) Department for Social Insurance Food Stamp Handbook, which provides operating instructions, procedural detail and technical clarification for use by the department's field staff in administering the Food Stamp Program, effective April [January] 1, 1985; and

(3) Federal food stamp regional letters, which set forth federal clarification of federal food stamp regulations, as follows: 80-5, 80-5.1, 80-6, 80-7, 80-8, 80-9, 80-10, 80-11, 80-13, 80-15, 80-16, 80-17, 80-19, 80-21, 80-22.1, 80-23, 80-30, 80-31, 80-32, 80-33, 80-34, 80-36, 80-38, 80-39, 80-41.1, 80-42, 80-43, 80-44, 80-47, 80-48, 80-49, 80-50, 80-51, 80-52, 80-53, 80-54, 80-58, 80-58.1, 80-58.2, 80-59, 80-62, 80-67, 80-71, 80-72, 80-73, 80-76.1, 80-77, 80-78, 80-79, 80-80, 80-81, 80-82, 80-83, 80-85, 80-86, 80-87, 80-88, 80-89, 80-91, 80-92, 80-93, 80-96, 80-98, 80-99, 80-100, 80-101, 80-102, 80-103, 80-105, 80-106, 81-3, 81-3.1, 81-3.2, 81-4, 81-4.1, 81-4.2, 81-4.3, 81-5, 81-6, 81-8, 81-9, 81-10, 81-10.1, 81-10.2, 81-11, 81-12, 81-13, 81-14, 81-15, 81-16, 81-17, 81-18, 81-19, 81-20, 81-20.1, 81-20.2, 81-21, 81-22, 81-23, 81-24, 81-25, 81-26, 81-27, 81-28, 81-29, 81-30, 81-30.1, 81-33, 81-34, 81-34.1, 81-36, 81-37, 81-38, 81-39, 81-40, 81-41, 81-42, 81-43, 81-44, 81-45, 81-46, 81-46.1, 81-47, 81-48, 81-49, 81-50, 81-51, 81-52, 81-53, 81-54, 81-55, 81-57, 81-57.1, 81-58, 81-59, 81-60, 81-62, 81-64, 81-65, 81-66, 81-67, 81-68, 82-2, 82-3, 82-4, 82-5, 82-6, 82-7, 82-8, 82-9, 82-10, 82-11, 82-12, 82-13, 82-14, 82-15, 82-16, 82-17, 82-18, 82-18.1, 82-19, 82-20, 82-21, 82-23, 82-25, 82-25.1, 82-26, 82-27, 82-29, 82-29.1, 82-30, 82-31, 82-32, 82-35, 82-36, 82-37, 82-38, 82-39, 82-40, 83-1, 83-1.1, 83-1.2, 83-2, 83-2.1, 83-3, 83-4, 83-5, 83-6, 83-7, 83-9, 83-12, 83-14, 83-15, 83-17, 83-18, 83-19, 83-21, 83-22, 83-24, 83-25, 83-26, 83-27, 83-28, 83-30, 83-31, 83-33, 83-36, 84-1, 84-2, 84-3, 84-4, 84-5, 84-6, 84-7, 84-8, 84-9, 84-10, 84-11, 84-12, 84-13, 84-14, 84-15, 84-16, 84-17, 84-18, 84-19, 84-20, 84-21, 84-22, 84-23, 84-24, 84-26, 84-27, 84-28, 84-29, 84-30, 84-31, 84-32, 84-33, 84-34, 84-35, 84-36, 84-37, 84-38, 84-39, 84-40, 84-41, 84-42, 84-43, 84-45, 84-46, 84-47, 84-48, and 84-49, effective January 1, 1985.

(4) Federal Food and Nutrition Service South East Regional Office (SERO) regulations supplement which sets forth federal policy clearances of federal regulations specified in subsection (1) of this section, effective April [January] 1, 1985.

Section 3. All documents incorporated by reference herein may be reviewed during regular working hours in the Division of Management and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

JACK F. WADDELL, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 2, 1985

FILED WITH LRC: April 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1985 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1985 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: All households applying for or receiving food stamps.

(a) Direct and indirect costs or savings to those affected: Not significant

1. First year: Minimal

2. Continuing costs or savings: Unknown

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: Minimal

(2) Effects on the promulgating administrative body: These revisions will keep the state's

practices in compliance with federal requirements

(a) Direct and indirect costs or savings: Minimal

1. First year: Minimal

2. Continuing costs or savings: Unknown

3. Additional factors increasing or decreasing costs: Unknown

(b) Reporting and paperwork requirements: Insignificant

(3) Assessment of anticipated effect on state and local revenues: No significant impact on state or local revenues

(4) Assessment of alternative methods; reasons why alternatives were rejected: Changes are in compliance with federal requirements

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Not applicable to these changes as federal requirements mandate uniform statewide implementation/application of policies

### PROPOSED REGULATIONS RECEIVED THROUGH APRIL 15

#### COUNCIL ON HIGHER EDUCATION

13 KAR 2:020. Guidelines for undergraduate admission to the state-supported institutions of higher education in Kentucky.

RELATES TO: KRS 164.020(3)

PURSUANT TO: KRS 13A.100, 164.020(3), 164.030, 164.284

NECESSITY AND FUNCTION: Admission requirements shall be established by the institutions in keeping with adopted policies of the Council on Higher Education. Pursuant to KRS 164.020(3) the council approves the minimum qualifications for admission to the public institutions of higher education. It is the intent of the council that all Kentucky residents shall have available to them an opportunity for higher education appropriate to their interests and abilities. This regulation sets forth the minimum standards and policies of the council related to admission at state-supported institutions of higher education.

Section 1. General. (1) Students from other states and countries will be accepted by Kentucky public institutions providing that out-of-state enrollment does not inhibit the opportunities of Kentucky residents to benefit from the facilities provided. Public institutions of higher learning may establish additional admissions criteria that are in compliance with council policy established pursuant to KRS 164.020(3).

(2) The American Association of Collegiate Registrars and Admissions Officers' Transfer

Credit Practices of Educational Institutions shall serve as a reference for the acceptance of transfer credits. Generally, a student dismissed from a college or university shall not be accepted for the semester following his dismissal. Failure to report enrollment at another institution may result in dismissal and/or loss of credits earned.

(3) Transcripts for transfer students should bear a stamp showing "entitled to honorable dismissal" for all students entitled to honorable dismissal. In the absence of the stamp on the transcript, the student's status should be checked with the institution from which the student is transferring.

(4) The Council on Higher Education is concerned that the student's articulation from one (1) institution to another be as smooth as possible. It shall be the responsibility of all public institutions to assure that the student is adequately counseled concerning transfer of credit. Consistent with the community college objective of a two (2) year curriculum, transfer from such schools is normally expected at the completion of requirements for the associate degree. Transfer prior to that time, however, may be advisable in specialized programs.

Section 2. Minimum Qualifications for Admission to Freshman Class. High school graduates: (1) Kentucky residents who have graduated from high schools that have met the accreditation standards of the Kentucky Department of Education, taken the ACT, and attempted no previous college-level work are generally granted admission to the community

colleges and the community college programs at the individual universities. Certain programs, however, may have additional admissions requirements.

(2) Kentucky residents who have graduated from high schools that have met the accreditation standards of the Kentucky Department of Education, taken the ACT, completed the minimum educational preparation, and attempted no previous college-level work have achieved the minimal requirements for admission to the individual universities.

(3) Applicants for admission who have earned a high school equivalency certificate (GED) and graduates of high schools that have not met the accreditation standards of the Kentucky Department of Education may be admitted to the community colleges or community college programs at the individual universities upon completion of the ACT exam. These same graduates may be admitted to the individual universities by validating satisfactory completion of the minimum education requirements on the ACT exam or by meeting the provisions for exceptional admission as detailed in this subsection.

(4) Nonresident graduates of accredited high schools must meet admissions requirements in keeping with policies of the council.

### Section 3. Minimum Educational Preparation.

(1) Effective for the fall semester of 1987, applicants who have successfully completed twenty (20) or more approved\* high school units including the following minimum academic preparation requirements are eligible for admission to the individual universities. \*An approved unit is a course of study included in the Program of Studies for Kentucky Schools or offered by a school that has met the accreditation standards of the Kentucky Department of Education.

(a) Four (4) units of high school study in English specifically, including English I (2301), English II (2302), English III (2303), and English IV (2304), or the equivalent in content;

(b) Three (3) units of high school study in mathematics, specifically including algebra I (2710) or algebra II (2711) and geometry (2712), and one (1) additional mathematics elective;

(c) Two (2) units of high school study in science, specifically including either biology I (2517) or chemistry I (2521) or physics I (2532), and one (1) additional science elective; and

(d) Two (2) units of high school study in social studies, specifically including world civilization (2246) and U.S. history (2243).

(e) In addition, college-bound students are encouraged to take, as part of their elective course selections, additional coursework in mathematics, sciences, foreign languages, arts, and computer literacy.

(2) It is the responsibility of each institution of higher education to determine whether an applicant has met these minimum educational preparation requirements. Individual institutions may accept evidence of requisite subject area competencies, specifically including ACT or SAT test results, in lieu of the successful completion of the high school courses specified above.

### Section 4. Exceptions to the Minimum

Educational Preparation Qualifications. Subject to the requirements and limitations established by the Council on Higher Education, individual universities shall have the option of admitting by exception first-time freshman applicants who have not met the minimum educational preparation qualifications for admission. Beginning in the fall semester 1987, the individual universities may grant exceptions to the minimum educational preparation qualifications and admit each academic term a maximum of twenty (20) percent of the total number of applicants admitted as first-time freshmen. First-time freshmen admitted by exception to the minimum qualifications shall remove or otherwise satisfy all deficiencies regarding the minimum qualifications in a manner and time period established by the enrolling university.

Section 5. Special Students. (1) Applicants of superior ability, as demonstrated by exceptional academic achievement, high ACT scores, and social maturity, may be granted early admission to the freshman class.

(2) At the discretion of the institution, applicants unable to meet college entrance requirements may be admitted to college classes for which they are qualified.

(3) Kentucky residents sixty-five (65) years of age or older who are admitted to state-supported institutions shall have all registration and tuition charges waived. However, an institution may limit admission of these students if classes are filled, or if their admission necessitates additional classes.

### Section 6. Admission with Advanced Standing.

(1) Applicants who have attended another accredited college or university may be admitted with advanced standing in accordance with admissions requirements established by each institution. An institution may have additional requirements for nonresidents.

(2) Lower division academic courses offered for undergraduate credit at any accredited Kentucky community college are transferable for academic credit to state-supported universities. Lower division academic courses are those offered for undergraduate credit at the freshman and sophomore level or normally counted toward requirements for an associate degree. Usually numbered 100 to 299, these are introductory in nature and require no significant prerequisites. Determination of course level shall be made by the governing boards of the public universities and filed with the Council on Higher Education.

(3) The number of semester hours earned at the community college level which will be applied toward meeting requirements for a baccalaureate degree will depend upon the degree being pursued. In cases where educational objectives have changed, students may take additional courses at a community college after having completed the associate degree requirements. In this event, the college to which the student plans to transfer should be consulted.

(4) Although each public university has the responsibility for determining its degree requirements, it normally takes two (2) additional academic years for a community college transfer student to complete baccalaureate degree requirements.

(5) Credits presented from institutions not fully accredited may be accepted only when

validated by advance work in the receiving institution and/or by examination at the discretion of the institution.

Section 7. General Policy on Out-of-State Enrollment. (1) The following general policy statements were amended to establish the limitation on enrollment of out-of-state professional students in state-supported institutions, as well as conditions to be met by nonresident students entering the state institutions.

(a) The nonresident (out-of-state) enrollment in the schools of law, medicine, and dentistry at the state-supported institutions operating those programs is limited to no more than ten (10) percent of the total headcount enrollment in each program.

(b) Institutions which waive the out-of-state surcharge for out-of-state students will continue to count those students as out-of-state students for purposes of this policy and reporting to the council.

(c) Nonresident students must meet the same admission requirement as resident students and at least one (1) of the following conditions in order to be admitted to the state institutions:

1. Graduate in the top fifty (50) percent of their high school class;
2. Score in the 50th percentile or above for all students taking the ACT test nationally;
3. Demonstrate through other accepted measures the ability to pursue the college academic program without substantial remedial aid.

(2) Non-resident students failing to meet the minimum educational preparation requirements as stated in Section 3 of this regulation are eligible for admission under the exceptions policy stated in Section 4 of this regulation.

HARRY M. SNYDER, Executive Director  
APPROVED BY AGENCY: April 15, 1985

FILED WITH LRC: April 15, 1985 at noon.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled at 10 a.m. on May 29 at the Council on Higher Education. Persons interested in attending this public hearing shall contact: Gary S. Cox, Council on Higher Education, U.S. 127 South, West Frankfort Office Complex, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Joanne Lang

(1) Type and number of entities affected: Students applying to public higher education institutions in Kentucky.

(a) Direct and indirect costs or savings to those affected: N/A

1. First year:
  2. Continuing costs or savings:
  3. Additional factors increasing or decreasing costs (note any effects upon competition):
- (b) Reporting and paperwork requirements:
- (2) Effects on the promulgating administrative body: Not applicable.

- (a) Direct and indirect costs or savings:
1. First year:
  2. Continuing costs or savings:
  3. Additional factors increasing or decreasing costs:
- (b) Reporting and paperwork requirements:
- (3) Assessment of anticipated effect on state and local revenues: Not applicable.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Not applicable.

#### COUNCIL ON HIGHER EDUCATION

13 KAR 2:030. Tuition schedule.

RELATES TO: KRS 164.020(3)

PURSUANT TO: KRS 13A.100, 164.020(3), 164.030, 164.284

NECESSITY AND FUNCTION: The Council on Higher Education is empowered and charged with responsibility, pursuant to KRS 164.020(3), to determine tuition for attendance at public institutions of higher education in the Commonwealth. This regulation sets forth the current tuition schedule established by the council.

Section 1. General. The Council on Higher Education sets the tuition for each type of institution and professional school in Kentucky. These include doctoral, master's and community college level institutions.

Section 2. Tuition Schedule. The tuition schedule set by the council for 1984-85 and 1985-86 are listed on the following tables:

(See Tables on following pages)

**COMMONWEALTH OF KENTUCKY  
COUNCIL ON HIGHER EDUCATION**

**TUITION SCHEDULE: EFFECTIVE FALL 1984\*\***

<u>Full-Time Students*</u>	<u>Eastern Kentucky University</u>	<u>Kentucky State University</u>	<u>Morehead State University</u>	<u>Murray State University</u>	<u>Northern Kentucky University</u>	<u>University of Kentucky</u>	<u>Community College System</u>	<u>University of Louisville</u>	<u>Western Kentucky University</u>
<b>Undergraduate (Semester Rate)</b>									
Resident	\$ 415	\$ 415	\$ 415	\$ 415	\$ 415	\$ 520	\$234	\$ 520	\$ 415
Nonresident	1,245	1,245	1,245	1,245	1,245	1,559	701	1,559	1,245
<b>Graduate (Semester Rate)</b>									
Resident	457	457	457	457	457	572	N/A	572	457
Nonresident	1,370	1,370	1,370	1,370	1,370	1,715	N/A	1,715	1,370
<b>Professional Medicine (Annual Rate)</b>									
Resident	N/A	N/A	N/A	N/A	N/A	3,096	N/A	3,096	N/A
Nonresident	N/A	N/A	N/A	N/A	N/A	7,085	N/A	7,085	N/A
<b>Dentistry (Annual Rate)</b>									
Resident	N/A	N/A	N/A	N/A	N/A	2,636	N/A	2,636	N/A
Nonresident	N/A	N/A	N/A	N/A	N/A	5,921	N/A	5,921	N/A
<b>Law (Annual Rate)</b>									
Resident	N/A	N/A	N/A	N/A	1,472	1,472	N/A	1,472	N/A
Nonresident	N/A	N/A	N/A	N/A	4,161	4,161	N/A	4,161	N/A
<b>Pharmacy (Semester Rate)</b>									
Resident	N/A	N/A	N/A	N/A	N/A	641	N/A	N/A	N/A
Nonresident	N/A	N/A	N/A	N/A	N/A	1,717	N/A	N/A	N/A

\* Charges for part-time students and summer sessions are not shown since those charges are not established, but are derived by dividing the number of hours which constitute a full-time load (according to the institutional definition) into the full-time rate above and multiplying that amount times the number of hours enrolled for less than a full-time load. Since the institutional definition of a full-time student may vary both by levels, sessions, and programs, it is appropriate to leave these computations to each institution. Usual definition for full-time is 12 hours at the undergraduate level and 9 hours at the graduate level.

\*\* This schedule sets forth the student registration charges that each institution is permitted to levy as approved by the Council on Higher Education. Each institution is permitted to levy an additional charge for student related activities or services.



**COMMONWEALTH OF KENTUCKY  
COUNCIL ON HIGHER EDUCATION**

**TUITION SCHEDULE: EFFECTIVE FALL 1985\*\***

(Subject to Review by the Council on Higher Education Prior to Fall 1985)

Full-Time Students*	Eastern Kentucky University	Kentucky State University	Morehead State University	Murray State University	Northern Kentucky University	University of Kentucky	Community College System	University of Louisville	Western Kentucky University
<b>Undergraduate (Semester Rate)</b>									
Resident	\$ 442	\$ 442	\$ 442	\$ 442	\$ 442	\$ 572	\$260	\$ 572	\$ 442
Nonresident	1,327	1,327	1,327	1,327	1,327	1,717	780	1,717	1,327
<b>Graduate (Semester Rate)</b>									
Resident	486	486	486	486	486	630	N/A	630	486
Nonresident	1,459	1,459	1,459	1,459	1,459	1,889	N/A	1,889	1,459
<b>Professional</b>									
<b>Medicine (Annual Rate)</b>									
Resident	N/A	N/A	N/A	N/A	N/A	3,538	N/A	3,538	N/A
Nonresident	N/A	N/A	N/A	N/A	N/A	8,845	N/A	8,845	N/A
<b>Dentistry (Annual Rate)</b>									
Resident	N/A	N/A	N/A	N/A	N/A	2,914	N/A	2,914	N/A
Nonresident	N/A	N/A	N/A	N/A	N/A	7,284	N/A	7,284	N/A
<b>Law (Annual Rate)</b>									
Resident	N/A	N/A	N/A	N/A	1,561	1,561	N/A	1,561	N/A
Nonresident	N/A	N/A	N/A	N/A	4,839	4,839	N/A	4,839	N/A
<b>Pharmacy (Semester Rate)</b>									
Resident	N/A	N/A	N/A	N/A	N/A	641	N/A	N/A	N/A
Nonresident	N/A	N/A	N/A	N/A	N/A	1,923	N/A	N/A	N/A

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\* Charges for part-time students and summer sessions are not shown since those charges are not established, but are derived by dividing the number of hours which constitute a full-time load (according to the institutional definition) into the full-time rate above and multiplying that amount times the number of hours enrolled for less than a full-time load. Since the institutional definition of a full-time student may vary both by levels, sessions, and programs, it is appropriate to leave these computations to each institution. Usual definition for full-time is 12 hours at the undergraduate level and 9 hours at the graduate level.

\*\* This schedule sets forth the total student registration charges that each institution is permitted to levy as approved by the Council on Higher Education. Each institution is permitted to levy an additional charge for student related activities or services.

HARRY M. SNYDER, Executive Director

APPROVED BY AGENCY: April 15, 1985

FILED WITH LRC: April 15, 1985 at noon.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled at 10 a.m. on May 29 at the Council on Higher Education. Persons interested in attending this public hearing shall contact: Gary S. Cox, Council on Higher Education, U.S. 127 South, West Frankfort Office Complex, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Joanne Lang

(1) Type and number of entities affected: Approximately 117,000 resident and nonresident students enrolled at Kentucky public institutions of higher education.

(a) Direct and indirect costs or savings to those affected: Resident and nonresident tuition rates for various degree programs.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: Not applicable.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Not applicable.

#### GENERAL GOVERNMENT CABINET Board of Nursing

201 KAR 20:161. Investigation and disposition of complaints.

RELATES TO: KRS 314.011(13), 314.031, 314.071(4), 314.091, 314.991(3)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: To protect and safeguard the health and safety of the citizens of Kentucky and to provide for procedures in the receipt and disposition of complaints.

Section 1. Receipt of Complaints. (1) The board shall receive and process each complaint made against any licensee, applicant or unlicensed individual if the complaint alleges acts which may be in violation of the provisions of KRS Chapter 314.

(2) Complaints are received by the executive director or staff member(s) designated by the

board to investigate complaints.

(3) All complaints shall be in writing and shall be dated and fully identify the complainant by name and address. The executive director or president of the board may file a complaint based upon information received by oral, telephone or written communications if the facts of the complaint are determined to be accurate and indicate acts which may be in violation of the provisions of KRS Chapter 314.

(4) A certified copy of a court record for a misdemeanor or felony conviction shall be considered a valid complaint.

(5) The person(s) responsible for receiving complaints shall make an investigation to verify facts in complaints and to collect additional information. If it is determined the facts are true and of sufficient gravity to warrant further action, the staff may request an informal conference with the individual against whom the complaint has been made.

(6) The person(s) responsible for receiving complaints shall evaluate information received to determine if an apparent violation of the provisions of KRS Chapter 314 has been committed, consult with legal counsel as indicated, and shall make recommendations for disposition of complaint.

(7) All preliminary information will be treated as confidential during the investigation and shall not be disclosed to board members or to the public. If a board member has participated in the investigation or has substantial knowledge of facts prior to a hearing on the complaint that could influence an impartial decision by the member, that member shall not participate in the adjudication of the complaint.

Section 2. Disposition of Complaints. (1) Administrative hearing.

(a) The board may schedule a formal administrative hearing to determine whether disciplinary action will be taken on the grounds set out in KRS 314.091.

(b) At least thirty (30) days prior to an administrative hearing, the individual shall be sent a letter of the specific charges by certified mail and shall be advised of legal rights in accordance with KRS 314.091.

(c) All subpoenas shall be issued by the executive director on behalf of the board. The person requesting the subpoenas shall bear the cost of serving the subpoenas, paying witness fees and expenses. The board shall bear the cost of witnesses subpoenaed in the board's behalf.

(2) Agreed order.

(a) The board may enter into an agreement with an applicant/licensee for voluntary surrender, suspension, probation, reinstatement or limitation of license, public or private reprimand, and/or to impose a civil penalty. The terms of the agreement may include other conditions or requirements to be met by applicant/licensee.

(b) The agreed order may contain terms which ensure protection of public health and safety, or which serve to educate or rehabilitate the applicant/licensee.

(c) The agreed order when approved by the board will terminate the investigation of a specific complaint.

(3) Consent decree.

(a) In accordance with KRS 314.991 and in lieu

of formal disciplinary action, the board may authorize the executive director or designee to issue a consent decree to impose a civil penalty of not more than \$500 against a nurse or an applicant for licensure as a nurse or for registration as an advanced registered nurse practitioner who has:

1. Practiced as a nurse in the Commonwealth of Kentucky without a temporary work permit or a current, active license issued by the board not longer than six (6) months prior to filing an application for licensure.

2. Practiced as an advanced registered nurse practitioner in the Commonwealth of Kentucky without current, active registration issued by the board not longer than six (6) months prior to filing an application for registration.

(b) A notarized statement submitted by an employer or other person verifying that the applicant or nurse has engaged in the practice of nursing as defined in KRS 314.011(5), (7) and (9), without the required temporary work permit, license or registration may constitute grounds for imposing a civil penalty and issuing a consent decree.

(c) The use of a consent decree shall be restricted to only those applicants or nurses who have violated KRS 314.031(1) or 314.042(5) and who have not violated any other provision of KRS Chapter 314 or any other laws of the Commonwealth of Kentucky or of the United States.

(d) The license or registration may be issued by board staff after the applicant or nurse meets all requirements for licensure or registration and after payment of the civil penalty by applicant or nurse.

(e) Upon ratification by the board of the consent decree the investigation of the specific complaint will be terminated.

(f) If consent decree is not ratified by the board, formal disciplinary action may be commenced.

Section 3. The executive director or person(s) responsible for receiving complaints shall notify the complainant and the person against whom the complaint was made of the final disposition of the case.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 21, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Alta P. Haunsz, Credentials Director

(1) Type and number of entities affected: This proposed regulation affects all applicants or licensees subject to disciplinary action resulting from complaints received by the Kentucky Board of Nursing. During fiscal year 1983-84, a total of 120 complaints were filed against individuals allegedly in violation of KRS Chapter 314.

(a) Direct and indirect costs or savings to

those affected: The actual direct and indirect costs or savings to those affected is difficult to estimate. However, it is anticipated that the use of consent orders and agreed orders as specified in Sections 2 and 3 of this regulation will reduce the number of administrative hearings, thereby resulting in savings in costs incurred in the hearing procedures both to those affected by the regulation and the Kentucky Board of Nursing.

1. First year: See above

2. Continuing costs or savings: See above

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: The proposed regulation will have no effect on existing reporting and paperwork requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: See (1)(a)

2. Continuing costs or savings: See (1)(a)

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: This proposed regulation will have no effect on existing reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative, to make no change, was assessed and the determination was made that existing policies and guidelines must be in regulation form.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Tiering was not applied in that the regulation provides for administration of requirements for applicants and licensees.

#### GENERAL GOVERNMENT CABINET Board of Nursing

201 KAR 20:250. Definitions for registered and practical nurse prelicensure programs of nursing.

RELATES TO: KRS 314.011, 314.111(1),(2),(3)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: The Kentucky Board of Nursing is charged with the establishment of standards for programs of nursing which prepare individuals for licensure. This regulation deals with prelicensure registered and practical nurse prelicensure programs for which the following definitions shall apply.

Section 1. Definitions. (1) "Approval process" means the on-going monitoring by which the board determines if standards are met by the programs of nursing, extension programs, faculties, clinical facilities, and any related units.

(2) "Approved program" means any program, department, division, school or college of nursing which has been granted developmental, initial, full or conditional approval by the board to prepare graduates for licensure as registered nurses and as licensed practical nurses.

(3) "Approved proposal" means a plan to establish a program of nursing which meets standards as determined by the board.

(4) "Board" means the Commonwealth of Kentucky Board of Nursing.

(5) "Conditional approval" means a designation granted to a program of nursing when standards are not met.

(6) "Developmental approval" means the designation granted to a proposed program of nursing to continue development of plans for program implementation.

(7) "Experimental program" means a program of nursing provided for in 201 KAR 20:300, Standards for prelicensure experimental programs of nursing.

(8) "Extension program" means the implementation of a program of nursing on a site removed from the governing (degree or diploma-granting) institution where the same curriculum and program standards are utilized. The extension program may involve another institution of education and different clinical facilities.

(9) "Faculty" means a group of registered nurses who meet standards and are employed by the governing institution in the program of nursing for the purposes of teaching, guidance and evaluation.

(10) "Full approval" means a designation granted to a program of nursing that has implemented the approved proposal and which continues to meet standards.

(11) "Governing institution" means the body, agency or entity which has board approval to conduct a program of nursing and to grant degrees or diplomas in nursing.

(12) "Initial approval" means the designation granted a new program of nursing upon admission of the first class, provided the date of enrollment is within eighteen (18) months after the board approves the proposal.

(13) "Nurse administrator" means the registered nurse faculty member whose responsibility is to administer the educational program of nursing regardless of title assigned by the governing institution.

(14) "Nursing experience" means employment in nursing clinical practice, nursing administration, nursing education, nursing research, or student experience in a post licensure program of nursing.

(15) "Opening date" means a designated time for the first class to begin nursing major courses.

(16) "Standards" mean requirements as set hereafter by regulations which deal with the approval of prelicensure registered nurse and practical nurse programs.

(17) "Survey" means a planned visit by a board representative to a governing institution and program of nursing for the purpose of verifying, amplifying and clarifying reports to determine if standards are met.

(18) "Transcript" means a legible and official copy of the original student record which bears the seal of the governing institution or a

notarized signature of the registrar or the nurse administrator.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 28, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: This regulation affects all 45 Kentucky Board of Nursing prelicensure registered and practical programs of nursing which hold approval status. Currently, 28 prelicensure registered and 17 practical programs of nursing exists. All prelicensure programs of nursing will be affected equally by the proposed regulation.

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None anticipated.

1. First year: As above

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No change

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: New proposed regulation

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Tiering was not applicable.

#### GENERAL GOVERNMENT CABINET Board of Nursing

201 KAR 20:260. Organization and administration standards for prelicensure programs of nursing.

RELATES TO: KRS 314.041(1), 314.051(1), 314.111(1), 314.131(1)

PURSUANT TO: KRS Chapter 314

**NECESSITY AND FUNCTION:** It is necessary that standards be established to assure that programs of nursing prepare graduates for licensure as registered nurses or licensed practical nurses in organized settings where standards are met.

Section 1. Organization and Administration Standards for Prelicensure Registered Nurse and Practical Nurse Programs. To be eligible for approval by the board, a program must have:

(1) A governing institution.  
(a) The institution which establishes and conducts the program of nursing shall be accredited by the southern association of colleges and schools or the appropriate accrediting body.

(b) The governing institution shall assume full legal responsibility for the overall conduct of the program of nursing.

(c) The governing institution shall designate a nurse administrator, establish administrative policies, provide financial support, resources, and facilities for the operation of the program of nursing.

(d) The governing institution shall provide an organizational chart which describes the organization of the program of nursing and its relationship to the governing institution.

(2) Administrative policies.

(a) There shall be written administrative policies for the program which are in accord with those of the governing institution and available to the board for review.

(b) The board shall be notified in writing of a change in the appointment of the nurse administrator.

(c) A written plan for the orientation of the faculty to the governing institution and to the program or to the extension program shall be implemented.

(d) There shall be written contracts between the governing institution and other agencies or institutions that provide learning experiences for students. Contracts shall not be required for observational experiences or field trips.

1. The contract shall clearly identify the responsibilities and privileges of both parties.

2. The contract shall bear the signature of the administrative authorities of each organization.

3. The contract shall vest in the faculty control of the student learning experiences subject to policies of the contractual parties.

4. The contract shall be current and reviewed annually.

(3) A nurse administrator who shall have authority and responsibility in the following areas:

(a) Development and maintenance of collaborative relationships with the administration of the institution, other divisions or departments within the institution, related facilities and the community.

(b) Participation in the preparation and administration of the program of nursing budget.

(c) Screening and recommendation of candidates for faculty appointment, retention, and promotion.

(d) Development of admission criteria.

(e) Development, implementation, and evaluation of the program of nursing.

(f) Development and implementation of program policies.

(g) Facilitation of continuing academic and professional development for the faculty.

(h) Development and negotiation of contracts with clinical facilities.

(i) Establishment of student/faculty ratio in the clinical practice experience. The criteria to determine the student/faculty ratio shall include but not be limited to:

1. Acuity level of the patient population.

2. Clinical preparation of faculty.

3. Behavioral objectives for students in clinical rotation.

4. Contract with clinical agency.

5. Physical setting for student experience.

6. Patient/client safety.

7. The student/faculty ratio (excluding observational experiences) shall not exceed a maximum of twelve (12) to one (1) in the clinical practice experience.

(4) Provision for a system of records and reports essential to the operation of the program of nursing. The system shall include records of:

(a) Enrolled and previously enrolled students.

(b) Program meetings.

(c) Faculty members.

(d) Program development, proposals, recommendations, plans and evaluation.

(5) Official publications which include:

(a) Description of the governing institution and program of nursing.

(b) Policies on admission, progression, dismissal, graduation and student grievance procedures.

(c) Description of student services.

(6) Written personnel policies for the faculty which include:

(a) Position descriptions.

(b) Faculty rights and responsibilities.

(c) Faculty evaluation process.

(7) Clerical assistance. The number of clerical assistants shall be determined by the number of students and faculty. There shall be secretarial and clerical assistants to meet the needs of the program.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 28, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: This regulation affects all forty-five (45) Kentucky Board of Nursing prelicensure programs of nursing holding approval status. Currently, twenty-eight (28) prelicensure registered and seventeen (17) practical programs of nursing exist. In addition, the proposed regulation delineates organization and administration standards for all prelicensure programs of nursing. All prelicensure programs of nursing will be equally affected by the proposed regulation.

(a) Direct and indirect costs or savings to those affected:

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None anticipated

1. First year: As above
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No change

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: New proposed regulations.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Tiering was not applicable.

#### GENERAL GOVERNMENT CABINET Board of Nursing

##### 201 KAR 20:270. Programs of nursing surveys.

RELATES TO: KRS 314.111(2),(3), 314.131(1)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: It is necessary that surveys be made by a board representative to evaluate compliance with board standards by agencies offering or planning to offer programs of nursing.

Section 1. Surveys of Programs of Nursing. (1) Programs of nursing granted full approval status by the board will be surveyed at least every eight (8) years.

(2) Surveys of programs of nursing holding full approval status may be rescheduled based upon any of the following:

(a) Length of time since previous survey by a board representative.

(b) Major curriculum change.

(c) Major curriculum change in use of clinical facilities.

(d) Student attrition rate.

(e) Licensure examination pass-rate.

(f) As deemed necessary by the board to determine compliance with regulations and requirements.

(3) The scheduling of surveys during the period of initial approval shall be based on board required reports and on evaluations submitted by the nursing administrator, type of program of nursing planned, and as required by regulation.

(4) The scheduling of surveys of governing institutions planning to establish a program of nursing shall be based upon the preliminary report information submitted and date of receipt of proposal for the new program as required by the board and by regulation.

(5) Approved programs of nursing with a licensure examination pass-rate less than eighty-five (85) percent shall be surveyed by the board as required by regulation and as deemed necessary by the board.

(6) Programs of nursing desiring to establish nursing extension programs shall be surveyed according to 201 KAR 20:290, Standards for prelicensure registered nurse and practical nurse extension programs.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 28, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: This regulation affects all 45 Kentucky Board of Nursing prelicensure registered and practical programs of nursing which hold approval status. Currently, 28 prelicensure registered and 17 practical programs of nursing exist. All prelicensure programs of nursing will be equally affected by the proposed regulation.

(a) Direct and indirect costs or savings to those affected:

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): Reduction in cost reflected in the span of time the programs will be surveyed.

(b) Reporting and paperwork requirements: Same as (1)(a)3 above.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None anticipated.

1. First year: As above
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Reduction in application review and survey visit cost (staff time, travel, etc.)

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: New proposed regulation

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation

with conflicting provisions:

(6) Any additional information or comments:  
None

Tiering:

Was tiering applied? No. Tiering was not applicable.

GENERAL GOVERNMENT CABINET  
Board of Nursing

201 KAR 20:280. Standards for prelicensure registered nurse and practical nurse programs.

RELATES TO: KRS 314.011(5),(9),  
314.111(1),(2),(3)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: It is necessary to establish standards for the development and approval of programs which prepare graduates for admission to the licensure examination and to facilitate endorsement of licensure status to other states.

Section 1. Establishment of a Program of Nursing. (1) The governing institution may receive consultation from the board prior to filing an application form to establish a program of nursing.

(2) The governing institution shall submit to the board a completed application form which is supplied by the board. The application form and the preliminary information shall be submitted to the board no less than one (1) year prior to the anticipated opening date for the program.

(3) The application form shall include:

(a) Approval from the governing body of the institution proposing the program of nursing and/or other empowered approval bodies as applicable.

(b) Documentation of need for nurses in the areas to be served by the governing institution.

(c) Consideration given to existing programs of nursing in the area.

(d) Evidence of community support for the program of nursing.

(e) General information about the governing institution including the mission, ownership, method of financing, accreditation, enrollment, area served, and institutional faculty qualifications and resources.

(f) Evidence of a pool of potential applicants for admission.

(g) Evidence of financial resources available for establishing and maintaining the program of nursing.

(h) Documentation of clinical facilities and agencies willing to participate in the program of nursing.

(i) Description and rationale for the proposed type of program of nursing.

(4) The board or any interested party may request that a public hearing be held within thirty (30) days by the board on the application to establish a program of nursing.

(5) The governing institution shall be notified in writing if a hearing is requested. If such request is made, the board shall not act on the program proposal until after the hearing is held and consideration is given to the hearing testimony.

(6) A completed program proposal shall be submitted to the board by the governing

institution for approval no less than eight (8) months prior to the anticipated opening date for a program of nursing. The program proposal shall include the following information:

(a) Philosophy and objectives of the governing institution.

(b) Organizational chart of governing institution and written plan which describes the organization of the program of nursing and its relationship to the institution.

(c) Proposed philosophy, objectives, and conceptual or organizing framework of the program of nursing.

(d) Curriculum design including proposed course sequence and credit hours.

(e) Five (5) year projection for student enrollment.

(f) Five (5) year projection for employment of qualified nurse faculty.

(g) Description of educational and clinical facilities.

(h) Description of faculty offices, classrooms, nursing laboratory, library facilities, conference rooms and learning resources.

(i) Description of support services for students, to include health services, academic advisement, personal counseling, and financial aid.

(j) Plans for use of clinical facilities appropriate to the type of program of nursing.

(k) Evidence of cooperative planning with other educational programs that use the same clinical facilities.

(1) Admission criteria.

(m) General plan for evaluation of program.

(n) Two (2) year budget projection for program.

(7) A representative of the board shall survey the governing institution/program of nursing and submit a written report to the board.

(8) The governing institution shall be notified in writing of action taken by the board on the proposal and the survey report.

(9) Approval to establish a program of nursing may be withdrawn if program requirements are not met and if a class is not enrolled within eighteen (18) months after the board granted developmental approval. The governing institution shall be notified in writing of the withdrawal of developmental approval.

(10) No students shall be admitted to the program of nursing until developmental approval has been granted by the board.

(11) Employment of nurse administrator and faculty.

(a) The nurse administrator shall be the first faculty member employed, and shall have assumed responsibilities for the program before the first class begins nursing major courses.

(b) The faculty shall be employed before the first class begins nursing major courses.

(c) Sufficient numbers of qualified faculty shall be employed to implement the approved proposal.

(d) A faculty qualification form shall be submitted to the board by the nurse administrator for each faculty member upon employment.

(12) The curriculum pattern, including brief course descriptions and credit allotment, shall be approved by the board on or before a date specified by the board before the first class begins course requirements.

(13) Written contracts for use of clinical

facilities shall be duly executed.

(14) The governing institution shall submit progress and evaluation reports which demonstrate implementation of the approved proposal as required by the board.

Section 2. Programs and related units that meet standards shall retain approval. (1) Approval purpose. The approval process is conducted by the board to assure the public that approved programs of nursing meet board requirements, to determine that minimum standards are met by programs, to prepare graduates for admission to the licensure examination, to facilitate licensure by endorsement, to encourage development and improvement of nursing education.

(2) Approval types and requirements.

(a) Developmental approval is the designation granted to a proposed program of nursing to continue development of plans for program implementation.

(b) Initial approval is the designation granted to a new program of nursing upon admission of the first class, provided the date of enrollment is within eighteen (18) months after the board approves the proposal. During the period of initial approval reports documenting implementation of the approved proposal shall be submitted as required by the board.

(c) Full approval is the designation granted to a program of nursing that has implemented the approved proposal and which continues to meet standards.

1. A program with initial approval is eligible for full approval upon graduation of the first class providing there is evidence that standards have been met.

2. The faculty shall conduct a self-study which evaluates the establishment of the program of nursing according to the approved proposal, and submit a written report to the board prior to consideration for full approval.

3. The decision to grant full approval shall be based upon review of the following: program evaluation by the faculty and nurse administrator; licensure examination results; survey report by the board representative; other facts that pertain to the program; and reports deemed necessary to document that standards have been met.

(d) Conditional approval is the designation granted to a program of nursing when standards are not met.

1. The board shall notify the governing institution and the program of nursing when being assigned conditional approval.

2. The board shall specify deficiencies of the program and a period of time in which standards shall be met.

(e) Program approval or accreditation awarded by another organization may be recognized by the board, provided the organization's approval standards for programs of nursing have been determined by the board to be equivalent to or to exceed the full approval standards of the board.

Section 3. Withdrawal of Approval. (1) After a hearing, the board may withdraw all recognition of a program which has been granted developmental approval, initial approval, full approval or conditional approval if standards

are not met within the specified time or if a student class is not admitted for one (1) year.

(a) If there is evidence of failure to develop a new program according to the approved proposal, the board may withdraw approval.

(b) If the decision is made to withdraw approval of the program, provision shall be made by the governing institution for students enrolled in such program to complete the requirements for graduation in order to be eligible to take the licensure examination.

(c) The governing institution shall be notified in writing of the board's decision. Such notification shall cause the institution to make provisions for students and records, and to discontinue the program at the time designated by the board.

(d) Students completing a program of nursing which is not approved by the board shall not be admitted to the licensure examination.

Section 4. Voluntary Closure of Approved Program; Change in Ownership or Organization.

(1) A governing institution that considers the closing of a program, shall confer with the board and shall notify the board in writing stating the reason, the procedure to be adopted, and date for closing the program. The board shall be kept apprised of the procedures for closing.

(2) A governing institution may choose one (1) of the following procedures for closing a program:

(a) The governing institution shall continue the program until the last class enrolled is graduated.

1. The program shall continue to meet the standards for approval until all official students who meet requirements have graduated.

2. The official closing of the program is the date on the degree, certificate, or diploma of the last graduate(s).

3. The governing institution shall notify the board in writing of the official closing date.

(b) The governing institution shall close the program after the transfer of students to other approved programs.

1. The program shall continue to meet the standards required for approval until all students are transferred.

2. The names of students who have been transferred to approved programs and the date of the last student transfer shall be submitted to the board by the governing institution.

3. The date of the last student transfer shall be the official closing date of the program.

(3) Custody of records.

(a) The governing institution which continues to operate retains responsibility for the records of the students and graduates. The board shall be advised of the arrangement made to safeguard the records.

(b) The governing institution which ceases to exist shall transfer the academic transcript of each student and graduate to the board office for safe keeping.

1. The transcript of the students and/or graduates shall identify the date on which the program closed.

2. The board shall be consulted about the disposition of all other program records.

(4) Change in ownership or organization of governing institution.

(a) The governing institution shall notify the



board in writing of any change in ownership or organization.

(b) Approval of the program shall continue under new ownership provided the approval standards continue to be met.

(c) The governing institution which changes organizational structure shall retain program approval provided requirements continue to be met.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 28, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: This regulation affects the establishment of any new prelicensure registered nurse and practical nurse programs. In addition, the proposed regulation also affects all forty-five (45) Kentucky Board of Nursing prelicensure programs of nursing which hold approval status. All prelicensure programs of nursing will be equally affected by the proposed regulation.

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: The programs of nursing may use the program approval or accreditation which has been awarded by another organization in lieu of a survey visit; thus reduction in paperwork requirements and reporting will be achieved.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None anticipated

1. First year: As above

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No change

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: New proposed regulations.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Tiering was not applicable.

#### GENERAL GOVERNMENT CABINET Board of Nursing

201 KAR 20:290. Standards for prelicensure registered nurse and practical nurse extension programs.

RELATES TO: KRS 314.011(5), 314.111(1),(2),(3)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: It is necessary to establish standards for the development and approval of nursing extension programs which prepare graduates for admission to the licensure examination and to facilitate endorsement of licensure status to other states.

Section 1. Establishment of a Nursing Extension Program. (1) The governing institution shall submit to the board a completed application form which is supplied by the board.

(2) A proposal to establish a nursing extension program shall not be considered until evidence of the following is presented:

(a) A minimum of three (3) consecutive licensure examination pass rates of eighty-five (85) percent immediately prior to submission of the application form.

(b) Conference with a representative of the board.

(c) Consent of approving board or body of the governing institution.

(d) Participation by nurse administrator of the program of nursing in planning the extension program.

(3) The proposal for an extension program should address the following:

(a) Statement of need for graduates.

1. Documentation of need for nurses in the areas to be served by the governing institution.

2. Documentation of an adequate pool of qualified applicants interested in the extension program.

(b) Designated responsibilities of cooperating parties, if applicable.

1. Philosophy, purpose, and objectives of the governing institution and extension program.

2. Administrative and academic policies of the governing institution and extension program.

3. Organizational plan and administrative policies for implementation of the extension program.

4. Adequacy of arrangements made to provide services.

(c) Name of degree or diploma granting institution accredited by the southern association of colleges and schools or appropriate accrediting body.

(d) Name and qualifications of the nurse administrator.

(e) Plan for employment of qualified faculty. Faculty shall be employed sufficiently in advance of opening date to provide for program planning and development and for orientation to facilities.

(f) Identified curriculum and conceptual or organizing framework to be used, and any planned revisions.

(g) Evidence of availability of clinical facilities accredited by the joint commission on

accreditation of hospitals or other appropriate approval bodies.

1. Documentation of planning for utilization of accredited facilities.

2. Documentation from clinical facilities agreeing to accommodate students.

3. Availability and provision of services to meet curricular objectives within clinical facilities to be utilized.

4. Cooperative planning for use of clinical facilities with other programs of nursing.

(h) Evidence of availability of adequate finances to support the extension program.

1. Sufficient financial resources as identified in an approved budget for the extension program.

2. Source(s) of funding identified.

3. Stability of source(s) of funding to maintain operation of the extension program.

4. Stipulations for use of special finances, if applicable.

(i) Evidence of availability of adequate classrooms, laboratories, conference rooms, and library resources appropriate for the needs of the extension program.

1. Sufficient space and equipment allocated for use of faculty and students.

2. Allocated space is conducive to the teaching and learning process.

3. Library and learning resources which support achievement of meeting curricular objectives.

(j) Plan for evaluation of the total extension program including:

1. Student achievement.

2. Review of program objectives.

3. Input from faculty, students, administrators, and clinical facility employees.

4. Percentage pass-rate of graduates on the licensure examination.

5. Identification and analysis of student attrition rate.

6. Effects of the extension program on the governing institution and the program of nursing.

Section 2. Proposal Review Process. (1) A completed program proposal shall be submitted to the board by the governing institution no less than eight (8) months prior to the anticipated opening date for the nursing extension program.

(2) A representative of the board shall survey the extension program and submit a written report to the board.

(3) Developmental approval shall be dependent upon the appointment of qualified faculty and acceptance of the program proposal which includes provision for evaluation of the program.

(4) The governing institution shall be notified in writing of action taken by the board on the proposal and survey report.

(5) No students shall be admitted to the program of nursing until developmental approval has been granted by the board.

(6) Approval to establish an extension program may be withdrawn if program requirements are not met and if a student class is not enrolled within eighteen (18) months after the board granted developmental approval. The governing institution shall be notified in writing of the withdrawal of developmental approval.

Section 3. Approved Nursing Extension Program. (1) Required reports shall be submitted to the board in accordance with Section 3 of 201 KAR

20:360, Evaluation of prelicensure registered nurse and practical nurse programs.

(2) The retention of the approval designation of an extension program is contingent upon meeting standards as set forth by the board.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 28, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: This regulation affects the establishment of any new prelicensure registered nurse and practical nurse extension programs. Currently, 2 registered nurse and 7 practical nurse extension programs exist. All prelicensure extension programs of nursing will be equally affected by the proposed regulation.

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No change

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None anticipated.

1. First year: As above

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No change

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: New proposed regulation

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Tiering was not applicable.

GENERAL GOVERNMENT CABINET  
Board of Nursing

201 KAR 20:300. Standards for prelicensure experimental programs of nursing.

RELATES TO: KRS 314.011(5),(9), 314.111(1), (2),(3)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: Nursing education should be progressive and should be current with new methods, techniques, and content. The testing and evaluation of new types of programs are necessary to maintain nursing education which is responsive to current and future needs.

Section 1. Establishment of an Experimental Program of Nursing. (1) The governing institution shall submit to the board a completed application form which is supplied by the board.

(2) A proposal to establish a nursing experimental program shall not be considered until evidence of the following is presented:

(a) Conference with a representative of the board.

(b) Consent of approving board or body of the governing institution.

(c) Involvement of nurse administrator in planning the experimental program.

(3) The proposal for an experimental program should address the following:

(a) Statement of need for graduates.

1. Documentation of need for nurses in the areas to be served by the governing institution.

2. Documentation of an adequate pool of qualified applicants interested in the experimental program.

(b) Designated responsibilities of cooperating parties, if applicable.

1. Philosophy, purpose, and objectives of the governing institution and experimental program.

2. Administrative and academic policies of the governing institution and experimental program.

3. Assumptions upon which the experimental program is based.

4. Designated organizational plan and administrative policies for implementation of the experimental program.

5. Adequacy of arrangements made to provide services.

(c) Name of degree or diploma granting-institution accredited by the southern association of colleges and schools or appropriate accrediting body.

(d) Name and qualifications of the nurse administrator.

(e) Plan for employment of qualified faculty. Faculty shall be employed sufficiently in advance of opening date to provide for program planning and development and for orientation to facilities.

(f) Identified curriculum and conceptual or organizing framework to be used. Curriculum revisions determined to be experimental in nature so designated.

(g) Evidence of availability of clinical facilities accredited by the joint commission on accreditation of hospitals or other appropriate approval bodies.

1. Documentation of planning for utilization of accredited facilities.

2. Documentation from clinical facilities agreeing to accommodate students.

3. Availability and provision of services to meet curricular objectives within clinical facilities to be utilized.

4. Cooperative planning for use of clinical facilities with other programs of nursing.

(h) Evidence of availability of adequate finances to support the experimental program.

1. Sufficient financial resources as identified in an approved budget for the experimental program.

2. Source(s) of funding identified.

3. Stability of source(s) of funding to maintain operation of the experimental program.

4. Stipulations for use of special finances, if applicable.

(i) Evidence of availability of adequate classrooms, laboratories, conference rooms, and library resources appropriate for the needs of the experimental program.

1. Sufficient space and equipment allocated for use of faculty and students.

2. Allocated space is conducive to the teaching and learning process.

3. Library and learning resources which support achievement of meeting curricular objectives.

(j) Plan for evaluation of the total experimental program including:

1. Student achievement.

2. Review of program objectives.

3. Input from faculty, students, administrators, and clinical facility employees.

4. Previous percentage pass-rate of graduates on the licensure examination, if applicable.

5. Identification and analysis of student attrition rate.

Section 2. Proposal Review Process. (1) A completed program proposal shall be submitted to the board by the governing institution or program no less than eight (8) months prior to the anticipated opening date for the experimental program of nursing.

(2) A representative of the board shall survey the experimental program of nursing and submit a written report to the board.

(3) Developmental approval shall be dependent upon the appointment of qualified faculty and acceptance of the program proposal which includes provision for evaluation of the program.

(4) The governing institution shall be notified in writing of action taken by the board on the proposal and survey report.

(5) No students shall be admitted to the program of nursing until developmental approval has been granted by the board.

(6) Approval to establish an experimental program may be withdrawn if program requirements are not met and if a class is not enrolled within eighteen (18) months after the board granted developmental approval. The governing institution shall be notified in writing of the withdrawal of developmental approval.

Section 3. Approved Experimental Program. (1) Required reports shall be submitted to the board in accordance with Section 3 of 201 KAR 20:360, Evaluation of prelicensure registered nurse and practical nurse programs.

(2) The retention of the designation of an approval experimental program is contingent upon the program meeting any special requirements set by the board and upon submission of documented evidence that graduates practice nursing safely.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 28, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: This regulation affects the establishment of any new prelicensure experimental programs of nursing. Currently, no prelicensure experimental programs exist. When prelicensure experimental programs of nursing are approved by the board, they will be equally affected by the proposed regulation.

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No change

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None anticipated.

1. First year: As above

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No change

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: New proposed regulation

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Tiering was not applicable.

#### GENERAL GOVERNMENT CABINET Board of Nursing

201 KAR 20:310. Faculty for prelicensure registered nurse and practical nurse programs.

RELATES TO: KRS 314.011(5), 314.111(1)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: It is necessary to establish standards for faculty of programs of nursing which prepare graduates for licensure as registered nurses or practical nurses.

Section 1. Faculty for Prelicensure Registered Nurse Programs. (1) Number and composition. The faculty shall include but not be limited to a nurse administrator and faculty in the major areas of clinical nursing practice.

(a) The faculty shall be adequate in number and composition to plan and to implement the curriculum of the program in relation to its stated purpose, philosophy, objectives, and number and size of student classes admitted annually, and any additional extension, experimental or continuing education programs.

(b) The faculty shall be adequate in number to provide for the supervision of students in the clinical practice experience.

(2) Nurse administrator qualifications:

(a) A minimum of a masters or higher degree in nursing if appointed after September 1, 1980.

(b) A minimum of five (5) years of nursing experience within the immediate past ten (10) years and experience in administration.

(c) Current license to practice as a registered nurse in the Commonwealth of Kentucky.

(3) Nurse faculty qualifications:

(a) After January 1, 1990, new nurse faculty appointees shall hold a masters or higher degree in nursing.

(b) Current license to practice as a registered nurse in the Commonwealth of Kentucky.

(c) Experience in the clinical or functional area of responsibility or both with a minimum of two (2) years nursing experience within the immediate past five (5) years.

(d) Experience in the application of principles in teaching and learning.

(4) Evaluation of faculty records. The nurse administrators shall submit to the board the qualifications of faculty members upon appointment.

(a) Official college transcripts or copies verified by the nurse administrator or designee shall be available to the board upon request.

(b) A complete and official record of qualifications and workload for each faculty member shall be on file and available to the board upon request.

(5) Re-evaluation of faculty records. The board shall review annually the qualifications of the faculty employed in the program of nursing. If standards are not met, the governing institution shall be notified that a new student class may not be enrolled until standards are met.

Section 2. Faculty for Prelicensure Practical Nurse Programs. (1) Number and composition. The faculty shall include but not be limited to a nurse administrator and faculty in the major areas of clinical nursing practice.

(a) The faculty shall be adequate in number and composition to plan and to implement the curriculum in relation to its stated purpose, philosophy, objectives, and number and size of student classes admitted annually.

(b) All nurse faculty members shall be appointed by and be responsible to the governing institution of the programs of nursing.

(c) There shall be a minimum of two (2) full-time nurse faculty members employed. The faculty shall be adequate in number to provide for the supervision of students in the clinical practice experience.

(2) Nurse administrator qualifications:

(a) A bachelor of science degree in nursing if

appointed after July 1, 1980.

(b) A minimum of five (5) years of nursing experience within the past ten (10) years with experience in administration.

(c) Current licensure to practice as a registered nurse in the Commonwealth of Kentucky.

(3) Nurse faculty qualifications:

(a) After January 1, 1990, new faculty appointees shall have a minimum of a baccalaureate degree in nursing.

(b) Current licensure to practice as a registered nurse in the Commonwealth of Kentucky.

(c) Qualifications in the clinical or functional area of responsibility, or both.

(d) A minimum of three (3) years of nursing experience as a licensed nurse.

(e) A minimum of one (1) year of registered nursing practice experience during the three (3) years that immediately precede the date of appointment.

(f) Experience in the application of principles in teaching and learning.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 28, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: This regulation affects all persons holding a Kentucky registered nurse license, who teach in one of the Kentucky Board of Nursing 45 prelicensure programs of nursing. All persons employed as faculty members in the prelicensure registered nurse or practical nurse programs will be equally affected by the proposed regulation.

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: The elimination of paperwork requirements and reporting of achievement plans for education preparation in nursing for employment in practical programs of nursing.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None anticipated.

1. First year: As above

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Similar for promulgating agency as (1)(b) above

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: New proposed regulation

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? Yes. Tiering was applied in that new nurse faculty appointees after January, 1990 shall hold the following minimum academic credentials: Prelicensure registered nurse programs - master of science in nursing; Prelicensure practical nurse programs - bachelor of science in nursing.

#### GENERAL GOVERNMENT CABINET Board of Nursing

201 KAR 20:320. Standards for curriculum of prelicensure registered nurse programs.

RELATES TO: KRS 314.011(5), 314.111(1), 314.131(1)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: To assure that an educational program will meet standards and provide the necessary education for licensure as a registered nurse. Such standards shall reflect the philosophy, purpose, objectives, and conceptual or organizing framework of the program of nursing which shall be consistent with the law governing the practice of nursing.

Section 1. Curriculum Leading to Eligibility for Licensure as a Registered Nurse. (1) Types of programs of nursing. Two (2) types of programs prepare graduates for eligibility to be admitted to the licensure examination for registered nurses.

(a) "Associate degree program" means a program of nursing organized and administered by a community college, a four (4) year college or university which awards the graduate an associate degree in nursing upon meeting the requirements of the governing institution.

(b) "Baccalaureate degree program" means a program of nursing organized and administered by a senior college or university which awards the graduate a baccalaureate degree in nursing upon meeting the requirements of the governing institution.

(2) Length. A registered nurse program shall be a minimum of two (2) academic years.

(3) Philosophy and objectives.

(a) The philosophy and objectives of the program of nursing shall be clearly defined in writing by the nursing faculty and be consistent with those of the governing institution.

(b) The program objectives shall describe the expected competencies of the graduate.

(4) Approval.

(a) No curriculum plan shall be implemented unless approved by the board.

(b) Curriculum plan shall include supporting evidence that students will be able to acquire the nursing skills essential for safe practice upon graduation.

(5) Organization of the curriculum.

(a) There shall be a written plan, including supporting rationale, which describes the organization and development of the curriculum.

(b) The curriculum design shall reflect the philosophy and objectives of the program.

(c) There shall be a rationale for the credit allocated to course and clinical practice experience.

(d) Credits allocated to course and clinical practice experience shall be identified.

(e) A copy of each course outline, including objectives, planned instruction, learning activities, and method of evaluation shall be on file in the program office.

(6) Curriculum components.

(a) The curriculum shall include:

1. Areas of biological, physical and psycho-social sciences.

2. Areas of nursing science and practice.

(b) The curriculum shall include theory and selected clinical practice experiences designed to enable students to provide nursing care to individuals throughout the life cycle.

(c) Clinical practice settings shall be appropriate for the type of nursing program and the program objectives.

(d) Clinical practice experience shall be supervised by board approved nursing faculty.

(7) Curriculum change. Any major change in curriculum shall be submitted to the board for approval before implementation.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 28, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: This regulation affects the curricula in 28 prelicensure registered nurse programs in the Commonwealth of Kentucky. All prelicensure registered nurse programs are affected equally by the proposed regulation.

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No change

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None anticipated.

1. First year: As above

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No change

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: New proposed regulation

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Tiering was not applicable.

#### GENERAL GOVERNMENT CABINET Board of Nursing

201 KAR 20:330. Standards for curriculum of prelicensure practical nurse programs.

RELATES TO: KRS 314.011(9), 314.111(1), 314.131(1)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: To assure that an educational program will meet standards and provide the necessary education for licensure as a practical nurse. Such standards shall reflect the philosophy, purpose, objectives, and conceptual or organizing framework of the program of nursing which shall be consistent with the law governing the practice of nursing.

Section 1. Curriculum Leading to Eligibility for Licensure as a Practical Nurse. (1) One type of program prepares graduates for eligibility to be admitted to the licensure examination for practical nurses.

(2) "Practical nursing program" means a program of nursing organized and administered by a vocational, technical and adult education system or an independent school at a post-secondary level, which awards the graduate a diploma in practical nursing upon meeting requirements of the program.

(3) Approval.

(a) No curriculum plan shall be implemented unless approved by the board.

(b) A curriculum plan shall include supporting evidence that students will be able to acquire basic nursing skills essential for safe practice upon graduation.

(4) Length. The program of nursing shall be a maximum of one (1) year and a minimum of nine (9) months.

(5) The philosophy and objectives of the program of nursing shall be clearly defined in writing by the nursing faculty and be consistent with those of the governing institution.

(6) The program of nursing objectives shall describe the expected competencies of the graduate.

(7) There shall be a written plan describing the organization and development of the curriculum.

(8) The curriculum shall reflect the philosophy and objectives of the program.

(9) The curriculum plan shall show the placement of courses according to term and level, and the relationship of course content to

the clinical practice experience.

(10) A copy of each course outline, including objectives, planned instruction, learning activities, and methods of evaluation shall be on file in the program office.

(11) The amount of time allotted to class content and clinical practice shall be identified.

(12) The curriculum shall include:

(a) Subject matter from the biological and social sciences: human body structure and function, growth and development, and normal nutrition.

(b) Area of personal and vocational relationships.

(c) Area of nursing content.

1. Curriculum shall address content with selected clinical practice experience in meeting basic nursing needs throughout the life cycle.

2. Clinical practice settings shall be appropriate for the practical nurse program and the program objectives.

3. Written plans for clinical practice experience shall be submitted to the board for approval before implementation.

(13) Curriculum change. Any major change in the curriculum shall be submitted to the board for approval before implementation.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 28, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: This regulation affects the curricula in seventeen (17) prelicensure practical nurse programs in the Commonwealth of Kentucky. All prelicensure practical nurse programs will be affected equally by the proposed regulation.

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No change

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None anticipated

1. First year: As above

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No change

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: New proposed regulations.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Tiering was not applicable.

#### GENERAL GOVERNMENT CABINET Board of Nursing

201 KAR 20:340. Students in prelicensure registered nurse and practical nurse programs.

RELATES TO: KRS Chapter 314

PURSUANT TO: KRS 314.041(1), 314.051(1), 314.111(1)

NECESSITY AND FUNCTION: It is necessary that students be informed of the rules and regulations which govern the prelicensure educational program.

Section 1. Students in Programs of Nursing. A statement of policy concerning student admission, readmission, progression, dismissal, attendance, and graduation shall be set forth in writing and appear in at least one (1) current official publication of the governing institution.

Section 2. Policies and methods for student selection shall be in accord with the philosophy and objectives of the governing institution and the program of nursing.

(1) There shall be proof of high school completion or its equivalent on file in the governing institution.

(2) Upon admission, each student shall be advised in writing regarding the requirements for admission to the licensure examination.

(3) Upon admission, each student shall be advised in writing of policies pertaining to services which state the respective rights and responsibilities of the governing institution and student.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 28, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: This regulation affects students enrolled in twenty-eight (28) prelicensure registered nurse and seventeen (17) practical nurse programs in

the Commonwealth of Kentucky. All students enrolled in prelicensure programs of nursing will be affected equally by the proposed regulation.

(a) Direct and indirect costs or savings to those affected:

1. First year: Minimal
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: The proposed regulation would require minimal paperwork and reporting regarding information on school policies to students in programs of nursing. In addition, the proposed regulation requires that information relative to the licensure examination and policies pertaining to services be given to students upon admission to the prelicensure nursing program.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None anticipated

1. First year: As above
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No change

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: New proposed regulation.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Tiering was not applicable.

#### GENERAL GOVERNMENT CABINET Board of Nursing

201 KAR 20:350. Educational facilities and resources for prelicensure registered nurse and practical nurse programs.

RELATES TO: KRS 314.111(1), 314.131(1)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: It is necessary to have standards for programs of nursing to assure the provision of adequate facilities and resources for conduct of the program of nursing.

Section 1. The facilities and resources needed for development of the program of nursing shall be provided by the governing institution.

Section 2. Physical Facilities. (1) The facilities shall be designed to meet the objectives of the program of nursing and to foster administrative and instructional activities.

(2) Space allocated for the program shall be based on the size of the student group and

teaching and learning methods.

(3) The physical facilities shall include:

(a) Classrooms, lecture-demonstration room, laboratory, and conference rooms.

(b) Offices equipped for administrative personnel, faculty, and secretarial and clerical staff.

(c) Storage space for equipment and instructional materials.

Section 3. Library and Learning Resources. (1) Instructional material shall be readily available for use in teaching and learning and study by faculty and students.

(2) Library holdings should include current references on nursing and related subjects.

Section 4. Clinical Facilities. (1) The program shall arrange for the clinical practice experience of students in the clinical facilities.

(2) Clinical facilities shall show evidence of the following:

(a) Approval by the appropriate accreditation, evaluation or licensure bodies.

(b) Compliance with applicable laws and rules of regulatory agencies.

(c) Adequacy of the agencies and services in number and kind utilized for clinical experiences to meet curricular objectives.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 28, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: The proposed regulation will affect forty-five (45) programs of nursing located in state and private institutions. In addition, the proposed regulation will also affect all clinical facilities and learning resources which provide services for students enrolled in the forty-five (45) prelicensure nursing programs. All prelicensure programs of nursing will be affected equally by the proposed regulation.

(a) Direct and indirect costs or savings to those affected:

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: Minimal reporting and paperwork requirements regarding the changes made in physical facilities, learning resources, and clinical facilities which affect prelicensure programs of nursing.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None anticipated

1. First year: As above



2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs:
  - (b) Reporting and paperwork requirements: No change
  - (3) Assessment of anticipated effect on state and local revenues: None
  - (4) Assessment of alternative methods; reasons why alternatives were rejected: New proposed regulation.
  - (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known
  - (a) Necessity of proposed regulation if in conflict:
  - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
  - (6) Any additional information or comments:

Tiering:  
Was tiering applied? No. Tiering was not applicable.

#### GENERAL GOVERNMENT CABINET Board of Nursing

201 KAR 20:360. Evaluation of prelicensure registered nurse and practical nurse programs.

RELATES TO: KRS 314.111(1),(2),(3), 314.131(1)  
PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: Evaluative standards need to be established to assure that the programs of nursing provide the necessary instruction and services to prepare graduates for licensure eligibility as registered nurses or as practical nurses.

#### Section 1. Evaluation for Full Approval: Registered Nurse and Practical Nurse Programs.

(1) Retaining full approval. A program of nursing that prepares graduates for licensure shall meet standards in order to retain full approval.

(2) If the program fails to submit to the board the annual list of faculty by the date specified by the board, the nurse administrator of the program shall appear before the board at a scheduled hearing to show cause that approval of the program of nursing be continued.

(3) If the nurse faculty do not meet the minimum qualifications as set forth in 201 KAR 20:310, faculty for prelicensure registered nurse and practical nurse programs, the nurse administrator of the program shall appear before the board at a scheduled hearing to show cause that approval of the program of nursing be continued.

(4) If for one (1) fiscal year the graduates of a program of nursing achieve a pass-rate less than eighty-five (85) percent on the licensure examination:

- (a) A letter of concern shall be issued.
- (b) The nurse administrator shall be requested to submit an analysis of the cause(s) of the high failure rate on the licensure examination and plans to correct the deficiencies for the future.

(5) If for two (2) consecutive fiscal years the graduates of a program of nursing achieve a pass-rate less than eighty-five (85) percent on the licensure examination:

- (a) A letter of warning shall be issued.
- (b) The nurse administrator shall appear before the board and give a report of the implementation of the plans submitted to the board the previous year and to present any further analysis and plans to correct the deficiencies as defined.
- (c) The program of nursing shall be surveyed by a representative of the board.
- (6) If for three (3) consecutive fiscal years the graduates of a program of nursing achieve a pass-rate less than eighty-five (85) percent on the licensure examination, the nurse administrator and the head of the governing institution or designee shall appear before the board to show cause that approval of the program be continued.
- (7) Evaluation. The faculty shall perform systematic and periodic evaluation of the total program including:
  - (a) Organization and administration of the program of nursing.
  - (b) Curriculum.
  - (c) Resources, facilities, and services.
  - (d) Teaching and learning methods.
  - (e) Faculty.
  - (f) Students.
  - (g) Graduates.
  - (h) Licensure examination pass-rates.

Section 2. Board Evaluation. (1) The nurse administrator shall inform the board of any major changes in the governing institution or program of nursing.

(2) A yearly progress report and evaluation shall be made by the nurse administrator to the board during the period of initial approval of a program of nursing.

#### Section 3. Reports to the Board. (1) Annual.

(a) A report is required from each program of nursing on forms supplied by the board.

(b) A faculty summary shall be submitted on forms supplied by the board.

#### (2) Faculty.

(a) Faculty appointments shall be reported on forms supplied by the board.

(b) The nurse administrator shall report a change in faculty composition within thirty (30) days of such change.

(3) The board shall require such additional reports from programs of nursing as may be deemed necessary to determine continued eligibility for approval.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: February 14, 1985

FILED WITH LRC: April 12, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 28, 1985, at 9 a.m. EDT in Room 447 of the Board of Nursing office. Those interested in attending this hearing shall notify in writing: Sharon M. Weisenbeck, Executive Director, Board of Nursing, 4010 Dupont Circle - Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary A. Romelfanger, Deputy Executive Director

(1) Type and number of entities affected: The proposed regulation will affect 28 registered nurse and 17 practical nurse programs of

nursing. All prelicensure programs of nursing will be affected equally by the proposed regulation.

(a) Direct and indirect costs or savings to those affected:

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No change

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None anticipated.

1. First year: As above
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No change

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: New proposed regulation

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Tiering was not applicable.

#### FINANCE AND ADMINISTRATION CABINET State Board of Examiners of Social Work

201 KAR 23:120. Equivalency standard.

RELATES TO: KRS 335.090

PURSUANT TO: KRS Chapter 13A, 335.070

NECESSITY AND FUNCTION: This regulation clarifies what the board will consider as equivalent education to that of a baccalaureate degree in social work or a social welfare program.

Section 1. In determining equivalency, the board will compare any program to that of a master's or bachelor's degree from a CSWE (council of social work educators) accredited school.

In determining equivalency, the board will require that the educational content of a program shall include (1) human behavior or the social environment; (2) social welfare policy and service; (3) research; (4) social work practice; and (5) educational practicum.

Section 2. (1) In human behavior and the social environment emphasis should be placed on the psychosocial situation. Six (6) hours of such courses should be at the upper division, or three (3) hours if such is built on a base of psychological and sociological courses.

(2) Social welfare policy and service courses shall include at least three (3) hours at the

upper division social work or social welfare courses, built on courses in political science and economics. In the absence of political science and economics, there shall be at least six (6) hours in the social welfare policies and services area.

(3) Research courses shall be one three (3) hour social research course based on some kind of basic research.

(4) Social work practicum shall include six (6) hours of social work practice courses taught by an individual with an advanced degree in social work. In the absence of classes in lower division social work methods, three (3) additional hours shall be required in a lower division course, totalling nine (9) hours.

(5) Practicum shall be taught by an individual with an advanced degree in social work for at least 450 hours. Two (2) hours per week of supervision shall be required by an individual with an advanced degree in social work.

KENNETH PHILLIPS, Chairman

APPROVED BY AGENCY: January 8, 1985

FILED WITH LRC: April 5, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing will be held on May 22, 1985 at 10 a.m., at the Social Work Board office, Berry Hill Annex, Frankfort, Kentucky 40601. Unless requests for a public hearing are received, in writing, five days before the hearing date, the public hearing will be cancelled. Those who may be interested in attending, please contact Betty Sapp, P. O. Box 456, Frankfort, Kentucky, 40602.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Betty Sapp

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A

(b) Reporting and paperwork requirements: No additional paperwork

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: No additional paperwork

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Not applicable

**FINANCE AND ADMINISTRATION CABINET  
State Board of Examiners of Social Work**

**201 KAR 23:130. Definition of field service office.**

RELATES TO: KRS 335.010

PURSUANT TO: KRS Chapter 13A, 335.070

NECESSITY AND FUNCTION: This regulation defines the term "field service office" in applying the exemption contained in KRS 335.010(5).

Section 1. For the purposes of KRS 335.010(5), the term "field service office" shall mean a non-profit subsidiary branch office of a national or regional social service agency which has been certified or accredited by such national or regional organization and which meets specific guidelines and standards of said organization, including, but not limited to, those organizations whose branch office is directed by a board representative of and accountable to the local community, with responsibility shared by the national or regional accrediting organization.

Section 2. Without limiting other organizations that may qualify for a national or regional social service agency, the following are examples of those who do qualify:

- (1) Salvation Army;
- (2) Family Service Association of America;
- (3) Big Brothers/Big Sisters;
- (4) Catholic Social Services; and
- (5) American Red Cross.

KENNETH PHILLIPS, Chairman

APPROVED BY AGENCY: January 8, 1985

FILED WITH LRC: April 5, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing will be held on May 22, 1985 at 10 a.m. in the Social Work office, Berry Hill Annex, Frankfort, Kentucky 40601. Unless requests for a public hearing are received, in writing, five days before the hearing date, the public hearing will be cancelled. Those who may be interested in attending, please contact Betty Sapp, P. O. Box 456, Frankfort, Kentucky 40602.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Betty Sapp

- (1) Type and number of entities affected:
  - (a) Direct and indirect costs or savings to those affected:
    1. First year: None
    2. Continuing costs or savings: None
    3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
  - (b) Reporting and paperwork requirements: No additional paperwork
- (2) Effects on the promulgating administrative body:
  - (a) Direct and indirect costs or savings: None
    1. First year:
    2. Continuing costs or savings:
    3. Additional factors increasing or decreasing costs: N/A
  - (b) Reporting and paperwork requirements: No additional paperwork
  - (3) Assessment of anticipated effect on state and local revenues: None
  - (4) Assessment of alternative methods; reasons

why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Not applicable

**DEPARTMENT OF AGRICULTURE**

**302 KAR 16:060. Guideline handbook incorporated by reference.**

RELATES TO: KRS 247.232, 247.234, 247.236

PURSUANT TO: KRS 246.040, 247.232, 247.234, 247.236, 247.990

NECESSITY AND FUNCTION: To provide detailed guidelines for the operation and inspection of amusement rides or attractions.

Section 1. The Kentucky Department of Agriculture Guideline Handbook for Inspection of Amusement Rides and Attractions, Division of Weights and Measures, 106 W. Second Street, Frankfort, Kentucky 40601, in effect at the time of the effective date of this regulation, is incorporated by reference.

DAVID E. BOSWELL, Commissioner

APPROVED BY AGENCY: April 4, 1985

FILED WITH LRC: April 4, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 29, 1985 at 10 a.m. in Room 713 of the Capital Plaza Tower, Frankfort, Kentucky. Those interested in attending this hearing shall contact Thomas M. Troth, General Counsel, Department of Agriculture, 705 Capital Plaza Tower, Frankfort, Kentucky 40601. Unless written notification of intent to attend a public hearing is received by the promulgating agency at least five (5) days before the hearing date, the hearing may be cancelled.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Charles Prebble

- (1) Type and number of entities affected:
  - (a) Direct and indirect costs or savings to those affected:
    1. First year: N/A
    2. Continuing costs or savings: N/A
    3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
  - (b) Reporting and paperwork requirements: N/A
- (2) Effects on the promulgating administrative body:
  - (a) Direct and indirect costs or savings:
    1. First year: N/A
    2. Continuing costs or savings: N/A
    3. Additional factors increasing or decreasing costs: N/A
  - (b) Reporting and paperwork requirements: N/A
  - (3) Assessment of anticipated effect on state and local revenues: N/A
  - (4) Assessment of alternative methods; reasons why alternatives were rejected: Chosen

regulation is most effective of the alternatives.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Proposed regulation needs to be applied to the entire amusement ride industry.

#### DEPARTMENT OF AGRICULTURE

##### 302 KAR 20:055. Brucellosis vaccination.

RELATES TO: KRS 257.020, 257.030, 257.040, 257.060, 257.070, 257.115

PURSUANT TO: KRS 257.030

NECESSITY AND FUNCTION: To specify the requirements for vaccination against brucellosis of eligible calves in Kentucky.

Section 1. General Provisions. All eligible female animals shall be vaccinated with an approved Brucella vaccine following the vaccination protocol set forth by the State Veterinarian's Office.

Section 2. Eligible Animals. (1) Female bovine animals born after July 1, 1985 and four (4) months of age or older, which enter the Commonwealth of Kentucky for feeding or breeding purposes. Animals going to a state or federally approved livestock market or directly to slaughter or spayed animals that have been branded with a spade brand or animals for exhibition purposes only are exempt.

(2) Female bovine animals, born after July 1, 1985 and four (4) months of age or older, purchased at a Kentucky livestock market. These animals must be vaccinated before they are returned to a farm in Kentucky.

(3) Female bovine animals, born after July 1, 1985 and four (4) months of age or older, which change ownership.

Section 3. Procedures. (1) Eligible animals must be officially vaccinated between four (4) and ten (10) months of age and identified by a vaccination tattoo in the ear and an official vaccination ear tag, or, in the case of registered cattle, by an identification tattoo.

(a) A vaccination tattoo in the ear shall legibly identify the quarter of the year, shield and the calendar year of vaccination.

(b) An official vaccination ear tag shall identify the animal according to the state of origin, official vaccinate status and individual identification number.

(2) Eligible animals must be vaccinated and identified by a licensed, accredited veterinarian or an authorized representative of the Department of Agriculture.

(3) Vaccinations shall be reported when administered to the appropriate state agency on official "Brucellosis Calfhood Vaccination Record" as provided.

(4) Animals on Kentucky farms or returning to a Kentucky farm can be vaccinated with funds appropriated by the Commonwealth of Kentucky if available. The cost of vaccination at a livestock market is the responsibility of the purchaser or seller.

(5) No person shall tamper with the vaccination tattoo or official vaccination ear tag, and no person shall re-tattoo any animal unless approval is first obtained from the Division of Livestock Sanitation.

DAVID E. BOSWELL, Commissioner

APPROVED BY AGENCY: April 4, 1985

FILED WITH LRC: April 4, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 29, 1985 at 10 a.m. in Room 713 of the Capital Plaza Tower, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Thomas M. Troth, General Counsel, Department of Agriculture, Room 705, Capital Plaza Tower, Frankfort, Kentucky 40601. Unless written notification of intent to attend a public hearing is received by the promulgating agency at least five (5) days before the hearing date, the hearing may be cancelled.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: J. D. Wolf

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A

(b) Reporting and paperwork requirements: Submission of Brucellosis calfhood vaccination record.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: Receiving Brucellosis calfhood vaccination record.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Proposed regulation is superior to available alternatives.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Brucellosis vaccination regulation applies evenly to the entire industry.

DEPARTMENT OF AGRICULTURE

302 KAR 20:190. Sero-positive mares.

RELATES TO: KRS 257.020, 257.030, 257.040

PURSUANT TO: KRS 257.030

NECESSITY AND FUNCTION: To specify requirements for mares sero-positive to Equine Viral Arteritis in Kentucky.

Section 1. Sero-positive Mares. (1) Owners and/or agents of sero-positive mares booking or seeking to book to stallions shall notify the stallion owner and/or agent in writing of the classification of the mare at the time of booking. A copy of the written notification shall be sent to the chief livestock sanitary official.

(2) Sero-positive mares shall be bred only to sero-positive or vaccinated stallions.

(3) Definitions found in 302 KAR 20:180 shall apply to this regulation.

DAVID E. BOSWELL, Commissioner

APPROVED BY AGENCY: April 4, 1985

FILED WITH LRC: April 4, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 29, 1985 at 10 a.m. in Room 713 of the Capital Plaza Tower, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Thomas M. Troth, General Counsel, Department of Agriculture, Room 705, Capital Plaza Tower, Frankfort, Kentucky 40601. Unless written notification of intent to attend a public hearing is received by the promulgating agency at least five (5) days before the hearing date, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: J. D. Wolf

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Chosen method is the most effective.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Regulation needs to apply to entire horse industry.

DEPARTMENT OF AGRICULTURE

302 KAR 34:030. License and records required for each location.

RELATES TO: KRS 251.610, 251.640, 251.720

PURSUANT TO: KRS 251.700

NECESSITY AND FUNCTION: To specify that a grain dealer's license is required for each location, if operated as a separate business establishment.

Section 1. A person, firm, or corporation operating at more than one (1) location must have a license for each location if operated as separate business establishments. The license shall be posted in a conspicuous place in the office or appropriate section of the business establishment.

Section 2. Each licensee shall keep in a safe place complete and correct records of all grain handled in each establishment which he is licensed to operate, which shall be available for inspection by the Department of Agriculture.

DAVID E. BOSWELL, Commissioner

APPROVED BY AGENCY: April 4, 1985

FILED WITH LRC: April 4, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 29, 1985 at 10 a.m. in Room 713 of the Capital Plaza Tower, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Thomas M. Troth, General Counsel, Department of Agriculture, Room 705, Capital Plaza Tower, Frankfort, Kentucky 40601. Unless written notification of intent to attend a public hearing is received by the promulgating agency at least five (5) days before the hearing date, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Tom Dowler

(1) Type and number of entities affected: Approximately 50 grain dealers.

(a) Direct and indirect costs or savings to those affected: Approximately \$500 cost to each.

1. First year: \$25,000 (cost)

2. Continuing costs or savings: \$25,000 (cost each year)

3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A

(b) Reporting and paperwork requirements: No new paperwork required.

(2) Effects on the promulgating administrative body: N/A

(a) Direct and indirect costs or savings: None

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: N/A

(3) Assessment of anticipated effect on state and local revenues: No alternatives apparent.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives apparent.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None identified.

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: None

Tiering:

Was tiering applied? Yes.

**JUSTICE CABINET  
Department of State Police  
Services Division  
Records Section**

**502 KAR 30:010. Criminal history record information system.**

RELATES TO: KRS 17.140

PURSUANT TO: KRS 15A.160, 17.080

NECESSITY AND FUNCTION: KRS 15A.160 and 17.080 provide that the Secretary of Justice may adopt such regulations as are necessary to properly administer the cabinet. KRS 17.140 establishes the Centralized Criminal History Record Information System. This regulation establishes the definitions to be used in the administration of the Centralized Criminal History Record Information System.

Section 1. As employed in 502 KAR 30:010 through 502 KAR 30:070, unless the context requires otherwise: (1) "Criminal history record information system" means a system including equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation or dissemination of criminal history record information.

(2) "Criminal history record information," hereinafter referred to as CHRI, means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrest, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including, but not limited to, sentencing, correctional supervision and release. CHRI shall not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system, or the evaluative information, such as statistical and analytical reports and files in which individuals are not directly or indirectly identifiable, or intelligence information. CHRI shall be limited to information concerning persons who have attained the age of eighteen (18) and shall not include any information concerning criminal offenses of acts of delinquency committed by any person before that person has attained the age of eighteen (18); provided, however, that if a person under the age of eighteen (18) is adjudicated as an adult and found guilty in a circuit court, information relating to such criminal offense shall be deemed CHRI. CHRI shall not include any information concerning any offense which is not punishable by incarceration.

(3) "Criminal justice agency" means:

(a) Courts;

(b) A government agency or any subunit thereof which performs the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice.

The term criminal justice agency shall be inclusive of but not limited to: the Attorney General, sheriff departments, law enforcement agencies of a county or municipality, coroner, jailer, prosecuting attorney, probation officer, parole officer; warden or superintendent of a prison, reformatory, correctional school, mental hospital or institution of the retarded; state police, State Fire Marshal, Board of Alcoholic Beverage Control; Justice Cabinet; Cabinet for Human Resources; Transportation Cabinet; Corrections Cabinet; and every other person or criminal justice agency, except the court of justice, public or private, dealing with crimes or criminals or with delinquency or delinquents.

(4) "Administration of criminal justice" means performance of any of the following activities: detection, apprehension, detention, pre-trial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of CHRI.

(5) "Disposition" means information disclosing that criminal proceedings have been concluded, including information disclosing that the police have elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings and also disclosing the nature of the termination of proceedings; or information disclosing that proceedings have been indefinitely postponed and also disclosing the reason for such postponement. Dispositions shall include, but not be limited to: acquittal, acquittal by reason of insanity, acquittal by reason of mental incompetence, case continued without finding, charge dismissed, charge dismissed due to insanity, charge dismissed due to mental incompetency, charge still pending due to insanity, charge still pending due to mental incompetence, guilty plea, nolle prosequi, no paper, nolo contendere plea, convicted, youthful offender determination, deceased, deferred disposition, dismissed-civil action, found insane, found mentally incompetent, pardoned, probation before conviction, sentence commuted, adjudication withheld, mistrial-defendant discharged, executive clemency, placed on probation, paroled or released from correctional supervision, or any other disposition deemed appropriate by the court.

(6) "Non-conviction data" means arrest information without disposition if an interval of one (1) year has elapsed from the date of arrest and no active prosecution of the charges is pending; all information disclosing that the police have elected not to refer a matter to a prosecutor, or that a prosecutor has elected not to commence criminal proceedings, or that proceedings have been indefinitely postponed, as well as all acquittals and all dismissals.

(7) "Uniform offense report", hereinafter "UOR-1," means the report form developed

pursuant to KRS 15A.190 and 17.150 on which every felony case, every misdemeanor case of theft by unlawful taking or disposition, every case of unauthorized use of a motor vehicle, and every other instance where there is an allegation that a criminal offense has been committed against a victim's person or property and a uniform citation will not suffice, shall be recorded and reported by forwarding a completed UOR-1 form to the Kentucky State Police, Records Section, hereinafter Records.

(8) "Court disposition uniform offense report," hereinafter "UOR-3," means that report form developed pursuant to KRS 15A.190 and 17.150 on which either preliminary or final court dispositions on all criminal offenses involving arrest(s) other than those reported on a uniform citation shall be recorded with final dispositions on all cases reported by forwarding a completed UOR-3 to Records.

(9) "NLETS" means the National Law Enforcement Telecommunication System.

NORMAL C. MILLER, Secretary  
MORGAN T. ELKINS, Commissioner

ADOPTED BY AGENCY: April 11, 1985

FILED WITH LRC: April 11, 1985 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on May 29, 1985, at 10 a.m. in the Conference Room, Kentucky State Police Headquarters, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five days before the hearing, the following individual: Major Bobby Stallins, Kentucky State Police, Information Services Branch, Records Section, 1250 Louisville Road, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Major Bobby Stallins

(1) Type and number of entities affected: No change in cost. Identical procedures/policy in effect for several years.

(a) Direct and indirect costs or savings to those affected:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: No change. Identical procedures/policy in effect for several years.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Present procedures are working.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:  
None

Tiering:

Was tiering applied? No. N/A

#### JUSTICE CABINET Department of State Police Services Division Records Section

502 KAR 30:020. Arrest and disposition reporting procedure.

RELATES TO: KRS 17.110, 17.115

PURSUANT TO: 15A.160, 17.080, 17.150

NECESSITY AND FUNCTION: KRS 17.110 mandates that all city and county law enforcement agencies shall submit to the Justice Cabinet, Department of State Police, photographs, and a description report of the offense on all persons arrested on a felony charge. KRS 17.115(2) requires persons in charge of any penal or correctional institution to provide the cabinet with fingerprints and descriptions on all persons committed to their custody or detained by them on cases where fingerprints and descriptions are taken, together with a report of the disposition. KRS 17.150(6) authorizes the Secretary of Justice to adopt regulations that are necessary to insure the accuracy of said criminal history record information. This regulation establishes arrest and disposition reporting procedures.

Section 1. Offense Reporting Procedure. Within thirty (30) days of the arrest for an offense covered by KRS 17.110, two (2) sets of fingerprint cards, a mug shot or the negative of the mug shot, and a general description report (UOR-1) of the offense shall be submitted to Records. Further, law enforcement and criminal justice agencies shall cooperate with Records by complying with a "unique numbering system" to allow court disposition tracing. The "unique numbering system" shall be accomplished by the issuance of a Uniform Citation with every felony arrest as relates to 502 KAR 30:020 subject to an agreement with the Chief Justice of the Supreme Court of Kentucky as set out in Section 2(2) of this regulation.

Section 2. Disposition Reporting Procedures. (1) Dispositions shall be submitted from each city and county law enforcement agency to Records in the form of the Uniform Offense Report (UOR-3), or any subsequent disposition reporting instrument required by the Kentucky State Police.

(2) Upon suitable written agreement with the Chief Justice of the Kentucky Supreme Court and the Secretary of the Justice Cabinet, a unique tracking number will be assigned to each offender at the time of arrest. This unique number will be utilized throughout the movement of the offender through the criminal justice system, thereby enabling the Administrative Office of the Courts to provide a system compatible computer tape to Records for automatic update of court dispositions in the CHRI files.

NORMA C. MILLER, Secretary  
MORGAN T. ELKINS, Commissioner

APPROVED BY AGENCY: April 11, 1985  
FILED WITH LRC: April 11, 1985 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on May 29, 1985, at 10 a.m. in the Conference Room, Kentucky State Police Headquarters, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five (5) days before the hearing, the following individual: Major Bobby Stallins, Kentucky State Police, Information Services Branch, Records Section, 1250 Louisville Road, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Major Bobby Stallins

(1) Type and number of entities affected: No change in cost. Identical procedures/policy in effect for several years.

(a) Direct and indirect costs or savings to those affected:

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: No change. Identical procedures/policy in effect for several years.

(a) Direct and indirect costs or savings:

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Present procedures are working.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. N/A

#### JUSTICE CABINET Department of State Police Services Division Records Section

502 KAR 30:030. Audit of criminal history record information systems.

RELATES TO: KRS 17.150

PURSUANT TO: KRS 15A.160, 17.080, 17.150

NECESSITY AND FUNCTION: KRS 17.140 establishes a centralized criminal history record information system in the Justice Cabinet under the direction of the Commissioner of the Department of State Police. KRS 17.150(6) provides that the Secretary of Justice shall

adopt regulations that are necessary to insure the accuracy of criminal history record information being reported to the centralized criminal history record information system. This regulation establishes the requirements for audits of the centralized criminal history record information system and law enforcement and criminal justice agencies which submit or receive criminal history record information to or from the centralized criminal history record information system.

Section 1. The Records Section shall annually conduct an in-house audit of a random representative sample of hard copy data contained in the centralized criminal history record information system. The scope of the audit shall include but is not limited to:

- (1) Adherence to federal and state regulations;
- (2) Completeness and accuracy of CHRI;
- (3) CHRI dissemination procedures;
- (4) Security;
- (5) Compliance with mandated access and review procedures.

Said audit shall be conducted in accordance with guidelines set out in 28 CFR; 20.21(e), utilizing the standard audit instrument as prescribed by Records. A report of the audit findings shall be submitted by the administrative head of Records to the Commissioner, Department of State Police and the Secretary of the Justice Cabinet on or before January 10th of each year.

Section 2. Records shall conduct, on an annual basis, audits of at least four (4) criminal justice agencies, submitting or receiving data from or to the centralized criminal history record information system. Said agencies shall be picked at random. Such audits shall be conducted in accordance with guidelines set out in 28 CFR; 20.21(e), utilizing the standard audit instrument. A report of the audit findings shall be submitted to the administrative head of the respective criminal justice agency within thirty (30) working days after the audit has been completed. The scope of the audit shall include but not be limited to:

- (1) Adherence to federal and state regulations;
- (2) Completeness and accuracy of CHRI;
- (3) CHRI dissemination procedures;
- (4) Security;
- (5) Compliance with mandated access and review procedures.

NORMA C. MILLER, Secretary  
MORGAN T. ELKINS, Commissioner

APPROVED BY AGENCY: April 11, 1985  
FILED WITH LRC: April 11, 1985 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on May 29, 1985, at 10 a.m. in the Conference Room, Kentucky State Police Headquarters, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five (5) days before the hearing, the following individual: Major Bobby Stallins, Kentucky State Police, Information Services Branch, Records Section, 1250 Louisville Road, Frankfort, Kentucky 40601.



REGULATORY IMPACT ANALYSIS

Agency Contact Person: Major Bobby Stallins

(1) Type and number of entities affected: No change in cost. Identical procedures/policy in effect for several years.

(a) Direct and indirect costs or savings to those affected:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: No change. Identical procedures/policy in effect for several years.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Present procedures are working.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. N/A

JUSTICE CABINET  
Department of State Police  
Services Division  
Records Section

502 KAR 30:040. Criminal history record information user agreement.

RELATES TO: KRS 17.140, 17.147, 17.150

PURSUANT TO: KRS 15A.160, 17.080, 17.150

NECESSITY AND FUNCTION: KRS 17.147 assigns the Department of State Police the responsibility of instruction of persons and agencies using the centralized criminal history record information system in the use of criminal history record information. KRS 17.150(6) mandates that the Secretary of the Justice Cabinet shall adopt such rules and regulations as are necessary to carry out the provisions of the criminal history record information system. To insure compliance with KRS Chapter 17 and 28 CFR; 20.21(b), both statutes dealing with criminal history record information, this regulation establishes criteria for participation in the centralized criminal history record information system by means of a criminal history record information user agreement contract.

Section 1. All criminal justice agencies that request the dissemination of criminal history record information shall enter into a User Agreement with the Department of State Police as

prescribed by the Secretary of Justice. (A copy of the User Agreement is available from the Kentucky State Police Records Section, Louisville Road, Frankfort, Kentucky 40601.

NORMA C. MILLER, Secretary

MORGAN T. ELKINS, Commissioner

APPROVED BY AGENCY: April 11, 1985

FILED WITH LRC: April 11, 1985 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on May 29, 1985, at 10 a.m. in the Conference Room, Kentucky State Police Headquarters, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five (5) days before the hearing, the following individual: Major Bobby Stallins, Kentucky State Police, Information Services Branch, Records Section, 1250 Louisville Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Major Bobby Stallins

(1) Type and number of entities affected: No change in cost. Identical procedures/policy in effect for several years.

(a) Direct and indirect costs or savings to those affected:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: No change. Identical procedures/policy in effect for several years.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Present procedures are working.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. N/A

JUSTICE CABINET  
Department of State Police  
Services Division  
Records Section

502 KAR 30:050. Security of centralized criminal history record information.

RELATES TO: KRS 17.140

PURSUANT TO: KRS 15A.060, 17.080, 17.140

NECESSITY AND FUNCTION: KRS 17.080 authorizes

the Secretary of Justice to institute rules and regulations and direct proceedings and actions for administration of laws and functions that are invested in the Justice Cabinet. KRS 17.140 establishes, in the Justice Cabinet under the direction, control, and supervision of the Commissioner of the Department of State Police, a centralized criminal history record information system. KRS 17.140 defines a centralized criminal history record information system as the system including equipment, facilities, procedures, and agreements for the collection, processing, preservation, or dissemination of criminal history records maintained by the Justice Cabinet. This regulation sets specific security standards to preserve the CHRI in an acceptable state.

Section 1. Procedures shall be implemented in the centralized criminal history record information system to insure that access to criminal history record information is restricted to authorized persons. The ability to access, modify, change, update, purge, or destroy such information shall be limited to authorized criminal justice personnel, or other authorized persons who provide operational support, such as programming or maintenance. Technologically advanced software and/or hardware designs shall be implemented to prevent unauthorized access to criminal history record information.

Section 2. Procedures shall be implemented in the centralized criminal history information system to determine what persons have authority to enter in areas where criminal history information is stored and implement access control measures to insure entry is limited to specific areas where authorization is valid. Further, access control measures shall be implemented to insure unauthorized persons are totally denied access to areas where criminal history record information is stored. Said access constraints shall include, but not be limited to, the system facilities, systems operating environments, data file contents, whether while in use or when stored in media library, and system documentation.

Section 3. Procedures shall be implemented in the centralized criminal history information system to insure that computer operations which support the criminal history record information data base, whether dedicated or shared, operate in accordance with procedures developed or approved by the Justice Cabinet, and further insure that:

(1) CHRI is stored by the computer in such a manner that it cannot be modified, destroyed, accessed, changed, purged, or overlaid in any fashion by unauthorized persons.

(2) Operational programs are used that will prohibit inquiry, record updates, or destruction of records, from any terminal other than designated terminals within the Records.

(3) The destruction, partial deletion, total deletion, or record correction is limited to designated terminals under the direct control of Records.

(4) Operational programs are used to detect and store for the output of designated criminal justice agency employees, all unauthorized attempts to penetrate any criminal history

record information system, program or file.

(5) The programs specified in subsections (2) and (4) of this section are known only to criminal justice agency employees responsible for criminal history record information system control or individuals in agencies pursuant to a specific written agreement with the Justice Cabinet to provide such programs and the operational program(s) are continuously kept under maximum security conditions.

(6) Procedures are instituted to assure that any individual or agency authorized direct access is responsible for:

(a) The physical security of criminal history record information under its control or in its custody; and

(b) The protections of such information from unauthorized access, disclosure or dissemination.

Section 4. Procedures shall be implemented in the centralized criminal history record information system to protect CHRI from unauthorized access, theft, sabotage, fire, flood, wind, or other natural or manmade disasters.

Section 5. Emergency Plans Required. Written plans and instructions dealing with emergencies described in Section 4 of this regulation shall be developed in manual form and cover all foreseeable incidents ranging from minor accidents to major disasters causing the destruction of computer facilities, entire data bases, and/or CHRI contained in manual files. Employees of the centralized criminal history record information system shall be trained in procedures and specifically assigned responsibilities in case of an emergency. Plans and instructions should be inclusive of, but not limited to, emergency shutdown and evacuation procedures, disaster recovery plan to restart critical system functions, procedures for backup files for critical data such as fingerprint cards, and duplicate system designs. The Commissioner of the Department of State Police shall make available needed personnel to reinstitute the centralized criminal history record information system as soon as feasible after accident or disaster.

Section 6. The Records Commander shall institute procedures for the screening, supervising, and disciplining of agency personnel in order to minimize the risk of compromising internal security. A background investigation of all prospective employees for Records shall be conducted. The scope of the background investigation shall be inclusive of, but not limited to:

(1) Verification of all items as listed on the employment application;

(2) Moral character;

(3) Financial history;

(4) Individual as well as spouse arrest history inclusive of juvenile files;

(5) Agency personnel records.

All Records employees will agree to and sign non-disclosure statements and notice of security breach forms. The Records Commander shall so notify the Commissioner of the State Police as to any violation of security policy. A violation of said security policy shall include, but not be limited to, the intentional violation or wanton disregard of any or all security policies

with regard to criminal history record information as set forth by section policy; the compromising of an employee's security by committing, facilitating, or being a party to a crime. Upon notification by the Records Commander of a security compromise, the commissioner shall take immediate appropriate administrative action.

NORMA C. MILLER, Secretary  
MORGAN T. ELKINS, Commissioner

APPROVED BY AGENCY: April 11, 1985

FILED WITH LRC: April 11, 1985 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on May 29, 1985, at 10 a.m. in the Conference Room, Kentucky State Police Headquarters, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five (5) days before the hearing, the following individual: Major Bobby Stallins, Kentucky State Police, Information Services Branch, Records Section, 1250 Louisville Road, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Major Bobby Stallins

(1) Type and number of entities affected: No change in cost. Identical procedures/policy in effect for several years.

(a) Direct and indirect costs or savings to those affected:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: No change. Identical procedures/policy in effect for several years.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Present procedures are working.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. N/A

#### JUSTICE CABINET Department of State Police Services Division Records Section

502 KAR 30:060. Dissemination of criminal history record information.

RELATES TO: KRS 17.115, 17.140, 17.147, 17.150

PURSUANT TO: KRS 15A.150, 17.080

NECESSITY AND FUNCTION: KRS 17.115 provides that the Justice Cabinet shall cooperate with the state, county and city law enforcing agencies of other states and of the United States in order to develop and carry on an interstate and national system of criminal identification. KRS 17.147(6) provides that the Department of State Police shall supply data, at their request, to participating federal bureaus, departments, or criminal justice agencies engaged in the administration of criminal justice programs. Further, KRS 17.150(6) authorizes the Secretary of Justice to adopt regulations to carry out the provisions of the criminal history record information system.

Section 1. Dissemination of Criminal History Record Information. Use of CHRI disseminated to noncriminal justice agencies shall be limited to the purpose for which it was given. No agency or individual shall confirm the existence or nonexistence of CHRI to any person or agency that would not be eligible to receive the information itself. Policies on dissemination of CHRI shall be regulated by the specific category of criminal history record information. Those categories shall be inclusive of, but not limited to:

(1) "Nonconviction data" shall, with the exception of the computerized Kentucky State Police files accessed by an open record request directly to the Department of State Police, be limited, whether directly or through an intermediary, only to:

(a) Criminal justice agencies for purposes of the administration of criminal justice and criminal justice agency employment;

(b) Individuals and agencies for any purpose authorized by statute, ordinance, executive order, or court order, as determined by the General Counsel, Justice Cabinet;

(c) Individuals and agencies pursuant to a specific agreement as outlined in 502 KAR 30:040 with the Department of State Police, to provide services required for the administration of criminal justice pursuant to that agreement.

(d) Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with Records. Said agreement shall limit the use of data to research, evaluative or statistical purposes, insure the confidentiality and security of the data consistent with these regulations and provide sanctions for violations of the agreement. This dissemination limitations does not apply to conviction data.

(2) "Nonconviction data," from the computerized Kentucky State Police files, shall be disseminated by the Department of State Police only, pursuant to Kentucky Revised Statutes, Chapter 61.

(3) Juvenile records. Dissemination of records concerning proceedings relating to the adjudication of a juvenile as delinquent or in

need of supervision shall not be released to the public without court order.

(4) Furnishings of sex crime convictions to potential employers of persons with authority over children. Criminal history record information of a conviction nature involving specified sex crimes shall be disseminated to potential employers of those individuals that have authority over children. Those respective sex related crimes shall be: rape 1st, 2nd and 3rd degree; sodomy 1st, 2nd, 3rd and 4th degree; sexual abuse 1st, 2nd and 3rd degree; sexual misconduct; indecent exposure; prostitution; promoting prostitution 1st, 2nd and 3rd degree; incest; use of a minor in a sexual performance; promoting a sexual performance by a minor; distribution of matter portraying a sexual performance by a minor; promoting sale of material portraying a sexual performance by a minor; advertising material portraying a sexual performance by a minor; and using minors to distribute material portraying a sexual performance by a minor.

(a) To obtain criminal history record information regarding sex related convictions, a perspective employee/volunteer through the potential employer must complete a form prescribed by Records. The form shall be inclusive of a waiver that releases the Kentucky State Police from liability with regard to the dissemination of sex related conviction data. The form shall also include the name of the potential employer, signature of the perspective employee/volunteer, a witness signature, and a space for a thumb print of the perspective employee/volunteer. In addition to the aforementioned personal identifiers, the form shall include sex, race, date of birth, social security number and previous addresses.

(b) The perspective employer shall be responsible for the completion of the form as listed in paragraph (a) of this subsection and shall submit a check/money order for four (4) dollars, made payable to the Kentucky State Treasurer. In order to expedite the response to the respective employer and notification of record check to the employee/volunteer, two (2) self-addressed stamped envelopes (one (1) to the record subject, one (1) to the employer) for return results of criminal history record analysis shall be submitted with the initial record request.

Section 2. As outlined in 502 KAR 30:040, the computerized criminal history record information system, as well as criminal justice and law enforcement agencies receiving CHRI from the computerized criminal history record information system shall log all disseminations of CHRI. Said log shall contain at least the following information: the name of the agency and individual receiving CHRI, the date of release, the individual to whom the CHRI relates, the items of CHRI released, and, in the case of secondary dissemination, the agency which provided the CHRI. Transaction logs shall be maintained in a records subject accessible state for at least twelve (12) months from the date of CHRI dissemination.

NORMA C. MILLER, Secretary  
MORGAN T. ELKINS, Commissioner

APPROVED BY AGENCY: April 11, 1985

FILED WITH LRC: April 11, 1985 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on May 29, 1985, at 10 a.m. in the Conference Room, Kentucky State Police Headquarters, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five (5) days before the hearing, the following individual: Major Bobby Stallins, Kentucky State Police, Information Services Branch, Records Section, 1250 Louisville Road, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Major Bobby Stallins

(1) Type and number of entities affected: No change in cost. Identical procedures/policy in effect for several years.

(a) Direct and indirect costs or savings to those affected:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: No change. Identical procedures/policy in effect for several years.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Present procedures are working.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. N/A

JUSTICE CABINET  
Department of State Police  
Services Division  
Records Section

502 KAR 30:070. Inspection of criminal history record information by record subject.

RELATES TO: KRS 17.140, 17.150, 61.872, 61.878, 61.884

PURSUANT TO: KRS 15A.150, 17.080, 17.150

NECESSITY AND FUNCTION: KRS 17.150(5) makes that portion of KRS Chapter 61 which deals with administrative and judicial remedies for the inspection of public records and penalties appealable. KRS 61.884 allows the individual record subject to access CHRI relating to him or other data in which the record subject is mentioned by name. This regulation establishes guidelines by which CHRI may be accessed by the

individual record subject.

Section 1. These regulations shall provide for the initiation of access/review procedures at each of the Kentucky State Police Posts throughout the Commonwealth with the exception of Frankfort, Post 12. The Records Section shall serve as the location for record access/review for individuals near Frankfort. Access/review procedure shall be uniform throughout the various designated sites.

Section 2. Access/Review Procedure. The record subject shall complete the "Request for Review" form provided at the respective access/review site. A duplicate copy of said form shall be provided to the requestor, or requestor's legal counsel. One set of rolled fingerprints from the requestor on a completed KSP Form 22, will be forwarded to Records where submitted fingerprints will be used to verify the record subject's identity. The Records staff shall note the date of the request as indicated on the "Request for Review" form and shall schedule the record review within three (3) working days of the receipt of the request, unless a detailed explanation of the cause is given for further delay along with the place, time and earliest date on which the CHRI will be available for inspection. The requestor shall be notified forthwith by Records of the scheduled date of review. All record reviews will be conducted from 8 a.m. through 4 p.m., Monday through Friday with the exception of legal holidays, at the designated State Police Post or the Records Section. Records shall returned to the post of the respective access/review request, the "Request for Review" form, the fingerprints taken from the individual for identity verification, a copy of the letter to the record subject scheduling the review date, and a certified copy of the individual's criminal history record.

Section 3. Record Reviewing Procedures. In order to insure that the subject appearing at the Post for the scheduled review of the CHRI supplied from Records is in fact the same person the submitted set of fingerprints were obtained from, visual recognition is required by Post personnel before allowing the individual to actually access the CHRI. The individual, and his attorney (if written approval is submitted by the record subject) shall be allowed to inspect the copy of the CHRI. Reasonable assistance shall be provided by Post personnel to insure understanding of the CHRI. After the record subject has inspected the CHRI, Post personnel should ascertain if a challenge of the content of the records will be initiated. Basis for challenge shall stem from erroneous information, misinformation, or fictitious information. The individual shall be informed that a challenge must be initiated within thirty (30) working days of the actual review. If a challenge is not initiated at the time of review, a copy of the individual's record will be retained at the Post and will be filed with the individual's "Request for Review" form in a manner convenient to the Post. Information regarding the "Request for Review" shall remain at the Post not less than thirty (30) working days from the actual date of review to allow the individual ample time to challenge the record

content. If, after thirty (30) working days a challenge has not been initiated, all material regarding the review shall be returned to Records where a permanent record of the review shall be maintained.

Section 4. Challenge of Record Contents. If the record subject desires to challenge the contents of the record, the individual shall complete the "Challenge of Record" form (bottom portion of the original form). A duplicate copy should be provided to the individual. It should be noted on the form if the individual requests a copy of the record for purposes of challenge. A copy of the individual's record furnished through the Post by Records shall be given to the individual if a challenge is initiated and the individual states a need for a copy of the record for purposes of pursuing a challenge. The copy provided by Records shall be permanently marked or stamped to indicate that the copy is for the purpose of challenge and that any other use thereof would be in violation of federal and state law. The Post shall forward to Records a "Challenge of Record" form and any documents submitted by the individual in support of the challenge.

Section 5. Processing of Challenge by Records. Records shall conduct a comparison of the information under challenge with the original input documents and information contained in the repository files. Any errors or omissions discovered in the repository files shall be corrected. If no error is found, Records shall forward a copy of the original challenge form, a copy of the record as contained in the files, and any other relevant information to the agency or agencies which the Record Section's records indicate as contributing the information under challenge and shall request them to examine in an expeditious manner all relevant files to determine the validity of the challenge. Records shall notify the individual or his legal counsel in writing of the status of said challenge within thirty (30) working days of the challenge date. Status of challenge includes, but is not limited to, notice of clarification of record, expungement of erroneous data, substantiating record or ongoing research process.

Section 6. Administrative Review. If the record subject is dissatisfied with the action taken by Records, the individual may request an Administrative Review. This request shall be submitted in writing and directed to the attention of the Commander of the Records Section. The Commander of the Records Section shall notify in written form the Administrative Review Officer of the request for Administrative Review upon receipt of such request. An individual within the Department of State Police and designated by the Commissioner as the Administrative Review Officer shall review the individual's record in the same manner as performed by Records. The Administrative Review Officer shall notify the individual, in writing, of the decision of the Administrative Review. This notification shall be within thirty (30) days of submission of the written request for the Administrative Review. Any further appeal by the individual will be directed to the court for judicial review.

Section 7. Action Taken if Error or Omission Found Within Record. Records shall correct necessary documents maintained in custody. Notification of all known criminal justice recipients of the erroneous information within the past year and corrections shall be effected in written form. Records shall furnish the individual, upon request, a written list of known non-criminal justice recipients within the past year and of corrections to be made. Records will require that the agency originating the erroneous information notify all known criminal justice recipients within the past year and of corrections to be made. Further, the originating agency will be requested to furnish the individual, upon request, a written list of all known non-criminal justice recipients of erroneous information within the past year.

NORMA C. MILLER, Secretary  
MORGAN T. ELKINS, Commissioner

APPROVED BY AGENCY: April 11, 1985

FILED WITH LRC: April 11, 1985 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on May 29, 1985, at 10 a.m. in the Conference Room, Kentucky State Police Headquarters, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five (5) days before the hearing, the following individual: Major Bobby Stallins, Kentucky State Police, Information Services Branch, Records Section, 1250 Louisville Road, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Major Bobby Stallins

(1) Type and number of entities affected: No change in cost. Identical procedures/policy in effect for several years.

(a) Direct and indirect costs or savings to those affected:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: No change. Identical procedures/policy in effect for several years.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected:

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No

#### PUBLIC PROTECTION AND REGULATION CABINET Department of Mines and Minerals

805 KAR 5:020. Installation and use of automated temporary roof support systems.

RELATES TO: KRS 351.020, 352.201

PURSUANT TO: KRS 13A.100, 351.070(13)

NECESSITY AND FUNCTION: This regulation establishes the requirements for and criteria of automated temporary roof support in underground coal mines in which both the coal bed thickness and the mining height exceed forty-two (42) inches.

Section 1. Definitions. The definitions established in KRS 351.010 and 352.010 shall apply hereto, in addition to those set out below:

(1) "Adopted approved roof control plan" means the roof control plan and revisions thereof suitable to the roof conditions and mining systems of each coal mine which has been adopted by the mine and approved by the commissioner pursuant to KRS 352.201(1).

(2) "Approved" means in compliance with state mining law as set forth in this regulation, or as specifically approved by the commissioner.

(3) "Automated temporary roof support system" means the devices and mechanisms - including the ATRS - used, and methods followed by which ATRS is activated and set to support the roof.

(4) "Automated temporary roof support" or "ATRS" means a mechanical device used to temporarily support the roof while roof bolts are being installed.

(5) "Mining height" means the distance between the bottom of the coal seam and the bottom of permanent mechanical roof support; and specifically does not include or apply to the brushing of top or bottom for construction work and to coal left unmined for purposes of providing additional roof support.

(6) "Rebuilt" means the performance of service work on any roof bolting machine or continuous mining machine with integral roof drills exceeding sixty (60) percent of the new purchase price of such machine as of the date of the service work to be performed on that machine.

Section 2. Dates of Compliance. (1) Twelve (12) months after the effective date of this regulation, all roof bolting machines and continuous mining machines with integral roof drills used in a working place in a coal mine which are purchased, rebuilt, or otherwise put into service twelve (12) months after said effective date shall be provided with an approved automated temporary roof support system: provided, that other methods of temporarily supporting the roof may be approved by the commissioner in the adopted approved roof control plan.

(2) Forty-eight (48) months after the effective date of this regulation, approved automated temporary roof support systems shall be provided on all roof bolting machines and continuous mining machines with integral roof drills used in a working place: provided, that other methods of temporarily supporting the roof may be approved by the commissioner in the adopted approved roof control plan.

Section 3. Approvals and Waivers. (1) Automated temporary roof support systems and all

other methods of temporarily supporting the roof shall be approved on an individual mine basis by the commissioner and shall become part of the adopted approved roof control plan required by KRS 352.201(1).

(2) The commissioner shall grant a waiver as to the requirement for the use of an automated temporary roof support system where it has been demonstrated by the operator and determined during an investigation by an authorized representative of the commissioner that the use of such a system would create a condition which would cause a greater hazard to persons working inby the area where permanent supports have been installed than the method presently being employed or proposed by the operator for temporarily supporting the roof; or where the technology of an automated temporary roof support system does not exist to allow compliance with the requirements established in Section 4 of this regulation; the commissioner also may grant such a waiver if the configuration of the surface of the roof or other conditions make the use of an ATRS system ineffective or impractical, or where the geology or condition of the roof is such that the operator's present roof control plan provides adequate safety to the miner. In granting a waiver as to the use of the automated temporary roof support system, the commissioner may approve the use of temporary jacks and posts to be used in lieu thereof.

(3) In the event of a mechanical breakdown in the ATRS system, the operator shall provide for comparable temporary roof support and, within three (3) working days, notify the commissioner or his authorized representative of the temporary roof support in use and the provisions being made to repair or replace the ATRS. The commissioner or his authorized representative may approve the procedure, subject to such reasonable conditions as he may set.

Section 4. Minimum Requirements for Machines Using, or Used as, Automated Temporary Roof Support Systems. After the effective date of this regulation, all machines using, or used as, an automated temporary roof support system shall comply with the following minimum requirements unless a waiver has been granted or another method of temporarily supporting the roof has been approved by the commissioner, pursuant to Section 3 of this regulation.

(1) The necessary controls to position the machine and place the ATRS against the roof shall be operated from under permanently supported roof, unless the design of the system provides adequate protection of the miner while setting such supports.

(2) The ATRS shall be placed firmly against the roof before any work is performed inby permanent roof supports and shall remain against the roof while work is being done, unless the configuration of the surface of the roof is such as to prevent the ATRS from being placed uniformly against that roof.

(3) All hydraulic jacks affecting the support capacity of an ATRS shall have check valves or equivalent protection, to prevent support failure in the event of a sudden loss of hydraulic pressure.

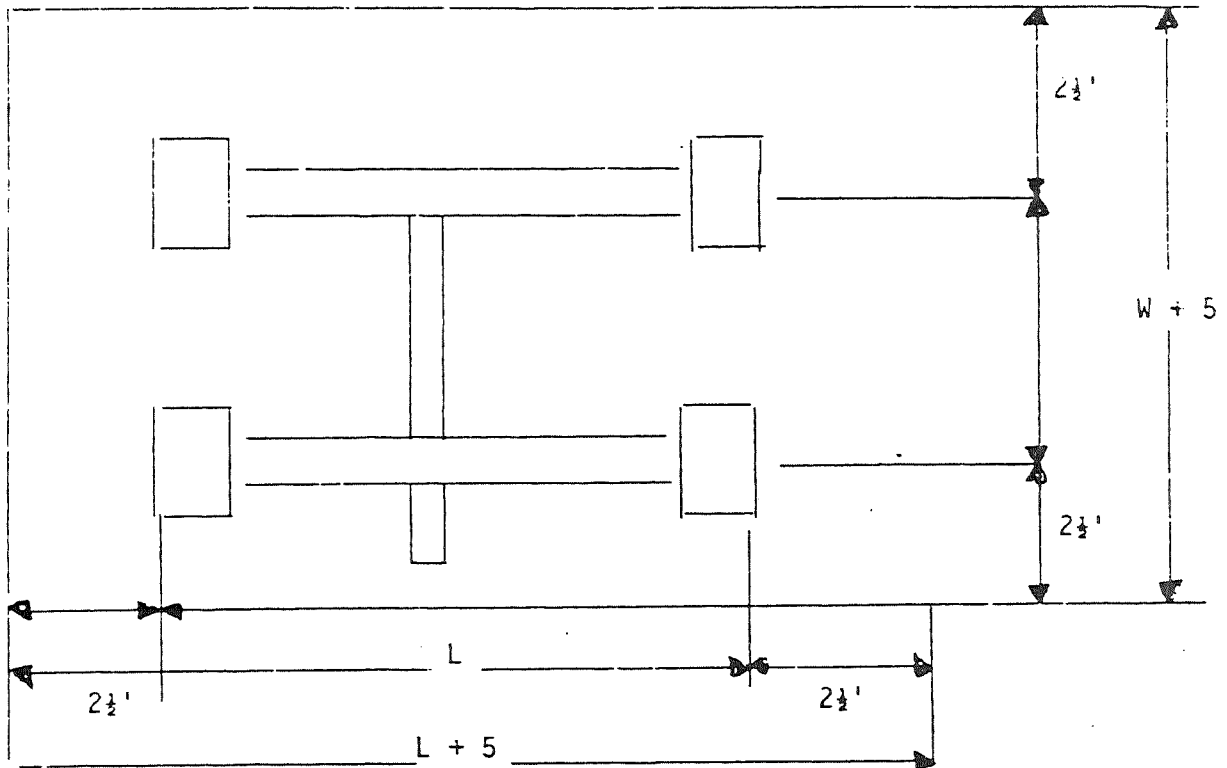
(4) An ATRS used in conjunction with single bolt installation shall elastically support, at a minimum, a deadweight load of 11,250 pounds

for each five (5) feet by five (5) feet square area of the roof to be supported.

(5) An ATRS consisting of pads and/or crossbars used in single or multiple rows shall elastically support, at a minimum, a deadweight load in pounds of  $450 \times ((L + 5) \times (W + 5))$ ; where L is the length of the support structure from tip to tip and W is the width taken at the center line of a support structure to the center line of another support structure, in accordance with the following examples, which are included for illustrative purposes only and are not intended to represent all possible configurations of ATRS capacities:

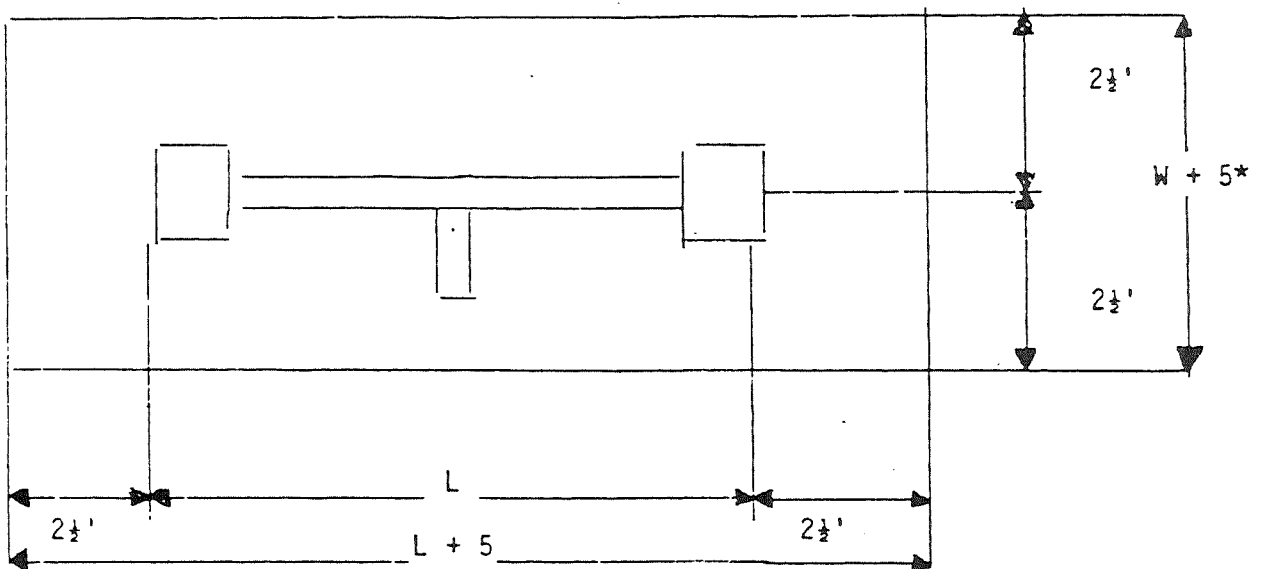
(See figures on following page)

SUPPORT ENVELOPE



$$450 \times ((L + 5) \times (W + 5)) = \text{Load in pounds}$$

SUPPORT ENVELOPE



$$450 \times ((L + 5) \times (W + 5)) = \text{Load in Pounds}$$

\*Note:  $W$  would be 0 in this case.



(6) The actual capacity of the ATRS to support elastically a deadweight load shall be certified by a registered professional engineer.

(7) The distance that the ATRS may be set in by the last row of permanent supports shall be dependent on the row spacing requirements of the permanent roof supports and must be approved by the commissioner in the adopted approved roof control plan.

(8) No person shall work or travel in by the ATRS unless he is within five (5) feet of the ATRS or permanent or temporary roof support: provided, that when such five (5) foot limit is being determined for an ATRS consisting of a ring, said five (5) foot limit shall be determined from the perimeter of the ring.

(9) Notwithstanding the above provisions, a person may proceed in by permanent supports with or without the ATRS being placed against the roof for the purpose of making examinations or correcting hazardous conditions if the necessary protection is provided in accordance with the approved roof control plan.

WILLARD STANLEY, Commissioner

MELVIN H. WILSON, Secretary

APPROVED BY AGENCY: April 5, 1985

FILED WITH LRC: April 8, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing regarding this proposed regulation will be held in Room 103 of the Capital Annex, Frankfort, Kentucky, on Wednesday, May 22, 1985, at 10 a.m. prevailing local time. Any person interested in attending such hearing shall notify in writing at least five (5) days before the hearing: Eugene D. Attkisson, General Counsel, Department of Mines and Minerals, Post Office Box 680, Lexington, Kentucky 40586. Absent such notification, the hearing may be cancelled.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Eugene D. Attkisson, General Counsel

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: See statement below for 1, 2 and 3

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition): While each roof bolting machine purchased or retrofitted with automated temporary roof support capacity will cost an operator from \$3,000 to \$15,000, depending upon the size of the unit and whether it is purchased new or retrofitted, the savings to the Commonwealth are significantly greater, since it has been estimated that the loss of each miner's life costs \$800,000, representing loss of income and benefits paid to his/her survivors.

(b) Reporting and paperwork requirements: None additional, since ATRS will be included on the roof support plan which is presently in use.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: See statement below for a and b.

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None, since the ATRS review will be included in the review of roof control plans, which is an on-going responsibility.

(3) Assessment of anticipated effect on state and local revenues: Increased revenues through operators' purchase and maintenance of ATRS units.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There is no alternative method which offers the benefits of ATRS; i.e., the temporary mechanical support of a mine roof while permanent supports are being installed.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? Yes.

## ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

### Minutes of the April 8-9, 1985 Meeting

The April meeting of the Administrative Regulation Review Subcommittee was held on Monday, April 8, 1985 at 2 p.m. and on Tuesday, April 9, 1985 at 10 a.m. in Room 105. Representative Bill Brinkley, Chairman, called the meeting to order, and the secretary called the roll. On motion of Representative Bruce, seconded by Senator McCuiston, the minutes of the March 11-12, 1985 meeting were approved.

Present were:

Members: Representative Bill Brinkley, Chairman; Senators Harold Haering, Pat McCuiston and Bill Quinlan; Representatives James Bruce, Edward Holloway and Joe Meyer.

Guests: Senator David LeMaster; L. Wayne Tune, Ron Zellar, State Board of Architects; Tom Troth, J. D. Wolf, Department of Agriculture; Terry Anderson, Donald J. Challman, Joseph W. Kelly, A. Leon Smothers, Bob Ware, Natural Resources and Environmental Protection Cabinet; John M. Berry, Jr., Hazard Waste Facility Siting Board; Abbie Meyer, Division of Waste Management, Natural Resources and Environmental Protection Cabinet; Gary Bale, Joanne Brooks, Bernard Minnis, Akeel Zaheer, Department of Education; Barbara Coleman, Richard Dooley, Ked Fitzpatrick, Sally Gordon, Donald R. Hughes, Sr., Peggy S. Kidd, Greg Lawther, E. Edsel

Moore, Gene Simmons, Phillip R. Spangler, Rob Williams, Mark Yancey, Cabinet for Human Resources; Andrew Cammack, Environmental Quality Commission; Charles Ray Dailey, Gary E. Mullaney, Westvaco Corporation; Bill K. Caylor, Kentucky Coal Association; J. Wiley Finney, Jr., Barry E. Mademann, Jockey International, Inc.; Tom Fitzgerald, Kentucky Resources Council; Gregory T. Guess, Kentucky Petroleum Council; Jeff Hohman, East Kentucky Power; John P. Justice, Jr., Huntington District, U. S. Army Corp of Engineers; Howard G. Myers, Kentucky Independent Petroleum Producers Association; Lloyd Cress, W. A. Watson, Jr., Kentucky Oil and Gas Association; Donald Perander, Jim Webb, Armco; Herman D. Regan, Jr., Tony Sholar, Kentucky Chamber of Commerce; Ralph Ed Graves, Lobbyist Alert; Jeffrey Black, University of Kentucky; Etta Ruth Kepp, Governor's Office for Policy and Management; William Turner, Jr..

LRC Staff: Susan Wunderlich, Joe Hood, June Mabry, Donna Valencia, Chris Lilly, Nancy Osborne, Karen Shrock-Jones, Carolyn Kinman, Buel Guy and Carla Arnold.

Press: Susan Warren, UPI; Barry Peel, WTVQ-TV; Mark Chellegren, AP; Diana Taylor Osborne, Lexington Herald-Leader; Paul Long, State Journal

The Administrative Regulation Review Subcommittee met on April 8-9, 1985, and submits the following report:

The Subcommittee determined that the following regulations did not meet the requirements of KRS Chapter 13A.

**Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Division of Water Quality**

401 KAR 5:026 (Classification of waters.)

401 KAR 5:029 (General provisions.)

401 KAR 5:031 (Surface water standards.)

Several industry representatives questioned where the standards in these regulations apply and what are actual costs required to meet these standards. Senator David LeMaster discussed a lawsuit filed in Johnson County questioning the Regulatory Impact Analysis (RIA), and stated that in his opinion the RIA did not include appropriate information as required by KRS 13A.240. The Subcommittee moved that the following statement be attached to the three regulations listed above:

"The Subcommittee questions the deficiency of the Regulatory Impact Analysis; specifically, appropriate information has not been included in response to questions relating to the entities affected, costs or savings to the affected entities, effects on the promulgating administrative body (insofar as enforcement capabilities), paperwork and reporting requirements, and duplication of statutes or other governmental policies. Other issues raised were that marshes and wetlands were not included in the RIA, and the determination that private water supplies (including farm ponds) should be exempt from these standards. The Subcommittee requested additional time to study the issues raised; however, the agency responded that they had included industry representatives in the initial preparation of these regulations and had complied with all public hearing requirements. The Subcommittee recommends that the Legislative Research

Commission study the issues raised above to determine if these regulations should remain in effect, and that the Interim Joint Committee on Agriculture and Natural Resources study the ramifications of these measures consistent with maintaining the environment of Kentucky and a favorable climate and effect upon business in the state. The Subcommittee also requested that copies of the statements of those in opposition be included for use in the study."

**Education and Humanities Cabinet: Department of Education: Teacher Education**

704 KAR 15:090 (Incentive loan program; mathematics and science.) The Subcommittee moved that the following statement be attached to this regulation:

"The Subcommittee believes that this regulation is contrary to the statute in that no pro rata distribution as required by KRS 156.611 is included, that the regulation allows for loan/scholarship funding for certified teachers during the school year while the statute discusses summer programs only, and that the regulation gives certain applicants a 20-point starting advantage. The Subcommittee recommends that the Interim Joint Committee on Education review these discrepancies and suggest legislation for the 1986 General Assembly."

The Subcommittee determined that the following regulations, as amended, complied with the requirements of KRS Chapter 13A:

**General Government Cabinet: Board of Examiners and Registration of Architects**

201 KAR 19:035 (Qualifications for examination.) Representative Meyer questioned Section 1(4)(c) which restricts high school students from obtaining credits towards a bachelor's degree before high school graduation. The agency responded that the intent was not to prohibit high school students from obtaining college level credits, and agreed to strike this paragraph from the regulation as a technical amendment.

**Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Division of Water Quality**

401 KAR 5:010 (Certification of wastewater system operators.) The Subcommittee questioned the requirements for limited certification for school wastewater plant operators, but had no objections to that portion of the regulation. The regulation was technically amended to reflect the effective date of this amendment in the fee requirements. (Motion passed: 6 yeas, 1 nay, Representative Meyer voting no.)

The Subcommittee determined that the following regulations complied with KRS Chapter 13A.

**General Government Cabinet: Board of Examiners and Registration of Architects**

201 KAR 19:095 (Professional practice standards; violations, penalties.)

**Department of Agriculture: Livestock Sanitation**  
302 KAR 20:180 (Restrictions Equine Viral Arteritis.)

Natural Resources and Environmental Protection  
Cabinet: Department for Natural Resources:  
Division of Water Patrol  
402 KAR 4:190 (Zoned use areas.)

Regional Integrated Waste Treatment and  
Disposal Facility Siting Board  
410 KAR 1:010 (Application process.)  
410 KAR 1:020 (Fees.)

Education and Humanities Cabinet: Department of  
Education: Instructional Services  
704 KAR 3:355 (Essential skills remediation.)

Cabinet for Human Resources: Department for  
Health Services: Maternal and Child Health  
902 KAR 4:060 (Kentucky state plan of program  
operations and administration for the special  
supplemental food program for women, infants and  
children (WIC).)

Local Health Departments  
902 KAR 8:020 (Policies and procedures for  
local health department operations.)

Emergency Medical Technicians  
902 KAR 13:050 (Training, examination and  
certification.)

Radiology  
902 KAR 100:012 (Fee schedule.) The  
Subcommittee questioned the large raise in fees.  
The agency responded that the fees had not been  
raised since 1978 and that the fees after the  
increase were still less than those amounts  
asked by the NRC. The Subcommittee had no  
objections to this regulation.

Department for Employment Services:

Unemployment Insurance  
903 KAR 5:260 (Unemployment insurance  
procedures.)

Department for Social Insurance: Medical  
Assistance  
904 KAR 1:061 (Payments for medical  
transportation.)

Food Stamp Program  
904 KAR 3:020 (Eligibility requirements.)  
904 KAR 3:035 (Certification process.)  
904 KAR 3:050 (Additional provisions.)

The following regulations were deferred at  
the agency's request.

Public Protection and Regulation Cabinet:  
Housing, Buildings, and Construction: Kentucky  
Building Code

815 KAR 7:010 (Administration and enforcement.)  
815 KAR 7:020 (Building code.)

Cabinet for Human Resources: Department for  
Health Services: Certificate of Need and  
Licensure  
902 KAR 20:016 (Hospitals operation and  
services.)

902 KAR 20:086 (Intermediate care facilities  
for the mentally retarded and developmentally  
disabled.)

The Subcommittee had no objections to  
emergency regulations which had been filed.

The subcommittee adjourned at 11 a.m. until  
May 13, 1985.



CUMULATIVE SUPPLEMENT

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Subject Index to Volume 11.....	K23

## LOCATOR INDEX -- EFFECTIVE DATES

NOTE: Emergency regulations expire 90 days from publication or upon replacement or repeal.

## VOLUME 10

Regulation	10 Ky.R. Page No.	Effective Date
400 KAR 2:020	1206	8-7-84
405 KAR 1:015	1215	8-7-84
405 KAR 3:015	1216	8-7-84
405 KAR 7:015	1216	8-7-84
405 KAR 30:015	1218	8-7-84
900 KAR 3:010	1226	8-7-84

## VOLUME 11

Emergency Regulation	11 Ky.R. Page No.	Effective Date	Emergency Regulation	11 Ky.R. Page No.	Effective Date
40 KAR 3:010E	923	10-24-84	401 KAR 30:070E	6	5-16-84
Replaced	1006	1-7-85	Replaced	179	8-7-84
105 KAR 1:080E	535	8-31-84	401 KAR 50:016E	7	5-16-84
Replaced	616	11-13-84	Replaced	179	8-7-84
109 KAR 9:010E	1	6-15-84	402 KAR 3:010E	536	9-13-84
Replaced	93	8-7-84	Replaced	669	11-13-84
200 KAR 8:030E	1017	12-14-84	405 KAR 1:015E	7	5-16-84
Replaced	1095	2-12-85	Replaced		8-7-84
201 KAR 9:021E	123	7-12-84	405 KAR 3:015E	8	5-16-84
Replaced	553	10-9-84	Replaced		8-7-84
Resubmitted	1115	12-14-84	405 KAR 7:015E	8	5-16-84
Replaced	1257	2-12-85	Replaced		8-7-84
301 KAR 1:140E	692	10-2-84	405 KAR 10:035E	388	7-16-84
Replaced	620	11-13-84	Replaced	577	10-9-84
301 KAR 2:044E	387	8-1-84	405 KAR 16:020E	390	7-16-84
Replaced	422	10-9-84	Replaced	578	10-9-84
301 KAR 2:200E	693	10-9-84	405 KAR 30:015E	10	5-16-84
Replaced	880	12-11-84	Replaced		8-7-84
302 KAR 16:010E	125	7-12-84	501 KAR 6:010E	10	5-16-84
Replaced	399	9-11-84	Replaced		6-28-84
302 KAR 16:020E	126	7-12-84	600 KAR 1:030E	536	8-28-84
Replaced	400	9-11-84	Replaced	517	10-9-84
Resubmitted	1575	4-11-85	601 KAR 1:015E	128	7-13-84
302 KAR 16:030E	126	7-12-84	Replaced	332	9-11-84
Replaced	401	9-11-84	601 KAR 1:130E	129	7-13-84
302 KAR 16:040E	126	7-12-84	Expired		10-30-84
Replaced	324	9-11-84	601 KAR 9:011E	130	7-13-84
302 KAR 16:050E	127	7-12-84	Replaced	335	9-11-84
Replaced	324	9-11-84	601 KAR 9:013E	130	7-13-84
302 KAR 16:060E	1576	4-11-85	Replaced	240	9-11-84
302 KAR 20:150E	2	6-5-84	601 KAR 9:074E	131	7-13-84
Replaced	401	9-11-84	Replaced	581	10-9-84
302 KAR 20:160E	3	6-5-84	601 KAR 13:040E	134	7-13-84
Expired		9-29-84	Replaced	335	9-11-84
302 KAR 20:170E	127	7-12-84	601 KAR 13:050E	135	7-13-84
Expired		10-30-84	Replaced	699	10-9-84
302 KAR 20:180E	1241	1-30-85	601 KAR 35:010E	136	7-13-84
Replaced	1343	4-9-85	Expired		10-30-84
302 KAR 20:190E	1576	4-11-85	601 KAR 35:020E	137	7-13-84
302 KAR 31:025E	1576	4-11-85	Replaced	585	10-9-84
302 KAR 34:010E	128	7-12-84	601 KAR 35:040E	139	7-13-84
Replaced	402	10-9-84	Replaced	587	10-9-84
302 KAR 34:020E	1018	11-15-84	601 KAR 35:050E	139	7-13-84
Replaced	1006	1-7-85	Replaced	587	10-9-84
302 KAR 34:030E	1580	4-11-85	602 KAR 15:020E	140	7-13-84
401 KAR 4:200E	3	5-16-84	Replaced	549	9-11-84
Replaced	176	8-7-84	603 KAR 5:120E	1363	2-26-85
401 KAR 5:200E	4	5-16-84	Replaced	1225	3-12-85
Replaced	177	8-7-84	603 KAR 5:130E	141	7-13-84
401 KAR 6:200E	5	5-16-84	Expired		10-30-84
Replaced	178	8-7-84			



# ADMINISTRATIVE REGISTER - K3

Emergency Regulation	11 Ky.R. Page No.	Effective Date	Emergency Regulation	11 Ky.R. Page No.	Effective Date
603 KAR 7:020E	142	7-13-84	902 KAR 50:090E	26	5-21-84
Replaced	346	9-11-84	Replaced	112	8-7-84
603 KAR 7:030E	142	7-13-84	902 KAR 50:100E	27	5-21-84
Replaced	347	9-11-84	Replaced	114	8-7-84
603 KAR 7:040E	143	7-13-84	902 KAR 55:015E	1580	3-26-85
Replaced	348	9-11-84	902 KAR 55:020E	1581	3-26-85
603 KAR 7:050E	143	7-13-84	902 KAR 55:030E	1582	3-26-85
Replaced	349	9-11-84	902 KAR 55:045E	1583	3-26-85
603 KAR 7:060E	144	7-13-84	903 KAR 5:150E	1246	1-21-85
Replaced	349	9-11-84	Replaced	1196	3-12-85
603 KAR 7:070E	144	7-13-84	903 KAR 5:280E	1247	1-21-85
Replaced	350	9-11-84	Replaced	1370	3-12-85
702 KAR 1:120E	697	9-21-84	904 KAR 1:004E	149	7-6-84
Replaced	671	11-13-84	Replaced	280	9-11-84
704 KAR 20:310E	1243	1-15-85	Resubmitted	932	10-19-84
Replaced	1230	3-12-85	Replaced	842	12-11-84
804 KAR 9:050E	144	7-11-84	Resubmitted	1117	1-9-85
Replaced	361	9-11-84	Reprint	1350	
807 KAR 5:006E	924	10-23-84	Replaced	1354	3-12-85
Replaced	1048	1-7-85	904 KAR 1:011E	936	10-19-84
815 KAR 7:080E	145	7-13-84	Replaced	846	12-11-84
Replaced	372	9-11-84	Resubmitted	1121	1-9-85
900 KAR 1:011E	15	5-21-84	Replaced	1205	3-12-85
Replaced	102	8-7-84	904 KAR 1:020E	697	9-19-84
900 KAR 1:030E	16	5-16-84	Replaced	658	11-13-84
Replaced	103	8-7-84	904 KAR 1:036E	153	7-6-84
900 KAR 1:040E	17	5-16-84	Replaced	284	9-11-84
Replaced	103	8-7-84	Resubmitted	939	10-19-84
900 KAR 3:010E	17	5-16-84	Replaced	849	12-11-84
Replaced		8-7-84	904 KAR 1:045E	544	8-27-84
902 KAR 1:340E	18	5-16-84	Replaced	290	9-11-84
Expired		9-29-84	904 KAR 1:055E	158	7-6-84
902 KAR 4:015E	1245	2-12-85	Replaced	291	9-11-84
902 KAR 4:050E	18	5-21-84	904 KAR 1:061E	945	10-19-84
Replaced		6-28-84	Replaced	854	12-11-84
902 KAR 4:060E	19	5-21-84	904 KAR 1:250E	28	5-16-84
Replaced	104	8-7-84	Replaced		6-28-84
902 KAR 4:070E	19	5-21-84	Resubmitted	947	10-19-84
Replaced	104	8-7-84	Replaced	856	12-11-84
902 KAR 4:080E	20	5-21-84	Resubmitted	1249	1-21-85
Replaced	105	8-7-84	Replaced	1208	3-12-85
902 KAR 4:090E	147	6-20-84	Resubmitted	1583	4-3-85
Replaced	105	8-7-84	904 KAR 1:270E	1020	12-13-84
902 KAR 6:060E	537	8-27-84	Replaced	1012	1-7-85
Replaced	374	9-11-84	904 KAR 1:280E	1021	12-13-84
902 KAR 8:020E	20	5-21-84	Replaced	1013	1-7-85
Replaced		7-10-84	904 KAR 2:006E	948	10-19-84
Resubmitted	538	9-13-84	Replaced	858	12-11-84
Replaced	653	11-13-84	Resubmitted	1585	4-1-85
902 KAR 8:030E	21	5-21-84	904 KAR 2:016E	159	6-20-84
Replaced	106	8-7-84	Replaced	82	8-7-84
902 KAR 10:110E	149	6-20-84	Resubmitted	950	10-19-84
Replaced	107	9-11-84	Replaced	860	12-11-84
902 KAR 12:060E	22	5-21-84	904 KAR 2:020E	955	10-19-84
Replaced	108	8-7-84	Replaced	865	12-11-84
902 KAR 12:070E	23	5-21-84	904 KAR 2:115E	393	7-20-84
Replaced	108	8-7-84	Repealed	957	10-19-84
902 KAR 12:080E	24	5-21-84	904 KAR 2:116E	957	10-19-84
Replaced		6-28-84	Replaced	916	12-11-84
902 KAR 13:050E	1365	3-1-85	904 KAR 2:140E	29	5-16-84
Replaced	1328	4-9-85	Replaced		6-28-84
902 KAR 13:100E	393	8-2-84	Resubmitted	163	7-11-84
Replaced	526	10-9-84	Replaced	298	9-11-84
902 KAR 17:010E	1019	12-13-84	Resubmitted	959	10-19-84
Replaced	999	1-7-85	Replaced	867	12-11-84
902 KAR 20:006E	539	8-27-84	Resubmitted	1250	1-21-85
Replaced	460	10-9-84	Replaced	1209	3-12-85
902 KAR 45:130E	25	5-21-84	Resubmitted	1587	4-3-85
Replaced	112	8-7-84			
902 KAR 45:140E	25	5-21-84			
Replaced	112	8-7-84			



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Emergency Regulation	11 Ky.R. Page No.	Effective Date	Emergency Regulation	11 Ky.R. Page No.	Effective Date
904 KAR 2:150E	29	5-16-84	905 KAR 6:020E	40	5-17-84
Replaced		6-28-84	Replaced		6-28-84
Resubmitted	960	10-19-84	905 KAR 6:030E	40	5-17-84
Replaced	868	12-11-84	Replaced	117	8-7-84
Resubmitted	1251	1-21-85	905 KAR 7:010E	41	5-21-84
Replaced	1210	3-12-85	Replaced		6-28-84
Resubmitted	1588	4-3-85	905 KAR 7:020E	41	5-17-84
904 KAR 2:160E	30	5-16-84	Replaced	117	8-7-84
Replaced		6-28-84	905 KAR 7:030E	42	5-17-84
904 KAR 2:170E	30	5-16-84	Replaced		6-28-84
Replaced		6-28-84	Resubmitted	964	10-19-84
Resubmitted	961	10-19-84	Replaced	875	12-11-84
Replaced	868	12-11-84	905 KAR 7:040E	42	5-21-84
Resubmitted	1252	1-21-85	Replaced		6-28-84
Replaced	1211	3-12-85	905 KAR 7:050E	167	6-20-84
Resubmitted	1588	4-3-85	Replaced	117	8-7-84
904 KAR 2:180E	31	5-16-84	905 KAR 7:060E	44	5-21-84
Replaced		6-28-84	Replaced		6-28-84
Resubmitted	962	10-19-84	905 KAR 7:070E	44	5-21-84
Replaced	869	12-11-84	Replaced		6-28-84
904 KAR 2:190E	31	5-16-84	905 KAR 7:080E	45	5-17-84
Replaced		6-28-84	Replaced	118	8-7-84
Resubmitted	962	10-19-84	Resubmitted	545	8-27-84
Replaced	870	12-11-84	Replaced	505	10-9-84
904 KAR 2:200E	32	5-16-84	Resubmitted	967	10-19-84
Replaced		6-28-84	Replaced	877	12-11-84
Resubmitted	963	10-19-84	905 KAR 7:090E	167	6-20-84
Replaced	871	12-11-84	Replaced	118	8-7-84
904 KAR 3:035E	163	6-20-84	905 KAR 7:100E	969	10-19-84
Replaced	89	8-7-84	Replaced	918	12-11-84
Resubmitted	1253	2-12-85	905 KAR 8:010E	46	5-16-84
Replaced	1340	4-9-85	Replaced		6-28-84
904 KAR 3:050E	1254	2-12-85	905 KAR 8:020E	546	8-27-84
Replaced	1342	4-9-85	Replaced	376	9-11-84
904 KAR 3:090E	32	5-16-84	905 KAR 8:030E	46	5-16-84
Replaced		6-28-84	Replaced		6-28-84
Resubmitted	165	7-11-84	905 KAR 8:040E	47	5-16-84
Replaced	302	9-11-84	Replaced		6-28-84
Resubmitted	963	10-19-84	905 KAR 8:050E	47	5-16-84
Replaced	872	12-11-84	Replaced		6-28-84
Resubmitted	1255	1-21-85	905 KAR 8:060E	48	5-16-84
Replaced	1214	3-12-85	Replaced	119	9-11-84
Resubmitted	1589	4-3-85	905 KAR 8:070E	548	8-27-84
904 KAR 5:100E	33	5-21-84	Replaced	530	10-9-84
Replaced	196	7-10-84	905 KAR 8:080E	48	5-16-84
904 KAR 5:130E	34	5-21-84	Replaced		6-28-84
Replaced	197	7-10-84	905 KAR 8:110E	49	5-16-84
904 KAR 5:260E	36	5-21-84	Replaced		6-28-84
Replaced	304	7-10-84	905 KAR 8:120E	49	5-16-84
904 KAR 5:270E	165	7-6-84	Replaced	414	9-11-84
Replaced	375	9-11-84	905 KAR 8:130E	50	5-16-84
904 KAR 6:010E	36	5-21-84	Replaced		6-28-84
Replaced		6-28-84	906 KAR 1:010E	50	5-16-84
904 KAR 6:020E	37	5-21-84	Replaced	119	8-7-84
Replaced		6-28-84	906 KAR 1:020E	51	5-16-84
904 KAR 6:030E	37	5-21-84	Replaced	120	8-7-84
Replaced		6-28-84			
904 KAR 6:040E	38	5-21-84	Regulation	11 Ky.R. Page No.	Effective Date
Replaced		6-28-84	1 KAR 1:010	169	
904 KAR 6:050E	38	5-21-84	Amended		
Replaced		6-28-84	1 KAR 3:005	609	
905 KAR 1:150E	39	5-17-84	Amended		
Replaced		7-10-84	Withdrawn		11-13-84
905 KAR 1:170E	166	6-20-84	Amended	983	1-7-85
Replaced	115	8-7-84	11 KAR 4:040	507	10-9-84
905 KAR 1:180E	39	5-17-84	11 KAR 4:050	1528	
Replaced	116	8-7-84	11 KAR 5:020		
Resubmitted	544	8-27-84	Amended	1056	2-12-85
Replaced	504	10-9-84	11 KAR 5:030	1058	2-12-85
905 KAR 5:030E	166	6-20-84	Amended		
Replaced	116	8-7-84			



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Regulation	11 Ky.R. Page No.	Effective Date	Regulation	11 Ky.R. Page No.	Effective Date
11 KAR 5:060			201 KAR 1:065		
Amended	1059	2-12-85	Amended	1434	
11 KAR 5:085			201 KAR 1:090		
Amended	1060	2-12-85	Amended	1434	
11 KAR 6:010	508	10-9-84	201 KAR 1:095		
12 KAR 4:010			Amended	1435	
Repealed	509	11-13-84	201 KAR 2:010		
12 KAR 4:020			Amended	1436	
Repealed	509	11-13-84	201 KAR 2:015		
12 KAR 4:030			Amended	1612	
Repealed	509	11-13-84	201 KAR 2:020		
12 KAR 4:040			Amended	1614	
Repealed	509	11-13-84	201 KAR 2:040		
12 KAR 4:050			Amended	1125	3-12-85
Repealed	509	11-13-84	201 KAR 2:095		
12 KAR 4:060			Amended	1615	
Repealed	509	11-13-84	201 KAR 2:100		
12 KAR 4:070			Amended	1615	
Repealed	509	11-13-84	201 KAR 2:105		
12 KAR 4:080	509	11-13-84	Amended	1616	
12 KAR 4:090	510	11-13-84	201 KAR 2:135		
12 KAR 4:100	510	11-13-84	Amended	986	1-7-85
12 KAR 4:110	511	11-13-84	201 KAR 2:190		
12 KAR 4:120	512	11-13-84	Amended	1126	3-12-85
12 KAR 4:130	512	11-13-84	201 KAR 3:005		
12 KAR 4:140	514	11-13-84	Amended	1436	
12 KAR 4:150	515		201 KAR 3:015		
Withdrawn			Amended	1437	
12 KAR 4:160	516	11-12-84	201 KAR 6:010		
12 KAR 4:170	516	11-13-84	Amended	987	1-7-85
Amended	970	11-13-84	201 KAR 9:018	1097	
12 KAR 5:020			Amended	1256	2-12-85
Amended	612	11-13-84	201 KAR 9:020		
12 KAR 5:030			Repealed	123	7-12-84
Amended	613	11-13-84	201 KAR 9:021	309	
12 KAR 5:040			Amended	553	10-9-84
Amended	615	11-13-84	Amended	1063	
13 KAR 2:020	1689		Amended	1257	2-12-85
13 KAR 2:030	1691		201 KAR 9:023	311	10-9-84
15 KAR 1:010			201 KAR 9:024	311	10-9-84
Amended	1061	2-12-85	201 KAR 9:025	312	10-9-84
40 KAR 2:010			201 KAR 9:030		
Amended	52	7-1-84	Repealed	553	10-9-84
40 KAR 3:010	1006	1-7-85	201 KAR 9:031	313	10-9-84
105 KAR 1:010			Amended	1617	
Amended	53	8-7-84	201 KAR 9:040		
Amended	1609		Repealed	553	10-9-84
105 KAR 1:080			201 KAR 9:041	314	
Amended	616	11-13-84	Amended	554	10-9-84
106 KAR 1:020			Amended	1619	
Amended	617	11-13-84	201 KAR 9:050		
106 KAR 1:040	879		Repealed	553	10-9-84
Amended	1022	12-11-84	201 KAR 9:051	314	
107 KAR 1:040	665	11-13-84	Amended	555	10-9-84
109 KAR 9:010	93	8-7-84	201 KAR 9:060		
115 KAR 2:020	306		Repealed	123	7-12-84
Amended	550	10-9-84	201 KAR 9:061	315	
200 KAR 5:308			Amended	556	10-9-84
Amended	201	9-11-84	201 KAR 9:070		
200 KAR 8:030	1095	2-12-85	Repealed	553	10-9-84
200 KAR 9:010			201 KAR 9:071	316	10-9-84
Repealed	1	6-15-84	201 KAR 9:080		
201 KAR 1:030			Repealed	123	7-12-84
Amended	1430		201 KAR 9:081	317	
201 KAR 1:035			Amended	557	10-9-84
Amended	1430		201 KAR 9:082	320	10-9-84
201 KAR 1:040			201 KAR 9:085		
Amended	1431		Repealed	123	7-12-84
201 KAR 1:045			201 KAR 11:180	1215	
Amended	1432		Amended	1368	3-12-85
201 KAR 1:050			201 KAR 12:010		
Amended	1433		Amended	1437	

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Regulation	11 Ky.R. Page No.	Effective Date	Regulation	11 Ky.R. Page No.	Effective Date
201 KAR 12:020			201 KAR 22:010		
Amended	1438		Amended	734	12-11-84
201 KAR 12:031			201 KAR 22:020		
Amended	1439		Amended	735	12-11-84
201 KAR 12:040			201 KAR 22:031		
Amended	1439		Amended	415	10-9-84
201 KAR 12:060			201 KAR 22:040		
Amended	1440		Amended	417	10-9-84
201 KAR 12:082			201 KAR 22:052		
Amended	1441		Amended	417	10-9-84
201 KAR 12:101			201 KAR 22:070		
Amended	1443		Amended	419	10-9-84
201 KAR 12:125			201 KAR 22:106		
Amended	1619		Amended	420	10-9-84
201 KAR 12:150			201 KAR 22:110		
Amended	1444		Amended	422	10-9-84
201 KAR 13:040			201 KAR 23:030		
Amended	55	8-7-84	Amended	201	9-11-84
Amended	732	12-11-84	201 KAR 23:120	1710	
201 KAR 13:050			201 KAR 23:130	1711	
Amended	56	8-7-84	201 KAR 25:011		
Amended	733	12-11-84	Amended	1448	
201 KAR 16:010			201 KAR 25:021		
Amended	1272		Amended	1449	
Withdrawn		4-5-85	301 KAR 1:016		
201 KAR 19:035			Amended	1126	3-12-85
Amended	1273	4-9-85	301 KAR 1:055		
201 KAR 19:095			Amended	1065	2-12-85
Amended	1276	4-9-85	301 KAR 1:075		
201 KAR 20:056			Amended	619	11-13-84
Amended	1445		301 KAR 1:082		
201 KAR 20:057			Amended	1127	3-12-85
Amended	1447		301 KAR 1:140		
201 KAR 20:070			Amended	620	11-13-84
Amended	1621		301 KAR 1:160	1217	3-12-85
201 KAR 20:085			301 KAR 2:044		
Amended	1623		Amended	422	10-9-84
201 KAR 20:090			301 KAR 2:045		
Amended	1623		Amended	1635	
201 KAR 20:095			301 KAR 2:047		
Amended	1624		Amended	1637	
201 KAR 20:110			301 KAR 2:050		
Amended	1626		Amended	735	12-11-84
201 KAR 20:161	1694		301 KAR 2:055		
201 KAR 20:200			Repealed	693	10-9-84
Amended	1627		301 KAR 2:071		
201 KAR 20:205			Repealed	321	9-11-84
Amended	1628		301 KAR 2:088		
201 KAR 20:210			Repealed	693	10-9-84
Amended	989	1-7-85	301 KAR 2:140		
201 KAR 20:215			Amended	991	1-7-85
Amended	1630		301 KAR 2:170		
201 KAR 20:220			Amended	1640	
Amended	990	1-7-85	301 KAR 2:180	666	11-13-84
201 KAR 20:225			301 KAR 2:190	321	9-11-84
Amended	1631		301 KAR 2:200	880	12-11-84
201 KAR 20:230			301 KAR 3:070		
Amended	1632		Repealed	693	10-9-84
201 KAR 20:240			302 KAR 16:010	94	
Amended	1633		Amended	399	9-11-84
201 KAR 20:250	1695		302 KAR 16:020	94	
201 KAR 20:260	1696		Amended	400	9-11-84
201 KAR 20:270	1698		Amended	1644	
201 KAR 20:280	1699		302 KAR 16:030	95	
201 KAR 20:290	1701		Amended	401	9-11-84
201 KAR 20:300	1703		302 KAR 16:040	324	9-11-84
201 KAR 20:310	1704		302 KAR 16:050	324	9-11-84
201 KAR 20:320	1705		302 KAR 16:060	1711	
201 KAR 20:330	1706		302 KAR 20:040		
201 KAR 20:340	1707		Amended	1645	
201 KAR 20:350	1708		302 KAR 20:055	1712	
201 KAR 20:360	1709		302 KAR 20:065		
			Amended	1648	



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Regulation	11 Ky.R. Page No.	Effective Date	Regulation	11 Ky.R. Page No.	Effective Date
302 KAR 20:070			401 KAR 32:050		
Amended	1650		Amended	227	10-9-84
302 KAR 20:150	95		401 KAR 32:100	326	
Amended	401	9-11-84	Amended	568	10-9-84
302 KAR 20:160	95		401 KAR 47:020		
Amended	402		Amended	1279	
Withdrawn		12-10-84	401 KAR 47:050		
302 KAR 20:170	325		Amended	1282	
Withdrawn		12-10-84	Amended	1590	
302 KAR 20:180	1343	4-9-85	401 KAR 49:010		
302 KAR 20:190	1713		Amended	56	9-11-84
302 KAR 31:025			401 KAR 49:020		
Amended	1653		Amended	58	9-11-84
302 KAR 34:010	96		401 KAR 49:030		
Amended	402	10-9-84	Amended	61	
302 KAR 34:020	1006	1-7-85	Amended	403	9-11-84
302 KAR 34:030	1713		401 KAR 49:040	96	9-11-84
400 KAR 2:010			401 KAR 50:015		
Amended	171	8-7-84	Amended	776	
400 KAR 2:030			Amended	1045	1-7-85
Amended	172	8-7-84	Amended	1450	
400 KAR 2:040			401 KAR 50:016		
Amended	173	8-7-84	Amended	179	8-7-84
400 KAR 2:050			Amended	1454	
Amended	176	8-7-84	401 KAR 57:010		
401 KAR 4:200			Repealed	885	1-7-85
Amended	176	8-7-84	401 KAR 57:011	885	1-7-85
401 KAR 5:010			401 KAR 57:035	887	1-7-85
Amended	1128	4-9-85	Amended	1458	
401 KAR 5:026			401 KAR 57:040	888	1-7-85
Amended	424		Amended	1459	
Amended	703	11-13-84	401 KAR 59:019	1529	
Amended	1132		401 KAR 59:035		
Amended	1372	4-9-85	Repealed	889	1-7-85
401 KAR 5:029			401 KAR 59:036	889	1-7-85
Amended	1141		401 KAR 59:048		
Amended	1380	4-9-85	Repealed	890	1-7-85
401 KAR 5:031			401 KAR 59:049	890	1-7-85
Amended	1144		401 KAR 59:061	1531	
Amended	1384	4-9-85	401 KAR 59:099	891	1-7-85
401 KAR 5:050			401 KAR 59:100		
Amended	737	1-7-85	Repealed	891	1-7-85
401 KAR 5:055			401 KAR 59:130		
Amended	740		Repealed	893	1-7-85
Amended	1028	1-7-85	401 KAR 59:131	893	1-7-85
401 KAR 5:060			401 KAR 59:135		
Amended	756	1-7-85	Repealed	894	1-7-85
401 KAR 5:065			401 KAR 59:136	894	1-7-85
Amended	765	1-7-85	401 KAR 59:140		
401 KAR 5:070			Repealed	895	1-7-85
Amended	773	1-7-85	401 KAR 59:141	895	1-7-85
401 KAR 5:200			401 KAR 59:145		
Amended	177	8-7-84	Repealed	896	1-7-85
Amended	1066	3-12-85	401 KAR 59:146	896	1-7-85
401 KAR 6:040			401 KAR 59:170		
Amended	1068		Repealed	897	1-7-85
Amended	1262	3-12-85	401 KAR 59:171	897	1-7-85
401 KAR 6:200			401 KAR 59:181	1532	
Amended	178	8-7-84	401 KAR 59:195		
401 KAR 30:010			Repealed	899	1-7-85
Amended	202	10-9-84	401 KAR 59:196	899	1-7-85
401 KAR 30:070			401 KAR 59:200		
Amended	179	8-7-84	Repealed	900	1-7-85
Amended	1278		401 KAR 59:201	900	1-7-85
401 KAR 31:040			401 KAR 59:212		
Amended	210		Amended	779	1-7-85
Amended	560	10-9-84	401 KAR 59:213	901	1-7-85
401 KAR 31:160			401 KAR 59:215		
Amended	220	10-9-84	Repealed	902	1-7-85
401 KAR 31:170			401 KAR 59:216	902	1-7-85
Amended	222	10-9-84	401 KAR 59:220		
401 KAR 32:020			Repealed	903	1-7-85
Amended	226	10-9-84	401 KAR 59:221	903	1-7-85



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Regulation	11 Ky.R. Page No.	Effective Date	Regulation	11 Ky.R. Page No.	Effective Date
401 KAR 59:251	1534		600 KAR 2:040	909	12-11-84
401 KAR 59:275	905	1-7-85	601 KAR 1:015	332	9-11-84
401 KAR 59:280	906	1-7-85	601 KAR 1:020		
401 KAR 59:285	1536		Amended	1657	
401 KAR 59:300	907	1-7-85	601 KAR 1:025		
401 KAR 59:305	908	1-7-85	Amended	1658	
401 KAR 61:165			601 KAR 1:130	334	
Amended	574	10-1-84	Withdrawn		9-5-84
Amended	1461		601 KAR 9:010		
401 KAR 100:020	667		Amended	1659	
Withdrawn		11-13-84	601 KAR 9:011	335	9-11-84
402 KAR 3:010	669	11-13-84	601 KAR 9:013		
402 KAR 4:030			Amended	240	9-11-84
Amended	1073	2-12-85	601 KAR 9:047		
402 KAR 4:190			Amended	1659	
Amended	1158	4-9-85	601 KAR 9:074		
405 KAR 7:020			Amended	241	
Amended	228	10-9-84	Amended	581	10-9-84
405 KAR 7:030			601 KAR 13:040	335	9-11-84
Amended	235		601 KAR 13:050	337	
Amended	576	10-9-84	Amended	584	
405 KAR 7:070	1345		Amended	699	10-9-84
Amended	1596		601 KAR 35:010	338	
405 KAR 10:035	331		Withdrawn		9-5-84
Amended	577	10-9-84	601 KAR 35:020	339	
405 KAR 16:020			Amended	585	10-9-84
Amended	237		601 KAR 35:040	341	
Amended	578	10-9-84	Amended	587	10-9-84
405 KAR 16:120			601 KAR 35:050	343	
Amended	1290		Amended	587	10-9-84
Amended	1598		602 KAR 15:010		
405 KAR 18:120			Amended	244	9-11-84
Amended	1296		Amended	1074	2-12-85
Amended	1603		602 KAR 15:020	344	
410 KAR 1:010	1218		Amended	549	9-11-84
Amended	1404	4-9-85	603 KAR 3:051		
410 KAR 1:020	1222	4-9-85	Amended	450	10-9-84
501 KAR 6:010			603 KAR 4:035		
Amended	782	12-11-84	Amended	246	
502 KAR 30:010	1714		Amended	588	10-9-84
502 KAR 30:020	1715		603 KAR 5:010		
502 KAR 30:030	1716		Repealed	1363	2-26-85
502 KAR 30:040	1717		603 KAR 5:030		
502 KAR 30:050	1717		Amended	994	1-7-85
502 KAR 30:060	1719		603 KAR 5:050		
502 KAR 30:070	1720		Amended	1159	3-12-85
503 KAR 1:060	1537		Amended	1660	
503 KAR 1:070	1538		603 KAR 5:060		
503 KAR 1:080	1539		Repealed	1369	3-12-85
503 KAR 1:090	1540		603 KAR 5:061	1223	
503 KAR 1:100	1541		Amended	1369	3-12-85
503 KAR 1:110	1542		603 KAR 5:120	1225	3-12-85
503 KAR 1:120	1543		603 KAR 5:130	345	
503 KAR 1:130	1544		Withdrawn		8-27-84
503 KAR 5:080	1545		603 KAR 5:140	670	
503 KAR 5:090	1546		Withdrawn		11-14-84
503 KAR 5:100	1548		603 KAR 5:150	1100	3-12-85
503 KAR 5:110	1550		603 KAR 5:160	1101	
503 KAR 5:120	1550		Withdrawn		1-23-85
600 KAR 1:030	517	10-9-84	603 KAR 7:020	346	9-11-84
600 KAR 1:040	518		603 KAR 7:030	347	9-11-84
Amended	726		603 KAR 7:040	348	9-11-84
Amended	970	11-13-84	603 KAR 7:050	349	9-11-84
600 KAR 1:050	520		603 KAR 7:060	349	9-11-84
Amended	728		603 KAR 7:070	350	9-11-84
Amended	973	11-13-84	603 KAR 8:010	1103	3-12-85
600 KAR 1:060	523		605 KAR 1:030		
Withdrawn		11-12-84	Amended	1463	
600 KAR 1:070	523	10-9-84	605 KAR 1:150	524	10-9-84
Amended	1074	2-12-85	701 KAR 5:060	1105	
600 KAR 2:010	1097	3-12-85	Amended	1267	3-12-85
600 KAR 2:020	1098	3-12-85	702 KAR 1:005		
600 KAR 2:030	1099	3-12-85	Amended	180	8-7-84



# ADMINISTRATIVE REGISTER - K9

Regulation	11 Ky.R. Page No.	Effective Date	Regulation	11 Ky.R. Page No.	Effective Date
702 KAR 1:115	351	9-11-84	704 KAR 20:035		
702 KAR 1:120	671	11-13-84	Amended	624	11-13-84
702 KAR 3:100			704 KAR 20:045		
Amended	249	9-11-84	Amended	625	11-13-84
702 KAR 3:190	352		704 KAR 20:050		
Amended	591	10-9-84	Amended	627	11-13-84
702 KAR 4:020			704 KAR 20:051		
Amended	1465		Repealed	625	11-13-84
702 KAR 4:030			704 KAR 20:060		
Amended	249		Amended	628	11-13-84
Withdrawn		10-5-84	704 KAR 20:065		
Amended	1467		Amended	629	11-13-84
702 KAR 4:050			704 KAR 20:070		
Amended	1160	3-12-85	Amended	255	9-11-84
702 KAR 5:130	1551		Amended	630	11-13-84
702 KAR 7:030			704 KAR 20:076		
Amended	1161	3-12-85	Amended	255	9-11-84
702 KAR 7:070			Amended	1479	
Amended	1467		704 KAR 20:078		
702 KAR 7:080	1553		Amended	256	9-11-84
703 KAR 1:090	671		Amended	1480	
Withdrawn		12-5-84	704 KAR 20:080		
703 KAR 2:010			Amended	257	9-11-84
Amended	250	10-9-84	Amended	631	11-13-84
Recodified		10-9-84	Amended	1481	
703 KAR 2:050			704 KAR 20:085		
Amended	185	8-7-84	Amended	632	11-13-84
Recodified		10-5-84	704 KAR 20:090		
704 KAR 3:005			Amended	258	10-9-84
Amended	622		Amended	633	11-13-84
Amended	977		704 KAR 20:120		
Amended	1023	12-11-84	Amended	634	12-11-84
Amended	1469		704 KAR 20:145		
704 KAR 3:035			Amended	635	11-13-84
Amended	251	9-11-84	704 KAR 20:150		
Amended	1472		Amended	636	11-13-84
704 KAR 3:290			704 KAR 20:159		
Amended	1473		Amended	637	11-13-84
704 KAR 3:292			704 KAR 20:210		
Amended	1473		Amended	637	
704 KAR 3:304			Amended	980	12-11-84
Amended	252		Amended	1481	
Amended	591	10-9-84	704 KAR 20:222		
704 KAR 3:305			Amended	638	11-13-84
Amended	1076	3-12-85	704 KAR 20:230		
704 KAR 3:320	353	10-9-84	Amended	640	11-13-84
Amended	1077	2-12-85	704 KAR 20:235		
704 KAR 3:325	355		Amended	641	11-13-84
Amended	591	10-9-84	704 KAR 20:240		
Amended	1474		Amended	643	11-13-84
704 KAR 3:340	1105		704 KAR 20:245		
Amended	1267	3-12-85	Amended	644	11-13-84
704 KAR 3:345	1107		704 KAR 20:270		
Amended	1268	3-12-85	Amended	645	11-13-84
704 KAR 3:350	1554		704 KAR 20:285		
704 KAR 3:355	1227		Amended	259	9-11-84
Amended	1407	4-9-85	704 KAR 20:290	356	9-11-84
704 KAR 5:050			704 KAR 20:300	357	9-11-84
Amended	1476		704 KAR 20:305	672	12-11-84
704 KAR 6:010			704 KAR 20:310	1230	3-12-85
Repealed	1108	2-12-85	704 KAR 20:320	1554	
704 KAR 6:011	1108	2-12-85	705 KAR 2:030		
704 KAR 7:050	1109		Amended	1026	12-11-84
Amended	1270	3-12-85	705 KAR 4:010		
704 KAR 7:060	1110	2-12-85	Reprint	379	6-28-84
704 KAR 10:022			Amended	646	11-13-84
Amended	253	10-9-84	705 KAR 4:205	358	9-11-84
Amended	1078	2-12-85	705 KAR 7:070	359	
704 KAR 15:090			Amended	593	10-9-84
Amended	1162	4-9-85	Recodified		11-26-84
704 KAR 20:005					
Amended	254	10-9-84			

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Regulation	11 Ky.R. Page No.	Effective Date	Regulation	11 Ky.R. Page No.	Effective Date
706 KAR 1:010			807 KAR 5:006		
Amended	260		Amended	790	
Amended	594		Amended	1048	1-7-85
Amended	700	10-9-84	807 KAR 5:011		
707 KAR 1:051			Amended	69	8-7-84
Amended	186	8-7-84	808 KAR 3:050		
707 KAR 1:055			Amended	266	9-11-84
Amended	194	8-7-84	808 KAR 11:010		
709 KAR 1:050			Amended	168	6-28-84
Amended	1483		810 KAR 1:009		
709 KAR 1:060			Amended	452	11-13-84
Amended	1483		811 KAR 1:032		
803 KAR 2:020			Repealed	1233	3-12-85
Amended	64	8-7-84	811 KAR 1:070		
Amended	1484		Amended	798	12-11-84
803 KAR 2:030			811 KAR 1:090		
Amended	1489		Amended	455	10-9-84
804 KAR 1:100			811 KAR 1:105		
Amended	994	1-7-85	Amended	457	10-9-84
804 KAR 1:110	97	8-7-84	811 KAR 1:150		
804 KAR 1:120	910	1-7-85	Amended	458	10-9-84
804 KAR 2:005			Amended	800	12-11-84
Amended	67	8-7-84	811 KAR 1:160		
804 KAR 4:240	98	8-7-84	Amended	1165	3-12-85
804 KAR 4:250	360	9-11-84	811 KAR 1:195		
804 KAR 4:260	675	11-13-84	Amended	801	12-11-84
804 KAR 4:270	1007		811 KAR 1:200		
Amended	1124	2-12-85	Repealed	1233	3-12-85
804 KAR 7:045			811 KAR 1:210	1008	
Amended	68	8-7-84	Withdrawn		1-16-85
804 KAR 9:050	361	9-11-84	811 KAR 1:215	1233	3-12-85
805 KAR 1:110			812 KAR 1:020		
Amended	406	9-1-84	Amended	1495	
805 KAR 4:087			812 KAR 1:030		
Amended	788	12-11-84	Amended	1499	
805 KAR 4:110			812 KAR 1:035		
Amended	789	12-11-84	Amended	1501	
805 KAR 5:020	1722		812 KAR 1:050		
806 KAR 2:090			Amended	1505	
Amended	648	11-13-84	812 KAR 1:060		
806 KAR 2:095			Amended	1508	
Amended	649		812 KAR 1:070		
Amended	981	12-11-84	Amended	1513	
806 KAR 2:096	675	11-13-84	812 KAR 1:080		
806 KAR 2:097	676		Amended	1516	
Amended	982	12-11-84	815 KAR 7:010		
806 KAR 2:100	100	8-7-84	Amended	268	9-11-84
806 KAR 6:060	678	11-13-84	Amended	1308	
806 KAR 6:070	679	11-13-84	815 KAR 7:020		
806 KAR 6:080	681	11-13-84	Amended	276	9-11-84
806 KAR 9:180	1111	2-12-85	Amended	1317	
806 KAR 12:090	100	8-7-84	815 KAR 7:080	372	9-11-84
806 KAR 12:100	362		815 KAR 20:055	911	
Withdrawn		9-4-84	Amended	1258	2-12-85
806 KAR 12:110	683	11-13-84	815 KAR 20:070		
806 KAR 14:080			Amended	73	8-7-84
Repealed	675	11-13-84	815 KAR 20:120		
806 KAR 15:010			Amended	74	8-7-84
Amended	261		Amended	802	
Amended	595	10-9-84	Amended	1259	2-12-85
806 KAR 15:030	364		815 KAR 20:150		
Amended	600	10-9-84	Amended	77	8-7-84
806 KAR 38:020			815 KAR 45:050		
Amended	1079	2-12-85	Amended	805	12-11-84
806 KAR 39:070	685		815 KAR 45:060	912	12-11-84
Amended	975	11-13-84	900 KAR 1:011	102	8-7-84
Amended	1661		900 KAR 1:030	103	8-7-84
806 KAR 43:010			900 KAR 1:040	103	8-7-84
Amended	650	11-13-84	901 KAR 5:050		
807 KAR 5:001			Amended	78	8-7-84
Amended	1301				



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Regulation	11 Ky.R. Page No.	Effective Date	Regulation	11 Ky.R. Page No.	Effective Date
902 KAR 1:340			902 KAR 20:086		
Reprint	381		Amended	1186	
Amended	608	10-9-84	Amended	1421	
Recodified		11-9-84	902 KAR 20:132		
902 KAR 2:020			Amended	78	10-9-84
Amended	1518		902 KAR 20:160		
902 KAR 4:015	1348		Amended	478	10-9-84
Amended	1608		902 KAR 20:190	109	
902 KAR 4:030			Amended	397	8-7-84
Amended	652	11-13-84	902 KAR 20:200	914	12-11-84
902 KAR 4:050			902 KAR 45:005		
Amended	1664		Amended	482	10-9-84
902 KAR 4:060	104	8-7-84	902 KAR 45:130	112	8-7-84
Amended	1323	4-9-85	902 KAR 45:140	112	8-7-84
902 KAR 4:070	104	8-7-84	902 KAR 45:150	526	
902 KAR 4:080	105	8-7-84	Amended	700	10-9-84
902 KAR 4:090	105		902 KAR 50:010		
Amended	395	8-7-84	Amended	79	8-7-84
902 KAR 6:060	374	9-11-84	902 KAR 50:020		
902 KAR 8:020			Repealed	115	8-7-84
Amended	653	11-13-84	902 KAR 50:060		
Amended	806	12-11-84	Repealed	81	8-7-84
Amended	1080	2-12-85	902 KAR 50:070		
Amended	1166	3-12-85	Amended	81	8-7-84
Amended	1324	4-9-85	902 KAR 50:090	112	8-7-84
902 KAR 8:030	106	8-7-84	902 KAR 50:100	114	8-7-84
Amended	654	11-13-84	902 KAR 50:110	115	8-7-84
902 KAR 10:060			902 KAR 55:010		
Amended	1665		Amended	1673	
902 KAR 10:080			902 KAR 55:015		
Amended	409	9-1-84	Amended	1674	
902 KAR 10:085	1556		902 KAR 55:020		
902 KAR 10:110	107	9-11-84	Amended	1675	
902 KAR 12:060	108	8-7-84	902 KAR 55:025		
902 KAR 12:070	108	8-7-84	Amended	1676	
902 KAR 12:080			902 KAR 55:030		
Amended	279	9-11-84	Amended	1678	
Amended	655	11-13-84	902 KAR 55:035		
Amended	808	12-11-84	Amended	1679	
Amended	995	1-7-85	902 KAR 55:040		
Amended	1082	2-12-85	Amended	1679	
Amended	1168		902 KAR 55:045		
Withdrawn		3-27-85	Amended	1680	
Amended	1325		902 KAR 55:060		
Withdrawn		3-27-85	Amended	1681	
Amended	1665		902 KAR 100:012		
902 KAR 13:050			Amended	1330	4-9-85
Amended	1328	4-9-85	903 KAR 5:130		
902 KAR 13:100	526	10-9-84	Amended	838	12-11-84
902 KAR 17:010			903 KAR 5:150		
Amended	999	1-7-85	Amended	1196	3-12-85
902 KAR 17:020	1010	1-7-85	903 KAR 5:260		
902 KAR 20:006			Amended	1196	3-12-85
Amended	460	10-9-84	Amended	1332	4-9-85
902 KAR 20:008			Amended	1520	
Amended	465		903 KAR 5:280	1235	
Amended	730	12-11-84	Amended	1370	3-12-85
902 KAR 20:016			903 KAR 6:040		
Amended	467	10-9-84	Amended	841	12-11-84
Amended	1173		903 KAR 6:050		
Amended	1411		Amended	1199	3-12-85
902 KAR 20:026			904 KAR 1:004		
Amended	811	12-11-84	Amended	280	9-11-84
902 KAR 20:036			Amended	842	12-11-84
Amended	819	12-11-84	Amended	1201	
902 KAR 20:041			Reprint	1354	3-12-85
Amended	1183	3-12-85	904 KAR 1:009		
902 KAR 20:048			Amended	1088	2-12-85
Amended	824	12-11-84	Amended	1522	
902 KAR 20:051			904 KAR 1:011		
Amended	832	12-11-84	Amended	846	12-11-84
902 KAR 20:066			Amended	1205	3-12-85
Amended	476	10-9-84			



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Regulation	11 Ky.R. Page No.	Effective Date	Regulation	11 Ky.R. Page No.	Effective Date
904 KAR 1:013			904 KAR 2:170		
Amended	81	8-7-84	Amended	301	9-11-84
Amended	999	1-7-85	Amended	868	12-11-84
Amended	1522		Amended	1211	3-12-85
904 KAR 1:020			Amended	1685	
Amended	658	11-13-84	904 KAR 2:180		
904 KAR 1:022			Amended	869	12-11-84
Amended	1089	2-12-85	904 KAR 2:190		
Amended	1524		Amended	870	12-11-84
904 KAR 1:024			904 KAR 2:200		
Amended	1091	2-12-85	Amended	301	9-11-84
Amended	1526		Amended	871	12-11-84
904 KAR 1:036			904 KAR 3:020		
Amended	284	9-11-84	Amended	87	8-7-84
Amended	849	12-11-84	Amended	1337	4-9-85
904 KAR 1:039			904 KAR 3:035		
Amended	659	11-13-84	Amended	89	8-7-84
904 KAR 1:045			Amended	1340	4-9-85
Amended	290	9-11-84	904 KAR 3:045		
Amended	1093		Amended	1212	3-12-85
Amended	1271	3-12-85	Amended	1686	
904 KAR 1:055			904 KAR 3:050		
Amended	291	9-11-84	Amended	1342	4-9-85
Amended	1094	2-12-85	904 KAR 3:090		
904 KAR 1:061			Amended	302	9-11-84
Amended	854	12-11-84	Amended	872	12-11-84
Amended	1334	4-9-85	Amended	1214	3-12-85
904 KAR 1:110			Amended	1688	
Amended	1001	1-7-85	904 KAR 5:030		
904 KAR 1:180			Amended	660	11-13-84
Amended	1002	1-7-85	Recodified		11-14-84
904 KAR 1:190			904 KAR 5:040		
Amended	1003	1-7-85	Repealed	529	10-9-84
904 KAR 1:250			904 KAR 5:041	529	10-9-84
Amended	292	9-11-84	904 KAR 5:070		
Amended	856	12-11-84	Amended	495	10-9-84
Amended	1208	3-12-85	Recodified		10-9-84
Amended	1682		904 KAR 5:080		
904 KAR 1:270	1012	1-7-85	Amended	495	10-9-84
904 KAR 1:280	1013	1-7-85	Recodified		10-9-84
904 KAR 2:006			904 KAR 5:090		
Amended	858	12-11-84	Amended	496	10-9-84
904 KAR 2:015			Recodified		10-9-84
Amended	293	9-11-84	904 KAR 5:100		
904 KAR 2:016			Amended	196	7-10-84
Amended	82	8-7-84	Recodified		10-5-84
Amended	860	12-11-84	904 KAR 5:130		
904 KAR 2:020			Amended	197	7-10-84
Amended	865	12-11-84	Recodified		10-5-84
904 KAR 2:050			904 KAR 5:160		
Amended	86	8-7-84	Amended	497	
904 KAR 2:055			Amended	702	10-9-84
Amended	296	9-11-84	Recodified		10-9-84
904 KAR 2:110			904 KAR 5:200		
Amended	1004	1-7-85	Amended	498	10-9-84
904 KAR 2:115			Recodified		10-9-84
Repealed	957	10-19-84	904 KAR 5:210		
904 KAR 2:116	916	12-11-84	Repealed	530	10-9-84
904 KAR 2:140			904 KAR 5:211	530	10-9-84
Amended	298	9-11-84	904 KAR 5:260		
Amended	867	12-11-84	Amended	199	7-10-84
Amended	1209	3-12-85	Amended	90	8-7-84
Amended	1683		Amended	303	9-11-84
904 KAR 2:150			Amended	498	10-9-84
Amended	299	9-11-84	Amended	661	11-13-84
Amended	868	12-11-84	Amended	873	12-11-84
Amended	1210	3-12-85	Recodified		12-11-84
Amended	1684		904 KAR 5:270	375	9-11-84
904 KAR 2:160			Recodified		10-5-84
Amended	300	9-11-84	904 KAR 6:010		
Recodified		10-5-84	Amended	500	10-9-84
			Recodified		10-9-84

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Regulation	11 Ky.R. Page No.	Effective Date
904 KAR 6:020		
Amended	304	9-11-84
Amended	501	10-9-84
Amended	663	11-13-84
Recodified		11-14-84
904 KAR 6:030		
Repealed	376	9-11-84
904 KAR 6:031	376	9-11-84
904 KAR 6:040		
Amended	91	8-7-84
Amended	502	10-9-84
Recodified		10-9-84
904 KAR 6:050		
Amended	503	10-9-84
Amended	664	11-13-84
Recodified		11-14-84
905 KAR 1:080		
Repealed	305	9-11-84
905 KAR 1:170	115	8-7-84
905 KAR 1:180	116	8-7-84
Amended	305	9-11-84
Amended	504	10-9-84
905 KAR 5:010		
Amended	91	8-7-84
905 KAR 5:030	116	8-7-84
905 KAR 6:030	117	8-7-84
905 KAR 7:020	117	8-7-84
905 KAR 7:030		
Amended	875	12-11-84
905 KAR 7:050	117	8-7-84
905 KAR 7:080	118	8-7-84
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