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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 July 8 and 9, 1985. For information, call  
502-564-8100, ext. 535.

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**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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## 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

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 13A.100.

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

**CABINET FOR HUMAN RESOURCES**  
Department for Employment Services  
Division for Job Service and Special Programs

903 KAR 2:010E. Weatherization assistance program.

RELATES TO: KRS 194.010, 194.050  
PURSUANT TO: KRS 13A.100 [13.082], 194.010, 194.050

EFFECTIVE: June 11, 1985

NECESSITY AND FUNCTION: The Cabinet [Department] for Human Resources is authorized by KRS 194.010 to develop and operate human services programs for the citizens of the Commonwealth which shall include all related federal programs in which the state elects to participate. KRS 194.050 authorizes the

Secretary for the Cabinet [Department] for Human Resources to formulate, promote, establish and execute policies, plans and programs and to adopt, administer and enforce all applicable state laws and all rules and regulations necessary to protect and maintain the health, welfare and sufficiency of the citizens of the Commonwealth. To this end the Secretary shall adopt, administer and enforce such rules and regulations as are necessary to qualify for the receipt of federal funds. The Commonwealth of Kentucky has agreed to meet the requirements set forth in Section 2605(b) of the "Low-Income Home Energy Assistance Act of 1981," and accordingly, will receive a federal grant to assist eligible households to meet the costs of home energy. Included in this act (2605K) is the provision that funds may be made available to low-income persons for weatherization of residences. The regulation sets forth the eligibility criteria for participation in the Weatherization Assistance Program and defines various administrative responsibilities necessary through the act.

Section 1. Application. Each person requesting weatherization assistance shall be required to complete an application provided by the cabinet [department], and the person shall provide such information deemed necessary to permit the cabinet [department]'s agents to determine eligibility and benefit amount consistent with the criteria contained herein. The cabinet [department] may require proof of domicile and

other pertinent considerations listed by the applicant.

Section 2. Definitions. Terms used in this regulation are defined as follows:

(1) "Energy crisis intervention" is an emergency situation brought on through adverse weather and energy supply shortage.

(2) "Household" shall include all individuals who occupy a housing unit as their legal residence.

(3) "Housing unit" shall be one (1) or more rooms when occupied as separate and distinct living and/or sleeping quarters.

(4) "Home energy" means a source of heating or cooling in residential dwellings.

(5) "Poverty level" means with respect to a household the income poverty guidelines as prescribed by the Office of Management and Budget.

(6) "Weatherization" is the act of repairing, altering or constructing items within a housing unit which when accomplished will eliminate or substantially reduce the "life or health threatening situation" to a household and/or reduce energy costs of a housing unit substantially.

(7) "Elderly person" means an individual who is sixty (60) years of age or older.

(8) "Handicapped person" means an individual who is handicapped as described in Section 7(b) of the Rehabilitation Act of 1973.

(9) "State" means the Commonwealth of Kentucky.

(10) "Life or health threatening situation" means a housing unit in a state of disrepair and/or disfunctioning of equipment or systems within the unit which causes a resident to be in danger of harm through inclement weather conditions, inadequate or faulty electrical, heating, cooling, plumbing, sewage, and structural systems.

(11) "Homebound" means a person who because of the infirmities of age, or this in conjunction with other disorders is unable to leave his/her home unaided by others.

(12) "Service provider" means the agency, government or non-profit, administratively responsible to accept applications for weatherization assistance and which provides assistance to an eligible household pursuant to the provisions of this regulation.

Section 3. Eligibility Criteria. A housing unit shall be eligible for weatherization, subject to the availability of federal funds specifically referenced for this purpose, if each of the following criteria is met:

(1) The housing unit shall be occupied by one (1) or more elderly, handicapped, homebound or low-income persons who use the unit as his/her legal domicile, and:

(a) The income of the household shall not exceed 125 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget and the household does not have liquid assets in excess of \$3,000. Excluded from assets are cars, household or personal belongings, primary residence, prepaid burial policies, and cash surrender value of insurance policies.

(b) The owner of the housing unit shall issue a right of entry to the agency administering the

program.

(c) The owner of the housing unit, if rented to an eligible household, shall agree in writing to refrain from raising the rental on the housing unit based on the increased value of the work performed through the weatherization project.

(d) The housing unit of an eligible household shall meet the definition of "life and/or health threatening situation."

(2) The housing unit eligible for weatherization shall be prioritized according to Section 8 of this regulation.

Section 4. Distribution and Payment of Funds.

(1) The Cabinet [Department] for Human Resources shall allot funds available for the weatherization program based on the relative need for weatherization of housing units occupied by low-income persons taking into account the following factors:

[(a) Relative poverty of the area;]

[a] [(b)] Relative number of low-income homes in the area;

[(c) Relative number of homebound;]

[b] [(d)] Previous program performance of the service provider.

(2) The service provider shall not allot in excess of \$1,500 for any single housing unit.

(3) The service provider may not use more than fifteen (15) percent of weatherization funds for rental housing units.

(4) The service provider shall be reimbursed for services performed on a monthly basis.

Section 5. Emergency Procedures. (1) The service provider shall establish emergency procedures to permit immediate assistance where the "life and health threatening situation" is of an imminent dangerous consequence.

(2) An emergency situation requiring immediate assistance without regard to prioritization shall be reported to the grantee within seven (7) working days with full documentation of the emergency circumstance.

Section 6. Training, Technical Assistance, Monitoring and Auditing. (1) The training, technical assistance, and monitoring of the weatherization program shall be through the auspices of the Department [Bureau] for Employment [Manpower] Services or its designee, and shall be designed to ensure effective and efficient provision of assistance to eligible persons consistent with the terms of this regulation.

(2) A fiscal audit of the expenditure of federal funds for purposes herein contained shall be conducted annually.

Section 7. Assurances and Certification. (1) The Cabinet [Department] for Human Resources shall require assurances of the solvency of the provider organization and that the organization has the legal authority to apply for a grant and possesses the expertise to discharge the responsibilities noted herein.

(2) In addition to those assurances referenced in Section 7(1), the provider organization shall agree to:

(a) Comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that act, no person in the United



States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives federal financial assistance.

(b) Comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where the primary purpose of a grant is to provide employment or discriminatory employment practices will result in unequal treatment of persons who are or should be benefitting from the grant-aided activity.

(c) Comply with provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of federal and federally-assisted programs.

(d) Comply with the minimum wage and maximum hour provisions of the Federal Fair Labor Standards Act, and with applicable state labor laws.

(e) Comply with the regulations, policies, guidelines, and requirements, including Office of Management and Budget Circular No. A102 as it relates to the application, acceptance, and use of federal funds for this federally-assisted program.

(f) Provide safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain.

(g) Provide such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for federal funds used in this program.

(h) Maintain necessary documents, records, books and papers to enable the Cabinet [Department] for Human Resources to audit expenditure of federal funds.

(i) Agree to repay to the state those amounts identified in an audit not to have been expended in accordance with this regulation.

(j) Develop procedures for a timely and fair administrative hearing to households denied assistance under provisions of this regulation. An unreasonable delay in acting on an application for assistance shall constitute grounds for a hearing.

(k) Perform all weatherization work consistent with local and state building codes, and that materials and workmanship conform to quality standards as established by the Department for Employment Services.

Section 8. Weatherization Priority Ranking Form. A household and housing unit eligible for assistance under provisions of this regulation shall receive a priority ranking based on factors herein indicated and shall receive assistance in sequence to the indicated ranking.

- (1) Number in household.
- (2) Conditions of home.
- (3) Family income.
- (4) Cost of fuel as a percentage of family income.
- (5) Special circumstances.

JAMES P. DANIELS, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: June 6, 1985

FILED WITH LRC: June 11, 1985 at 9 a.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 regulations have been filed with respect to this subject matter previously. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with House Bill 334.

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

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

904 KAR 1:011E. Technical eligibility requirements.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 194.050

EFFECTIVE: May 17, 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(3) 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, hereinafter referred to as MA, to Kentucky's indigent citizenry. This regulation sets forth the technical eligibility requirements of the MA Program.

Section 1. The Categorically Needy. All individuals receiving Aid to Families with Dependent Children, Supplemental Security Income or Optional or Mandatory State Supplementation are eligible for MA as categorically needy individuals. In addition, the following classifications of needy persons are included in the program as categorically needy and thus eligible for MA participation.

(1) Children in foster family care or private non-profit child caring institutions dependent in whole or in part on a governmental or private agency;

(2) Children in psychiatric hospitals or medical institutions for the mentally retarded;

(3) Pregnant women, when the unborn child is deprived of parental support due to death, absence, incapacity or unemployment of the father;

(4) Children of unemployed parents;

(5) Children in subsidized adoptions dependent in whole or in part on a governmental agency;

(6) Families terminated from the Aid to Families with Dependent Children (AFDC) program because of increased earnings or hours of employment;

(7) Children (but not their parents) who meet the income and resource requirements of the Aid to Families with Dependent Children program, who were born after September 30, 1983 and who are under the age of five (5); and

(8) A child(ren) born to a woman eligible for and receiving medical assistance, so long as the child(ren) has not reached his/her first birthday, resides in the household of the woman, and the woman remains eligible for such assistance. In this situation, an application is deemed to have been made and the child found eligible for MA as of the date of birth.

Section 2. The Medically Needy. Other individuals (including children as shown in Section 1(7) of this regulation), and pregnant women meeting income and resource standards of the medically needy program), meeting technical requirements comparable to the categorically needy group, but with sufficient income to meet their basic maintenance needs may apply for MA with need determined in accordance with income and resource standards prescribed by regulation of the Cabinet for Human Resources. Included within the medically needy eligible groups are pregnant women during the course of their pregnancy. For individuals covered on January 1, 1985 pursuant to this section, the usual three (3) month rule on retroactivity (as shown in Section 3(15)) will apply.

Section 3. Technical Eligibility Requirements. Technical eligibility factors of families and individuals included as categorically needy under subsections (1) through (6) of Section 1, or as medically needy under Section 2 are:

(1) Children in foster care, private institutions, psychiatric hospitals or mental retardation institutions must be under eighteen (18) years of age (or under age nineteen (19) if a full-time student in a secondary school or the equivalent level of vocational or technical training and if expected to complete the program before age nineteen (19));

(2) Pregnant women are eligible only upon medical proof of pregnancy;

(3) Unemployment relating to eligibility of both parents and children is defined as:

(a) Employment of less than 100 hours per month, except that the hours may exceed that standard for a particular month if the work is intermittent and the excess is of a temporary nature as evidenced by the fact that the individual was under the 100 hour standard for the prior two (2) months and is expected to be under the standard during the next month;

(b) The individual has prior labor market attachment consisting of earned income of at least fifty dollars (\$50) during six (6) or more calendar quarters ending on March 31, June 30, September 30, or December 31, within any thirteen (13) calendar quarter period ending within one (1) year of application, or the individual within twelve (12) months prior to application received unemployment compensation;

(c) The individual is currently receiving or has been found ineligible for unemployment compensation;

(d) The individual is currently registered for employment at the state employment office, and available for full-time employment;

(e) The unemployed parent must not have refused suitable employment without good cause as determined in accordance with 45 CFR Section 233.100(a)(3)(ii);

(f) The unemployed parent must meet the

requirements for independent employment search as specified herein. That is:

1. The unemployed parent must make not less than twenty-four (24) contacts with prospective employers in each three (3) month period following an approval, reinvestigation or reapproval.

2. The unemployed parent may not contact the same prospective employer more than once in each calendar month.

3. If the unemployed parent does not meet the requirement for the minimum number of employment contacts during the three (3) month period, the parent may, prior to or upon receipt of the advance notice of proposed discontinuance, meet the requirement for the number of contacts for the prior three (3) month period. These contacts shall not offset the requirement for employer contacts during the three (3) month period following the next approval, reinvestigation or reapproval.

(4) Under the definition contained in subsection (3) of this section, a parent shall not be considered as unemployed if he is:

(a) Temporarily unemployed due to weather conditions or lack of work when it is anticipated he can return to work within thirty (30) days; or

(b) On strike, or unemployed as a result of involvement in a labor dispute when such involvement would disqualify the individual from eligibility for unemployment insurance in accordance with KRS 341.360; or

(c) Unemployed because he voluntarily quit his most recent work for the purpose of attending school; or

(d) A farm owner or tenant farmer, unless he has previously habitually required and secured outside employment and currently is unable to secure outside employment; or

(e) Self-employed and not available for full-time employment.

(5) An aged individual must be at least sixty-five (65) years of age.

(6) A blind individual must meet the definition of blindness as contained in Titles II and XVI of the Social Security Act relating to RSDI and SSI.

(7) A disabled individual must meet the definition of permanent and total disability as contained in Titles II and XVI of the Social Security Act relating to RSDI and SSI.

(8) For families losing AFDC eligibility solely because of increased earnings or hours of employment, medical assistance shall continue for four (4) months to all such family members as were included in the family grant (and children born during the four (4) month period) if the family received AFDC in any three (3) or more months during the six (6) month period immediately preceding the month in which it became ineligible for AFDC. The four (4) month period begins on the date AFDC is terminated. If AFDC benefits are paid erroneously for one (1) or more months in such a situation, the four (4) month period begins with the first month in which AFDC was erroneously paid, i.e., the month in which the AFDC should have been terminated.

(9) Families losing AFDC eligibility solely due to loss of the thirty (30) dollars disregard or the one-third (1/3) disregard from earnings shall be deemed AFDC eligible for nine (9) months after the termination of the disregard,

and shall as a result be eligible for continued medical assistance for the nine (9) month period. To qualify for continuing eligibility in this situation, the family must have received AFDC in any three (3) or more months during the six (6) month period immediately preceding the month in which it became ineligible for AFDC. The nine (9) month period begins on the date AFDC is terminated. If AFDC benefits are paid erroneously for one (1) or more months in such a situation, the nine (9) month period begins with the first month in which AFDC was erroneously paid, i.e., the month in which the AFDC should have been terminated. Coverage for medical assistance is extended to all family members who were included in the grant (and children born during the nine (9) month period).

(10) Families losing AFDC eligibility as a result (wholly or partly) of the collection or increased collection of child or spousal support, and who received AFDC in at least three (3) of the six (6) months immediately preceding the month in which such ineligibility begins, shall be deemed AFDC eligible for Title XIX purposes for four (4) months beginning with the month in which ineligibility begins. If AFDC benefits are paid erroneously for one (1) or more months in such a situation, the four (4) month period begins with the first month in which AFDC was erroneously paid, i.e., the month in which the AFDC should have been terminated. Coverage for medical assistance is extended to all family members losing eligibility as a result of the receipt of the child or spousal support. The extended eligibility provision contained herein is applicable only with respect to families discontinued on or after July 18, 1984 and before October 1, 1988.

(11) Parents may be included for assistance in the cases of families with children including natural and adoptive parents. Other relatives who may be included in the case (one (1) only) are caretaker relatives to the same extent they may be eligible in the Aid to Families with Dependent Children Program.

(12) An applicant who is deceased may have eligibility determined in the same manner as if he was alive, in order to pay medical bills during the terminal illness.

(13) Children of the same parent, i.e., a "common" parent, residing in the same household shall be included in the same case unless this acts to preclude eligibility of an otherwise eligible household member.

(14) To be eligible, an applicant or recipient must be a citizen of the United States, or an alien legally admitted to this country or an alien who is residing in this country under color of law. An alien must have been admitted for permanent residence. The applicant or recipient must also be a resident of Kentucky. Generally, this means the individual must be residing in the state for other than a temporary purpose; however, there are exceptions with regard to recipients of a state supplementary payment and institutionalized individuals. The conditions for determining state residency are specified in federal regulations at 42 CFR 435.403, which are hereby incorporated by reference.

(15) An individual may be determined eligible for medical assistance for up to three (3) months prior to the month of application if all

conditions of eligibility are met. The effective date of medical assistance is generally the first day of the month of eligibility. For individuals eligible on the basis of unemployment, eligibility may not exist for the thirty (30) day period following the starting date of the unemployment. In these cases, the effective date of eligibility may be as early as the first day following the end of the thirty (30) day period if all other conditions of eligibility are met. For individuals eligible on the basis of desertion, a period of desertion must have existed for thirty (30) days, and the effective date of eligibility may not precede the first day of the month in which the thirty (30) day period ends. For individuals eligible on the basis of utilizing their excess income for incurred medical expenses, the effective date of eligibility is the day the spend-down liability is met.

(16) "Child" means a needy dependent child under the age of eighteen (18) (or under age nineteen (19) if a full-time student in a secondary school or the equivalent level of vocational or technical training and if expected to complete the program before the age nineteen (19)), who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States, and who is a recipient of or applicant for public assistance. Included within this definition is an individual(s) meeting the age requirement specified above, previously emancipated, who has returned to the home of his parents, or to the home of another relative, so long as such individual is not thereby residing with his spouse.

(17) Benefits shall be denied to any family for any month in which any legally liable caretaker relative with whom the child is living is, on the last day of such month, participating in a strike, and no individual's needs shall be considered in determining eligibility for medical assistance for the family if, on the last day of the month, such individual is participating in a strike. The definition of a strike includes a strike or other concerted stoppage of work by employees (including a stoppage by reason of expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

Section 4. Institutional Status. No individual shall be eligible for MA if a resident or inmate of a non-medical public institution. No individual shall be eligible for MA while a patient in a state tuberculosis hospital unless he has reached age sixty-five (65). No individual shall be eligible for MA while a patient in a state institution for mental illness unless he is under age eighteen (18) (or under age nineteen (19) if a full-time student in a secondary school or the equivalent level of vocational or technical training and if expected to complete the program before age nineteen (19)) or is sixty-five (65) years of age or over.

Section 5. Emergency Shelters. Effective July 1, 1985, an individual (or family group) who is in an emergency shelter for a temporary period of time may be eligible for medical assistance even though the shelter is considered a public

institution under certain conditions. These conditions are as follows:

(1) The individual (or family group) must be a resident of an emergency shelter no more than three (3) months in any twelve (12) month period.

(2) The individual (or family group) must not be in the facility serving a sentence imposed by the court, or awaiting trial.

(3) The individual (or family group) must be otherwise eligible when outside the emergency shelter; that is, eligibility must have existed immediately prior to admittance to the shelter, or it must exist immediately after leaving the shelter.

Section 6. [5.] Application for Other Benefits. As a condition of eligibility for medical assistance, applicants and recipients must apply for all annuities, pensions, retirement and disability benefits to which they are entitled, unless they can show good cause for not doing so. Good cause is considered to exist when such benefits have previously been denied with no change of circumstances, or the individual does not meet all eligibility conditions. Annuities, pensions, retirement and disability benefits include, but are not limited to, veterans' compensations and pensions, retirement and survivors disability insurance benefits, railroad retirement benefits, and unemployment compensation. Notwithstanding the preceding, no applicant or recipient shall be required to apply for federal benefits when the federal law providing for such benefits shows the benefit to be optional and that the potential applicant or recipient for such benefit need not apply for such benefit when to do so would, in his opinion, act to his disadvantage.

Section 7. [6.] 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 8. Provision of Social Security Numbers. Beginning May 1, 1985, each applicant for or recipient of medical assistance shall be required to provide a social security number as a condition of eligibility. However, no one shall be denied eligibility or discontinued from eligibility due to a delay in receipt of a social security number from the Social Security Administration when appropriate application for such number has been made. For recipients, the requirement shall be effective with the first full reinvestigation occurring on or after May 1, 1985.

[Section 7. Date of Implementation. The provisions of this regulation, as amended, shall be effective on January 1, 1985.]

JACK F. WADDELL, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: May 14, 1985

FILED WITH LRC: May 17, 1985 at 3:30 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 since no administrative regulations have 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 2:006E. Technical requirements; AFDC.

RELATES TO: KRS 205.010, 205.200(2),(3)

PURSUANT TO: KRS 194.050

EFFECTIVE: May 17, 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. Incapacity exists when the following criteria are met:

(a) One (1) of the parents has a medically established physical or mental defect, illness or impairment.

(b) This condition substantially reduces or eliminates the parent's ability to support or care for the otherwise eligible child(ren). Ability to support and care requires consideration of the parent's age, education, training and work experience.

(c) This condition was present at the time of application and has continued or is expected to continue for at least thirty (30) days and may be presumed to continue during a period in which the parent is undergoing planned diagnostic studies and/or evaluation of rehabilitation potential.

(d) There is a causal relationship between the parent's incapacity and the child's deprivation of parental support or care.

(e) In considering a parent's ability to provide support or care, employment opportunities must be accessible in the county or community where that parent resides. [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 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 applicant'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 May 15, 1985 [October 1, 1984].

JACK F. WADDELL, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: May 13, 1985

FILED WITH LRC: May 17, 1985 at 3:30 a.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 House Bill 334.

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

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

**904 KAR 2:200E. Collections program.**

RELATES TO: KRS 194.030(6)

PURSUANT TO: KRS 194.050

EFFECTIVE: June 11, 1985

NECESSITY AND FUNCTION: The Cabinet for Human Resources is authorized by KRS Chapters 194 and 205 to operate public assistance programs, and is empowered by KRS 194.050 to promulgate regulations necessary for the administration of its programs. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Collections Program.

Section 1. Incorporation by Reference. The cabinet shall incorporate by reference materials used in the implementation of the collection 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 material is hereby incorporated by reference, effective on the date shown: Collections Branch Policy and Procedures Manual, dated June 1, 1985 [effective October 1, 1984]. The manual contains operational instructions, procedures, and forms used by the cabinet in the implementation of the collections program.

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: June 6, 1985

FILED WITH LRC: June 11, 1985 at 9 a.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 House Bill 334.

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

**CABINET FOR HUMAN RESOURCES**  
**Department for Social Services**  
**Division of Children's Residential Services**

**905 KAR 7:030E. Children's residential services facilities manuals.**

RELATES TO: KRS Chapters 202A and 208

PURSUANT TO: KRS 13A.210, 194.050

EFFECTIVE: June 6, 1985

NECESSITY AND FUNCTION: P.L. 97-35, Subpart C, "Social Services Block Grant - Title XX" authorizes grants to states for the provision of social services. KRS 194.050 authorizes the Cabinet for Human Resources to adopt such rules and regulations as are necessary to implement programs mandated by federal law, or to qualify for 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 programs for the care and treatment of children who are delinquent, status offenders and mentally ill or emotionally disturbed. This regulation is tiered by facility based on type of child admitted, degree of security, and treatment program.

Section 1. Children's Residential Services Facilities Manuals. The Cabinet for Human Resources hereby adopts by reference as operating policies and procedures for the residential facilities, operated by the Department for Social Services, the following manuals: Northern Kentucky Treatment Center Policy and Procedure Manual revised through March 1, 1985 [October 1, 1984]; Lake Cumberland Boys' Camp Policy and Procedural Manual revised through May 11, 1984; Morehead Treatment Center Policy Manual dated 1983; Central Kentucky Treatment Center Policy Manual dated 1983; Green River Boys' Camp Policy and Procedures Manual revised through May 11, 1984; Woodsbend Boys' Camp Policies and Procedures revised through May 11, 1984; Cardinal Treatment Center Policy and Procedural Manual revised through December 31, 1984 [October 1, 1984]; Rice-Audubon Policy and Procedural Manual revised through May 11, 1984; Lincoln Village Policy and Procedures Manual dated September 15, 1983; Re-Ed Treatment Program Policy/Procedural Manuals, revised through October 1, 1984; and Central Kentucky Re-Ed Center Policy and Procedural Manual, Lexington, revised through January 14, 1985.



[October 1, 1984]. These manuals set forth the policies and procedures for the care and treatment of juveniles residing in the above listed residential facilities. The manuals may be reviewed during regular working hours at the Office of the Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky.

Section 2. Summary of Amendments. (1) In the Northern Kentucky Treatment Center Policy and Procedural Manual in the Administrative Section, strike Policy A-2, Organization, revised 9/1/83, and substitute in lieu thereof Policy A-2, Organization, revised 11/1/84, and Policy A-6, Role of Program Director, revised 11/1/84, which sets forth the organization of the Northern Kentucky Treatment Center and the responsibilities of the program director; strike Organizational Chart dated 9/1/83 and substitute in lieu thereof Organizational Chart dated 9/25/84 which sets forth the organizational units of the program; strike Policy A-7, Role of Administrator, revised 1/4/84 and substitute in lieu thereof Policy A-7, Role of Administrator, revised 11/1/84 which sets forth the responsibilities of the program administrator; strike Policy A-8, Role of Unit Director, effective 6/1/83 and substitute in lieu thereof Policy A-8, Role of Unit Director, revised 11/1/84 which sets forth the responsibilities of the unit director; strike Policy A-11-A, Role of Registered Nurse, revised 1/4/84 and substitute in lieu thereof Policy A-11-A, Role of Registered Nurse, revised 11/1/84 which sets forth the duties assigned to registered nurses; strike Policy A-11-B, Role of Licensed Practical Nurse, revised 1/4/84 and substitute in lieu thereof Policy A-11-B, Role of Licensed Practical Nurse, revised 11/21/84 which sets forth the duties assigned to licensed practical nurses; strike Policy A-13, Role of Chaplain, revised 9/1/83 and substitute in lieu thereof Policy A-13, Role of Chaplain, revised 11/1/84; strike Policy A-15, Role of Transportation Officer, revised 9/1/83; strike Policy A-20, Role of Juvenile Counselor Supervisor, revised 6/1/83 and substitute in lieu thereof Policy A-20, Role of Team Leader, revised 11/1/84 and Policy A-20-a, Role of Shift Supervisor, effective 11/1/84 which delineate the responsibilities of the team leaders and shift supervisors; strike Policy A-21, Role of Clinical Coordinator, effective 6/1/83 and substitute in lieu thereof Policy A-21, Role of Clinical Coordinator, revised 11/1/84 which lists the responsibilities of clinical coordinators; strike Policy A-22, Role of Youth Facility Officer, revised 1/4/84 and substitute in lieu thereof Policy A-22, Role of Unit Counselors, revised 11/1/84 which sets forth the responsibilities of unit counselors; strike Policy A-29, Role of Weekend Duty Officer, revised 12/21/83; strike Policy A-32, Dietary Services, revised 9/1/83 and substitute in lieu thereof Policy A-32, Dietary Services, revised 11/1/84 which sets forth the procedures for assuring that every resident receives a balanced diet each day; insert Policy A-35-a, Transportation, revised 11/1/84 which sets forth the procedures to be followed in transporting residents; strike Policy A-38, Pets, dated 9/16/83 and substitute in lieu thereof Policy

A-38, Pets, dated 3/1/85 which indicates that pets may not be used as a part of the treatment program; and insert Policy A-39, Ombudsperson's Role and Function, dated 3/1/85 which sets forth the role of the Ombudsperson. In the Treatment Program Section strike Policy TP-1, Admission, dated 4/11/83 and substitute in lieu thereof Policy TP-1, Admission, revised 2/1/85 which sets forth the criteria and procedures for admission of a child; strike Policy TP-5-A, Time Out, dated 11/1/84 and substitute in lieu thereof Policy TP-5-A, Time Out, revised 1/9/85 which sets forth the use and procedures for time out in the treatment program; strike Policy TP-5-C, Seclusion, dated 6/1/84 and substitute in lieu thereof Policy TP-5-C, Seclusion, dated 1/9/85 which sets forth the policies and procedures for the use of seclusion in the treatment program; strike Policy TP-5, Discipline and Control, dated 9/1/83 and substitute in lieu thereof Policy TP-5, Discipline and Control, dated 1/30/85 which sets forth the policies and procedures relating to discipline and control; strike Policy TP-5-B, Quiet Time, dated 6/1/83 and substitute in lieu thereof Policy TP-5-B, Quiet Time, dated 1/30/85 which sets forth the policies and procedures for the use of quiet time in the treatment program; strike Policy TP-5-D, Physical Restraint, dated 6/20/83 and substitute in lieu thereof Policy TP-5-D, Physical Restraint, dated 1/30/85 which sets limits on the use of physical restraints; strike Policy TP-5-E, Mechanical Restraint, dated 9/1/83 and substitute in lieu thereof Policy TP-5-E, Mechanical Restraint, dated 2/6/85 which sets limits on the use of mechanical restraints; strike Policy TP-17, Vocational Services, dated 10/25/84 and substitute in lieu thereof Policy TP-17, Vocational Services, revised 10/31/84 which sets forth the components of the vocational program designed to address the vocational needs of residents; insert in numerical order Policy TP-7-C, Graduate Guidelines, dated 11/21/84 which sets forth guidelines for preparing the resident to return to the community. Insert in numerical order TP-11-A, Residents' Council, dated 3/1/85 which establishes a residents' council; strike Policy TP-12, Staff Responsibilities for Safety, dated 9/1/83 and substitute in lieu thereof Policy TP-12, Staff Responsibilities for Safety, dated 2/6/85 which requires staff to report any unsafe conditions and that appropriate corrective action be taken by appropriate staff; strike Policy TP-12-A, Contraband on Living Unit, dated 9/1/83 and substitute in lieu thereof Policy TP-12-A, Contraband on Living Unit, dated 2/6/85 which provides for search of all incoming residents and mail; strike Policy TP-12-B, Suicide Prevention, dated 9/1/83 and substitute in lieu thereof Policy TP-12-B, Suicide Prevention, dated 2/6/85 which requires staff to consider all suicide threats seriously and take necessary precautions; strike Policy TP-10, Individual Counseling, dated 9/1/83 and substitute in lieu thereof Policy TP-10, Individual Counseling, dated 2/6/85 which provides for the utilization of individual counseling in the treatment plan; strike Policy TP-9, Residents Stealing Property, dated 9/1/83 and substitute in lieu thereof Policy TP-9, Residents Stealing Property, dated 2/6/85 which sets forth guidelines for dealing



with theft by residents; strike Policy TP-8, Property Destruction, dated 6/13/83 and insert in lieu thereof Policy TP-8, Property Destruction, dated 2/6/85 which sets forth action to be taken when a resident destroys property; strike Policy TP-13, Residential Expectations, dated 9/1/83 and the Residents' Handbook, and substitute in lieu thereof Policy TP-13, Residential Expectations, revised 12/12/84 and the Residents' Handbook which establishes procedures for advising residents of facility expectations. In the Personnel Section of the Manual strike Policy P-17, Staff Members Meals, revised 9/1/83 and substitute in lieu thereof Policy P-17, Staff Members Meals, revised 11/21/84 which sets forth the policy regarding staff meals. In the Records Section strike Records Outline and substitute in lieu thereof Records Outline dated 12/27/84 which updates the records outline; insert at the end of the Records Section Policy R-10, Twenty-Four Hour Report, effective 10/10/84 which sets forth the requirement of a report by shift supervisors for each twenty-four hour period. In the Emergency Section strike Policy E-1, A.W.O.L., revised 9/1/83 and substitute in lieu thereof E-1, A.W.O.L., revised 10/24/84 which sets forth procedures to be followed when a resident goes A.W.O.L.

(2) In the Central Kentucky Re-Ed Center Policy Manual insert in numerical order Policy I-42, Resident's Physical Aggression Toward Staff, effective 11/9/84 which sets forth actions to be taken when residents are physically aggressive toward staff. In the Safety Section strike Policy S-13.1, Staff Documentation of Safety Orientation, effective 11/11/83 and substitute in lieu thereof Policy S-13.1, Staff Documentation of Safety Orientation and Policy and Procedures Manual, effective 3/1/85 which provides for documentation by staff that they have had orientation and reviewed the policy and procedures manual; strike Policy No. T-1, pages T-1.1 through T-1.3, Admissions Criteria-Referral and Admissions Procedures, dated 11/19/84 and substitute in lieu thereof Policy No. T-1, pages T-1.1 through T-1.3, Admissions Criteria-Referral and Admissions Procedures, revised 3/19/85 which sets forth the criteria to be used in admitting or referring a child. In the Administrative Section strike Policy No. A-32, pages A-32.1 and A-32.2, Nurse, Registered, Responsibilities and Duties, dated 12/83 and substitute in lieu thereof Policy No. A-32, pages A-32.1 and A-32.2, Nurse, Registered, Responsibilities and Duties, dated 11/19/84 which lists the duties and responsibilities of the registered nurse. In the Records Section strike Policy R-1, pages R-1.1 through R-1.4, Residential Records Standards, dated 11/18/83 and substitute in lieu thereof Policy R-1, pages R-1.1 through R-1.4, Residential Records Standards, dated 1/14/85 which sets forth the criteria for maintaining client records; strike Policy R-2, pages R-2.1 through R-2.7, Client Folders, dated 11/8/83 and substitute in lieu thereof Policy R-2, pages R-2.1 through R-2.7, Client Folders, dated 1/14/85 which gives instructions for setting up and maintaining client folders. In the Treatment Section strike Policy T-2, Initial Treatment Plan, dated 7/1/84 and substitute in lieu

thereof Policy T-2, Initial Treatment Plan, dated 11/19/84 which states that an initial treatment plan must be developed prior to admission; strike Policy T-18, Treatment Plan: Guidelines for Developing Residents' Treatment Plan, dated 7/11/84 and substitute in lieu thereof Policy T-18, Treatment Plan: Guidelines for Developing Residents' Treatment Plan, dated 11/19/84 which requires that each resident have an individualized, comprehensive treatment planning meeting within thirty (30) calendar days after admission; strike Policy T-31, pages T-31.1 and T-31.2, Time Out and Seclusionary Time Out, dated 10/83 and substitute in lieu thereof Policy T-31, pages T-31.1 through T-31.3, Time Out and Seclusionary Time Out, dated 11/19/84 which stipulates the use of time out in the treatment program. In the Medical Section strike Policy M-3, pages M-3.1 and M-3.2, Medical Information Flow, dated 7/25/84 and substitute in lieu thereof Policy M-3, pages M-3.1 and M-3.2, Medical Information Flow, dated 1/14/85 which sets forth policies and procedures for obtaining and retaining necessary medical information; strike Policy M-6, pages M-6.1 through M-6.3, Storage and Preparation of Medication, dated 7/25/84 and substitute in lieu thereof Policy M-6, pages M-6.1 through M-6.3, Storage and Preparation of Medication, dated 1/14/85 which requires that all medication be stored in a locked area; strike Policy M-7, pages M-7.1 through M-7.3, Residents Requiring Medical Attention-Minor Illness or Accident, dated 7/25/84 and substitute in lieu thereof Policy M-7, pages M-7.1 through M-7.3, Residents Requiring Medical Attention-Minor Illness or Accident, dated 1/14/85 which sets forth the procedures for handling minor illnesses or accidents; strike Policy M-8, Medical/Major Emergency and First Aid, dated 11/83 and substitute in lieu thereof Policy M-8, Medical/Major Emergency and First Aid, dated 1/14/85 which sets forth procedures for handling major medical emergencies.

[Section 2. Summary of Amendments. (1) In the Northern Kentucky Treatment Center Policy and Procedural Manual add a new section at the end of the manual for staff development and insert Provision for Staff Development and Training Services at Children's Treatment Service reviewed August 1, 1984, In-Service Training reviewed August 1, 1984, and Training Records revised April 30, 1984.]

[(2) In the Cardinal Treatment Center Policy and Procedural Manual following the section on Staff Development add a new section on Personnel which includes table of contents, personnel policies, orientation, employee code of conduct, probationary evaluation of all employees, scheduling and work assignments, facility over unit priorities, affirmative action plan, promotions, reclassifications, transfers and resignations, salary increases, leave, overtime, taking leave, pay days, timekeeping and time recording, disciplinary actions, grounds for expulsion, grievances, grievance committee, solicitation of employees, employee health program, benefits, liability insurance, staff injuries on duty, identification cards, keys, educational opportunities and staff documentation of Cardinal policy orientation revised August 11, 1984; strike from the

treatment section Contraband Items on Living Unit, School or other areas dated October 21, 1983, and substitute in lieu thereof Contraband Items on Living Unit, School or other areas revised July 12, 1984; strike from the treatment section Treatment Modality - Phase System revised March 21, 1984, and substitute in lieu thereof Treatment Modality - Phase System revised June 23, 1984, which sets forth the criteria for carrying out of the phase system; insert following the Treatment Modality - Phase System, Progress Notation dated July 12, 1984; add a new section on Family Involvement following Juvenile Rights and insert visiting With Staff Members effective July 12, 1984, and Therapeutic Offgrounds Trips With Staff revised July 12, 1984, which sets forth the policies and procedures relating to off-site visits or trips by residents with staff; add at the end of the section on Staff Development Provision for Staff Development and Training Services at Children's Treatment Services reviewed August 1, 1984, In-Service Training reviewed August 1, 1984, Training Program Evaluation effective May 24, 1984, and Training Records revised May 24, 1984, which establishes policies and procedures for staff development; in the section on Referral, Admission, and Discharge Procedures strike Admission Criteria dated June 29, 1983, and substitute in lieu thereof Admission Criteria revised July 12, 1984, which consolidates existing admission criteria; add at the beginning of the section on Juvenile Rights, policy number 601, Residents' Rights effective October, 1984, which sets forth the fundamental rights of residents; at the end of the Personnel section add policy number 1029, Media Contacts, effective October 1, 1984, which sets forth policies for dealing with news media.]

[(3) In the Re-ed Treatment Program Policy and Procedural Manual - Administrative and Safety Section strike pages beginning with Re-ed School of Kentucky to Table of contents, Chapter IV: Safety and substitute in lieu thereof Re-ed Treatment Program Policy and Procedures Manual Table of Contents dated October 1, 1984, Re-ed Treatment Program Historical Background dated October 1, 1984, Children's Residential Services Description reviewed June 1, 1984, Lines of Communication and Administrative Supervision reviewed April 27, 1984, Role of Program Director revised May 8, 1984, Establishing and Revising Policies/Procedures effective May 4, 1984, Executive Committee revised May 8, 1984, the Admissions Committee revised October 7, 1983, the Safety Committee reviewed January 13, 1984, Staff Development and Training Committee reviewed June 8, 1984, Role of Team Leader revised January 31, 1984, role of Re-ed Liaison reviewed January 21, 1984, role of Nurse revised January 31, 1984, Role of School Center Head reviewed May 8, 1984, Role of Juvenile Counselor revised January 31, 1984, role of Youth Facility Officer Senior revised May 4, 1984, role of Volunteer Coordinator reviewed May 8, 1984, Practicum Students revised June 15, 1984, Media Inquiries revised June 15, 1984, and Field Trips reviewed May 8, 1984, which renumber and reorder existing instructions; School Services reviewed May 8, 1984, which provide that all children receive appropriate education and Support Services reviewed April 1, 1984, which provides for services from Hazelwood ICF/MR; add a new

section of Staff Development and insert Provision for Staff Development and Training Services at Children's Treatment Service reviewed August 1, 1984, In-Service Training reviewed August 1, 1984, and Training Records revised August 30, 1984, which set forth the policies and procedures for staff development.]

[(4) In the Central Kentucky Re-ed Center Policy and Procedures Manual strike page A-7.1, committee, functions and descriptions dated November 11, 1983, and substitute in lieu thereof page A-7.1, Committee, Functions and Descriptions revised August, 1984; strike page A-14.1, Care of Premises, Equipment, Vehicles revised September, 1983, and substitute in lieu thereof page A-14.1, Care of Premises, Equipment, Vehicles revised August, 1984; strike pages A-16.1 and A-16.2, Purchasing and Supplies revised September, 1983, and substitute in lieu thereof pages A-16.1 and A-16.2, Purchasing, Ordering and Receiving revised July 25, 1984; strike pages A-19.1 and A-19.2, Program Director - Responsibilities and Duties effective December, 1983, and substitute in lieu thereof pages A-19.1 and A-19.2, Program Director - Responsibilities and Duties revised August, 1984; strike pages A-21.1 and A-21.2, Night Supervisor - Responsibilities and Duties effective November 22, 1983, and substitute in lieu thereof pages A-21.1 and A-21.2, Night supervisor - Responsibilities and Duties, revised August, 1984; strike page A-28.1, Night Teacher Counselor - Duties and Responsibilities, effective January, 1984, and substitute in lieu thereof page A-28.1, Night Teacher Counselor - Duties and Responsibilities reviewed July 25, 1984; strike pages A-29.1 and A-29.2, Residential Counselor - Duties and Responsibilities, effective January, 1984, and substitute in lieu thereof pages A-29.1 and A-29.2, Residential Counselor - Duties and Responsibilities reviewed July 25, 1984; strike page A-31.1, Specialty Program Counselor - Duties and Responsibilities effective December, 1983, and substitute in lieu thereof page A-31.1, Specialty Program Counselor - Responsibilities and Duties reviewed July 25, 1984; strike pages A-32.1 and A-32.2, Nurse, Registered - Duties and Responsibilities effective December, 1983, and substitute in lieu thereof pages A-32.1 and A-32.2, Nurse, Registered - Responsibilities and Duties, reviewed July 25, 1984; Strike A-35.1 and A-35.2, Teacher - Emotionally Disturbed/Behavioral Disorder Classroom effective December, 1983, and substitute in lieu thereof pages A-35.1 and A-35.2, Teacher - Emotionally Disturbed/Behavioral Disordered Classroom Reviewed July 25, 1984; add at the end of the section on Administration pages A-44.1 and A-44.2, Inventory Control/Method of Conducting Inventory effective August 15, 1984; strike page E-3.1, Bomb Threat effective November 11, 1983, and substitute in lieu thereof page E-3.1, Bomb Threat revised July, 1984; strike page E-12.1, Tornado Procedures effective November 11, 1983, and substitute in lieu thereof page E-12.1, Tornado Procedures revised August, 1984; strike pages M-1.1 and M-1.2 revised November, 1983, and substitute in lieu thereof pages M-1.1, M-1.2 and M-1.3, Parental Responsibilities for Medical Information and Documentation revised June 28,

1984; strike pages M-3.1 and M-3.2, Medical Information Flow revised January 16, 1984, and substitute in lieu thereof pages M-3.1 and M-3.2, Medical Information Flow reviewed July 25, 1984; strike page M-4.1, Medication Administration effective November 28, 1983, and substitute in lieu thereof pages M-4.1 and M-4.2, Medication Administration reviewed July 25, 1984; strike pages M-5.1, M-5.2, M-5.3, M-5.4, M-5.5, and M-5.6, Medical Documentation effective November, 1983, and substitute in lieu thereof pages M-5.1, M-5.2, M-5.3, M-5.4, M-5.5 and M-5.6, Medical Documentation reviewed July 25, 1984; strike pages M-6.1, M-6.2 and M-6.3, Storage and Preparation of medication, revised November, 1983, and substitute in lieu thereof pages M-6.1, M-6.2 and M-6.3, Storage and Preparation of medication reviewed July 25, 1984; strike pages M-7.1, M-7.2 and M-7.3, Resident Requiring Medical Attention - Minor Illness or Accident revised November, 1983, and substitute in lieu thereof pages M-7.1, M-7.2, M-7.3, Resident Requiring Medical Attention - Minor Illness or Accident reviewed July 25, 1984; at the end of the section on Records add pages R-3.1 through R-3.5, Abbreviations effective July 20, 1984; strike page S-11.1, Tornado Procedures effective November 11, 1983, and substitute in lieu thereof page S-11.1, Tornado Procedures revised August, 1984; strike page S-12.1, Bomb Threat, effective November 11, 1983, and substitute in lieu thereof page S-12.1, Bomb Threat, revised August, 1984; strike pages S-14.1 and S-14.2, Staff Addresses and Phone Numbers effective November, 1983, and substitute in lieu thereof pages S-14.1 and S-14.2, Staff Addresses and Phone Numbers, effective August, 1984; strike pages T-1.1, T-1.2 and T-1.3, Admissions Criteria - Referral and Admissions Procedures revised October, 1983, and substitute in lieu thereof pages T-1.1, T-1.2, and T-1.3, Admissions Criteria - Referral and Admissions Procedures revised June 28, 1984; strike page T-2.1, Treatment Plan for Admission, effective October, 1983, and substitute in lieu thereof page T-2.1, Initial Treatment Plan, revised July 11, 1984; strike pages T-3.1, T-3.2, Parent Education Training/Parent Involvement revised October 7, 1983, and the form entitled Family Participation Contract dated April, 1983, and substitute in lieu thereof pages T-3.1, T-3.2, T-3.3, Parent Involvement/Parent Education Training revised June 28, 1984, and the form entitled Family Participation Contract revised June, 1984; strike pages T-7.1 and T-7.2, Residents' Bill of Rights effective October, 1983, and substitute in lieu thereof page T-7.1 and T-7.2, Residents' Bill of Rights revised June 18, 1984; strike pages T-14.1 and T-14.2, Principles for Working with ED/BD Children at Re-ed, effective November 11, 1983, and substitute in lieu thereof pages T-14.1 and T-14.2, Principles for Working with ED/BD Children at Re-ed, revised August, 1984; strike pages T-16.1, T-16.2 and T-16.3, Children's Daily Living Routines, revised December, 1983, and substitute in lieu thereof pages T-16.1, T-16.2, and T-16.3, Children's Daily Living Routines, revised July 17, 1984; strike page T-18.1, Treatment Plan: Guidelines for Developing Residents' Treatment Plan effective October, 1983, and substitute in lieu thereof page T-18.1, Treatment Plan: Guidelines

for Developing Residents' Treatment Plan revised July 11, 1984; strike pages T-19.1 and T-19.2, Social Goals, effective November 11, 1983, and substitute in lieu thereof pages T-19.1 and T-19.2, Social Goals revised July 11, 1984; strike pages T-20.1, T-20.2 and T-20.3, Staffing/Meetings revised October, 1983, and substitute in lieu thereof pages T-20.1 and T-20.2, Monthly Review Meetings, Team Planning Meetings and Consultation Staffings, revised July, 1984; strike pages T-24.1, T-24.2, and T-24.3, Treatment Modalities: Activity Therapies effective October, 1983, and substitute in lieu thereof pages T-24.1, T-24.2 and T-24.3, Treatment Modalities: Activity Therapies, revised August, 1984; strike page T-25.1, Community Involvement - Child Centered Activities effective September 30, 1983, and substitute in lieu thereof page T-25.1, Community Involvement - Child Centered Activities revised August, 1984; strike page T-26.1, Field Trips, effective June 1, 1981, and substitute in lieu thereof page T-26.1, Field Trips revised August, 1984; strike page S-6.1, Hazardous Areas on Grounds, effective September 22, 1980, and substitute in lieu thereof page S-6.1, Hazardous Areas on Grounds, revised October 1, 1984; strike page S-3.1, Principle Safety Regulations effective November 11, 1983, and substitute in lieu thereof page S-3.1, Principle Safety Regulations revised October 1, 1984; at the end of the section on Treatment add page T-41.1, Student Council effective June 19, 1984; in the section on Staff Development add in numerical sequence by policy number SD-001, Provision for Staff Development and Training Services at Children's Treatment Services reviewed August 1, 1984, SD-003, In-Service Training, reviewed August 1, 1984, SD-7, Children's Residential Staff Training Requirements effective August 15, 1984; and SD-013, Training Records, revised April 30, 1984; strike the Table of Contents in the Administration section and substitute in lieu thereof Table of Contents - Administration, dated October 1, 1984; strike the Index, Medical Policies and Procedures at the end of the Medical section and substitute in lieu thereof the Index, Medical Policies and Procedures dated October 1, 1984; strike the Table of Contents - Records and substitute in lieu thereof the Table of Contents - Records dated October 1, 1984; strike the Table of Contents - Staff Development, and substitute in lieu thereof the Table of Contents - Staff Development dated October 1, 1984; strike the Table of Contents - Treatment and substitute in lieu thereof Table of Contents - Treatment dated October 1, 1984; strike Central Kentucky Re-ed Center Index and substitute in lieu thereof Central Kentucky Re-ed Index dated October 1, 1984.]

ANNA GRACE DAY, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: May 30, 1985

FILED WITH LRC: June 6, 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 regulations have been filed with respect to this subject matter previously. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with House Bill 334.

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

**CABINET FOR HUMAN RESOURCES**  
**Department for Social Services**  
**Division of Children's Residential Services**

**905 KAR 7:060E. Children's residential facilities capacities.**

RELATES TO: KRS Chapter 208

PURSUANT TO: KRS 194.050

EFFECTIVE: June 11, 1985

NECESSITY AND FUNCTION: P.L. 97-35 Subtitle C "Block Grants for Social Services - Title XX" authorizes grants to states for social services including staff development and training. KRS 208.400 mandates that the Cabinet for Human Resources manage and develop facilities necessary to provide an adequate and modern program of care, treatment and rehabilitation of children. The function of this regulation is to establish desired capacities for the residential facilities operated by the Department for Social Services for children.

Section 1. The Department for Social Services' Division of Children's Residential Services shall, in so far as possible, have as a goal facility capacities as follows:

- (1) Central Kentucky Treatment Center, 47 [42];
- (2) Green River Boys' Camp, 40 [32];
- (3) Woodsbend Boys' Camp, 40 [33];
- (4) Owensboro Treatment Center, 33;
- (5) Morehead Treatment Center, 45;
- (6) Rice-Audubon, 42 [37];
- (7) Lincoln Village Treatment Center, 36; and
- (8) Lake Cumberland Boys' Camp, 37 [32].

This increase in capacity is a temporary measure to assist with waiting lists.

ANNA GRACE DAY, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: June 3, 1985

FILED WITH LRC: June 11, 1985 at 9 a.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 House Bill 334.

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

**CABINET FOR HUMAN RESOURCES**  
**Department for Social Services**  
**Division of Children's Residential Services**

**905 KAR 7:080E. Children's treatment services facility manual.**

RELATES TO: KRS Chapters 202A and 208

PURSUANT TO: KRS 194.050

EFFECTIVE: June 6, 1985

NECESSITY AND FUNCTION: P.L. 97-35, Subtitle C, "Block Grants for Social Services Title XX" authorizes grants to states for social services. KRS 194.050 authorizes the Cabinet for Human Resources 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 programs for the care and treatment of mentally ill and/or emotionally disturbed children by the Children's Treatment Service facility operated by the Department for Social Services.

Section 1. Children's Treatment Service Facility Manuals. The Cabinet for Human Resources hereby adopts, by reference, as operating policies and procedures of the Children's Treatment Service, Lakeland Road, Louisville, Kentucky, operated by the Department for Social Services, the following manuals: Policy Manual revised through December 31, [October 1,] 1984; Therapeutic Milieu Manual revised through December 31, [October 10,] 1984; Psychology Procedural Manual [dated] revised through October 1, 1984; Nursing Manual revised through December 31, 1984 [dated February 10, 1983]; Staff Development/Volunteer Procedures Manual revised through December 31, [October 1,] 1984; Emergency Services Manual revised through December 31, [May 11,] 1984; Safety Rules and Practices revised through December 31, [October 1,] 1984; Pharmacy Manual revised through October 1, 1984; Medical Procedures Manual revised through December 31, 1984 [dated February 10, 1983]; The Living Unit Manual revised through December 31, [July 23,] 1984; and Social Services Manual dated February 10, 1983. These manuals set forth the policies and procedures used in the Children's Treatment Services program to provide care and treatment for juveniles residing in this facility. These manuals may be reviewed during regular working

hours at the Office of the Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky; and Children's Treatment Service, Lakeland Road, Louisville, Kentucky.

Section 2. Summary of Amendments. (1) In the CTS Policy Manual strike pages 2 through 6, Bylaws of the Governing Body of CTS, revised January, 1984, and substitute in lieu thereof pages 2 through 6, Bylaws of the Governing Body of CTS, revised October, 1984, which establishes and sets forth the purpose, responsibilities, powers, officers and duties of the Governing Board of Children's Treatment Services; under Staff Development strike Policy SD-005, Health Examinations for New Employees, revised January 15, 1983, and substitute in lieu thereof Policy SD-005, Health Examinations for New Employees, revised August 1, 1984, which sets forth the requirements for health examinations of new employees; strike Policy QA-01 pages 95-96, Quality Assurance, revised January 27, 1984, and substitute in lieu thereof Policy QA-01 pages 95(a-h) and 96, Quality Assurance, revised 9/27/84 which sets forth the scope, administration, functions, organization, and procedures for the quality assurance program; strike Policy QA-02 pages 97-98, Utilization Review Plan, revised 1/27/84 and substitute in lieu thereof Policy QA-02 page 97, Utilization Review Plan, revised 9/17/84 which sets forth the policy for utilization review; strike Policy QA-03 page 99, Patient Care Monitoring, revised February, 1983, and substitute in lieu thereof Policy QA-03 page 99, Patient Care Monitoring, revised October, 1984, which sets forth the policy for patient care monitoring; strike TM-13 pages 165-166, Seclusion, revised April 1, 1984, and substitute in lieu thereof TM-13 pages 165-166, Seclusion, reviewed January 31, 1985, which sets forth the purpose of and procedure for the use of seclusion; strike TM-14 pages 167-168, Physical and Mechanical Restraints, revised April, 1984, and substitute in lieu thereof TM-14 pages 167-168, Physical and Mechanical Restraints, reviewed January 31, 1985, which sets forth the purpose for the use of physical restraints; strike Policy No. PF-12 page 234, Infection Committee, revised October, 1982, and substitute in lieu thereof Policy No. PF-12 page 234, Infections Control Committee revised November, 1984.

(2) In the Living Unit Manual strike pages D-86-A and D-86-B, Seclusion, revised October, 1984, and substitute in lieu thereof pages D-86-A and D-86-B, Seclusion, reviewed January 31, 1985, which sets forth the use of seclusion in the treatment program; strike pages D-89-A and D-89-B, Physical and Mechanical Restraints, revised 10/84 and substitute in lieu thereof D-89-A and D-89-B dated January 31, 1985, which sets forth the use of these constraints in the treatment program; strike pages D-87, D-88 and D-89, Seclusion, dated October, 1984, and substitute in lieu thereof pages D-87, D-88, and D-89, Seclusion, dated January, 1985, which sets forth the policies and procedures for the use of seclusion in the treatment program; strike pages D-90, D-91, D-94 and D-95, Procedure for Instituting the Use of Physical and Mechanical Restraints, dated October, 1984, and substitute in lieu thereof pages D-90 and D-91, Procedure

for Instituting the Use of Physical and Mechanical Restraints, dated January 31, 1985, and D-92, D-93 a, b, c, D-94 and D-95, Procedures for Applying Physical and Mechanical Restraints, revised 10/84 which sets forth the procedures for the use of restraints.

(3) In the Medical Procedural Manual strike pages B-75 and B-76, Seclusion, revised 10/84, and substitute in lieu thereof pages B-75 and B-76, Seclusion, reviewed January 31, 1985 which sets forth the purpose of and procedure for the use of seclusion; strike pages B-77 and B-78, Physical and Mechanical Restraints, revised 10/84, and substitute in lieu thereof pages B-77 and B-78, Physical and Mechanical Restraints, reviewed January 31, 1985, which sets forth the purpose for the use of physical restraints.

(4) In the Emergency Procedure Manual strike pages E-53, E-54 and E-55, Seclusion, revised 10/84, and substitute in lieu thereof pages E-53, E-54 and E-55, Seclusion, reviewed January, 1985, which sets forth the purpose of and procedures for the use of seclusion; strike pages E-56 through E-59, Procedure for Instituting the Use of Physical and Mechanical Restraints, revised 10/84, and substitute in lieu thereof E-56 through E-59, Procedure for Instituting the Use of Physical and Mechanical Restraints, revised January, 1985, which sets forth the methods of applying physical restraints; strike pages E-60 through E-65, Procedures for Applying Physical and Mechanical Restraints, revised June, 1984, and substitute in lieu thereof pages E-60 through E-64, Procedures for Applying Physical and Mechanical Restraints, which sets forth the methods of applying physical restraint.

(5) In the Therapeutic Milieu Procedure Manual strike the Index pages 1 and 2 and substitute in lieu thereof Index pages 1 and 2 and 3 dated 1/85 which update the contents of the manual; and insert in numerical order pages 13(a), (b), (c) and (d) dated 11/16/84 which sets forth the procedures for using videotapes.

(6) In the Staff Development Procedural Manual strike Index page 1 and substitute in lieu thereof Index page 1 which updates the index for the manual.

(7) In the Emergency Services Procedural Manual strike Index page 1 and substitute in lieu thereof Index page 1 which updates the index for the manual.

(8) In the CTS Safety Rules and Practices Procedures strike Index pages 1 and 2 and substitute in lieu thereof Index pages 1 and 2 which updates the index for the manual. Insert page G-13(i), Mononucleosis, in proper numerical order.

(9) In the Living Unit Manual strike Index page 2 and substitute in lieu thereof Index page 2 which updates the index for the manual.

(10) In the Nursing Services Procedure Manual strike Index pages 2 and 3 and substitute in lieu thereof Index pages 2 and 3 which update the index for the manual. Insert page C-185, Infectious Mononucleosis, in numerical order.

(11) In the Therapeutic Milieu Procedural Manual insert behind page A-40 pages A-40(a), A-40(b) and A-49(c) dated November 1, 1984, which sets forth the policies and procedures for mental inquest petitions for Involuntary Commitments.

(12) In the CTS Staff Development and

Volunteer Procedural Manual strike page J-11, SD-005 (CTS-OA-04), Health Examination for New Employees, revised 1/15/84 and substitute in lieu thereof Page J-11, SD-005 (CTS-OA-04), Health Examination for New Employees, revised 8/1/84 which sets forth the requirements for health examinations of new employees; insert Policy No. SD-007, CSH Librarians, revised 12/1/84 which permits staff to use Central State Hospital's libraries.

[Section 2. Summary of Amendments. (1) In the CTS Policy Manual strike page 101, Provision for Staff Development and Training Services at Children's Treatment Services, reviewed August 1, 1984, and substitute in lieu thereof page 101, Provision of Staff Development and Training Services at Children's Treatment Service, reviewed August 1, 1984, which changes authorization to the Department for Social Services; and strike pages 133 and 134, Patient Leave Status, revised January, 1983, and substitute in lieu thereof pages 133 and 134, Patient Leave Status, revised August 3, 1984, which limits Otherwise Absent for Treatment (OAT) to thirty (30) days, sets limits for absent without leave, and requires Executive Committee approval for OAT in excess of thirty (30) days.]

[(2) In the CTS Staff Development/Volunteer Procedures Manual strike page J2, Provision for Staff Development and Training at Children's Treatment Service, revised January 15, 1983, and substitute in lieu thereof page J2, Provision for Staff Development and Training at Children's Treatment Service, reviewed August 1, 1984, which changes authorization to Department for Social Services; strike page J4, In-Service Training, reviewed January 15, 1983, and substitute in lieu thereof page J4, In-Service Training, reviewed August 1, 1984, which adds training needs related to accreditation and/or licensing standards; strike pages J41-J46, Training Program Evaluation, reviewed January 15, 1983, and substitute in lieu thereof pages J39-J43, Training Program Evaluation, revised April 30, 1984, which provides for an annual evaluation of the training program and attendance records on those receiving training.]

[(3) In the CTS Therapeutic Milieu Manual strike pages A134-A136(a), Treatment Team Process-Guidelines for Treatment Planning, revised October, 1982, and substitute in lieu thereof pages A134-A136(a), Treatment Team Process-Guidelines for Treatment Planning, revised April 23, 1984, which provides for a written comprehensive individual treatment plan for each resident; strike page A163, Discharge Agreement/Release, and substitute in lieu thereof page A163, Discharge Agreement/Release, dated September 29, 1984, which adds outpatient therapy to the release form.]

[(4) In the CTS Nursing Manual strike the nursing Services Procedural Index, pages 1-3 and substitute in lieu thereof Nursing Services Procedural Index, dated October 1, 1984, pages 1-4 which lists the contents of the nursing manual; strike the page entitled "Nursing Services Manual" and substitute in lieu thereof page entitled "Nursing Services Manual" dated August 1, 1984, which gives the table of contents for the Introduction selection of the manual; strike pages C1 and C2, Philosophy and

Goals of the Nursing Department revised October, 1982, and substitute in lieu thereof pages C1 and C2, Philosophy and Goals of the Nursing Department revised March, 1984, which adds the organizational chart for the nursing department; strike page C6, Chief Nurse - Responsibilities and Duties, revised October, 1982, and substitute in lieu thereof pages C6 and C6(a), Director of Nursing - Responsibilities and Duties, revised March, 1984; page C6(b), Assistant Director of Nursing - Responsibilities and Duties dated March 26, 1984; and page C6(c), Nursing Supervisor Responsibilities and Duties, dated June, 1984, which set forth the duties and responsibilities of the Director, Assistant Director and Supervisor of Nursing; strike pages C7 and C8, Ward Nurse-Responsibilities and Duties, revised October, 1982, and substitute in lieu thereof pages C7 and C8, Nurse's Responsibilities and Duties, revised April, 1984, which set forth the duties and responsibilities of the nursing staff; strike page C147, Lice, revised January 3, 1980, and substitute in lieu thereof page C147, Pediculosis, (Capitis, Corporis, and Pubis) revised October 1, 1984, which defines the different types of lice and provides instruction for eliminating lice; and add at the end of the manual pages C178 through C184, roseola, impetigo, mumps, scabies, measles, athletes' foot, and hepatitis which define and provide instructions for treatment of the diseases.]

[(5) In the CTS Safety Rules and Practices Procedure Manual strike the page entitled "CTS Safety Rules and Practices Manual Index" and substitute in lieu thereof CTS Safety Rules and Practices Procedure Manual Index, dated October 1, 1984, which lists the contents of the safety manual; on page G4a, Severe Weather Emergency Evacuation Sites, revised April 2, 1984, add "Basement of Bingham Building" opposite "Shelter Cite;" insert after page G13, Prevention of Spread of Infections, revised December 2, 1982, pages G13a through G13h, pediculosis, roseola, impetigo, mumps, scabies, measles, athletes' foot, and hepatitis which define and provide instructions for implementing these diseases.]

[(6) In the CTS Pharmacy Manual strike page F18, Nursing Personnel Authorized to Administer Medications, revised October, 1982, and substitute in lieu thereof page F18, Nursing Personnel Authorized to Administer Medications, revised April, 1984; strike page F19, Medication Hours, reviewed January, 1983, and substitute in lieu thereof page F19, Medication Distribution, revised April, 1984.]

ANNA GRACE DAY, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: May 30, 1985

FILED WITH LRC: June 6, 1985 at 3 p.m.



## AMENDED AFTER HEARING

GENERAL GOVERNMENT CABINET  
Board of Nursing  
(Amended After Hearing)

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 September 1, 1985, at least three-fourths (3/4) of the nurse faculty members including full-time equivalents in all educational programs whose faculty prepares students for licensure as registered nurses shall have a minimum of a masters degree in nursing. A program of nursing may include as part of the three-fourths (3/4) of nursing faculty with masters degrees, those nurse faculty members employed prior to September 1, 1980 who have a baccalaureate degree in nursing and a masters degree in a related field.

(b) [(a)] After January 1, 1990, new nurse faculty appointees shall hold a masters or higher degree in nursing.

(c) [(b)] Current license to practice as a registered nurse in the Commonwealth of Kentucky.

(d) [(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.

(e) [(d)] Experience in the application of principles in teaching and learning.

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) New faculty employed after September 1, 1985 shall have earned a minimum of a baccalaureate degree by January 1, 1990.

(b) [(a)] After January 1, 1990, new faculty appointees shall have a minimum of a baccalaureate degree in nursing.

(c) [(b)] Current licensure to practice as a registered nurse in the Commonwealth of Kentucky.

(d) [(c)] Qualifications in the clinical or functional area of responsibility, or both.

(e) [(d)] A minimum of three (3) years of nursing experience as a licensed nurse.

(f) [(e)] A minimum of one (1) year of registered nursing practice experience during the three (3) years that immediately precede the date of appointment.

(g) [(f)] Experience in the application of principles in teaching and learning.

### Section 3. Evaluation of Registered Nurse and Practical Nurse Faculty.

(1) [(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.

(2) [(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. Further, the program of nursing may be subject to conditional approval status in accordance with Section 2(2) of 201 KAR 20:280.

Section 4. 201 KAR 20:030 and 201 KAR 20:050 are hereby repealed.

SHARON M. WEISENBECK, Executive Director  
 APPROVED BY AGENCY: May 30, 1985  
 FILED WITH LRC: June 12, 1985 at 10 a.m.

**TOURISM CABINET**  
**Department of Fish and Wildlife Resources**  
**(Amended After Hearing)**

**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 or 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



DEPARTMENT OF AGRICULTURE  
(Amended After Hearing)

302 KAR 20:055. Brucellosis vaccination.

RELATES TO: KRS Chapter 257, 257.020, 257.030, 257.040, 257.060, 257.070, 257.115  
PURSUANT TO: KRS 257.020, 257.030

NECESSITY AND FUNCTION: To specify the requirements for vaccination against brucellosis of eligible calves in Kentucky.

Section 1. General Provisions. (1) All eligible female animals shall be vaccinated with an approved Brucella vaccine following the vaccination protocol set forth by the State Veterinarian's Office.

(2) Note that Section 3(1) of this regulation requires that all eligible animals defined in Section 2 of this regulation must be vaccinated between four (4) and ten (10) months of age.

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 to return [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 changing ownership on a [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.

(6) All animals exported from Kentucky shall meet the requirements of the state of destination.

DAVID E. BOSWELL, Commissioner

APPROVED BY AGENCY: June 5, 1985

FILED WITH LRC: June 13, 1985 at 10 a.m.

CABINET FOR PUBLIC PROTECTION AND REGULATION  
Department of Insurance  
(Amended After Hearing)

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 Repairs 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 the motor vehicle's VIN plate behind the windshield. The instructions shall state that if the numbers differ, the insured should contact the county clerk to determine which number is correct, and that if the number used by the insurer is incorrect, to contact the insurer to have the number corrected [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. The latter requirement is met if the insurer directs the insured to contact a local agent of the insurer.

(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: May 31, 1985

FILED WITH LRC: June 4, 1985 at 10 a.m.

## PROPOSED AMENDMENTS

LEGISLATIVE RESEARCH COMMISSION  
Block Grants  
(Proposed Amendment)

1 KAR 4:005. Legislative oversight procedures applicable to federal block grants administered by state agencies.

RELATES TO: KRS 45.350 through 45.359, 273.446, 273.453 [through 273.466]

PURSUANT TO: KRS 7.320

NECESSITY AND FUNCTION: Pursuant to KRS 45.351 and 273.453, state administering agencies, as defined by KRS 45.350(5) and 273.410(6), are required to submit any federal block grant application to the Legislative Research Commission for review and comments at least ninety (90) days prior to the submission of such application to the federal administering agency, as defined by KRS 45.350(4) and 273.410(4), for funding. KRS 273.453(1) [Effective July 15, 1982, KRS 273.456] provides that before any community services block grant application is submitted by a state administering agency to a federal administering agency for funding, the application must be reviewed [approved] by the Legislative Research Commission. [Effective July 1, 1983, KRS 45.351(2) provides that before any other federal block grant application is submitted by a state administering agency to a federal administering agency for funding, the application must be approved by the Legislative Research Commission.] KRS 45.357 and 273.453(2) [273.466] provide for the submission of actual use and distribution reports and block grant status reports to the commission by state administering agencies. This regulation establishes the procedures applicable to the review and comment[, and approval or disapproval] by the commission of federal block grant applications submitted to the commission by the state administering agencies, and procedures applicable to the review of reports on the actual use and distribution of block grant funds administered by state agencies, and on block grant program status reports filed with the commission by state administering agencies.

Section 1. Procedures implementing KRS 45.350 through 45.359 and 273.446 through 273.448(g) and 273.453 [through 273.466], respecting the Legislative Research Commission's block grants application oversight functions and responsibilities are as follows:

(1) Every state administering agency applying for a federal block grant shall submit its respective block grant applications to the Legislative Research Commission ninety (90) days prior to the date of submission to a federal administering agency, as required by federal law, or no less than ninety (90) days before such agencies elect to submit their respective block grant applications to the appropriate federal administering agencies.

[(2) Any block grant application including community service block grant applications, submitted to the Commission before the effective date of KRS 45.351, shall be subject to a full ninety (90) days of review and processing by the Commission, beginning July 1, 1982, which is the effective date of KRS 45.351.]

[(3) Any block grant application submitted to the Commission on July 1, 1982, or thereafter, shall be subject to a full ninety (90) days of review and processing by the Commission, running from the date of receipt of the application by the Commission.]

(2) [(4)] State administering agencies submitting block grant applications to the commission shall forward one (1) complete copy each of such applications to: Coordinator for Block Grants Oversight [Director], Legislative Research Commission, The State Capitol Building, Frankfort, Kentucky 40601.

(3) [(5)] When the Kentucky General Assembly is not in session, the commission automatically shall refer block grant applications as follows: Community Services, Preventive Health and Health Services, Maternal and Child Health Services, Alcohol and Drug Abuse and Mental Health Services, Social Services (Title XX), and Primary Care Block Grants shall be referred to the Interim Joint Committee on Health and Welfare; Elementary and Secondary Education Block Grants shall be referred to the Interim Joint Committee on Education; Low-Income Home Energy Assistance Block Grants shall be referred to the Interim Joint Committee on Energy; [and] Community Development Block Grants shall be referred to the Interim Joint Committee on Cities; and Justice Assistance Block Grants shall be referred to the Interim Joint Committee on Judiciary-Criminal. Block grants not falling within these classifications shall be referred by the commission to the interim joint committee with appropriate jurisdiction. Any committee designated herein shall be construed as a "designated review [legislative] body" pursuant to KRS 45.350 and 273.410.

(4) [(6)] When the Kentucky General Assembly is in session the commission automatically shall refer block grant applications to the standing committees designated by the committee on committees of each house. Any committee designated herein shall be construed as a "designated review [legislative] body" pursuant to KRS 45.350 and 273.410.

(5) [(7)] Within [With] ten (10) days of receipt of any block grant application, the [Commissioner or] coordinator for block grants oversight for the commission, or his designee, shall provide for statewide notice of a public hearing on said application in accordance with 1 KAR 4:010, and shall notify the designated review body [committee] to which the application has been referred of the publication of said notice.

(6) [(8)] Whenever applications and supporting materials submitted to the commission are incomplete or insufficient, the commission or the [Commission's] coordinator for block grants oversight, or his designee, may request the state administering agency to make available to the designated review body [committee] additional background data and supporting information relating to the block grant pursuant to KRS 45.351(2), 273.448(h) and 273.453(1) [(2)]. All requests for additional materials shall be in writing under the signature of the [Commission's director or the Commission's] coordinator for block grants oversight, or his

designee, unless the commission otherwise directs and provides.

Every block grant application submitted by the state administering agency shall be complete in form and content as required by appropriate federal laws and regulations, and KRS 45.351(3) [and 273.453(3)].

(7) [(9)] Within the first thirty (30) days from the date of receipt of any block grant application, a public hearing shall be held by the designated review body [committee] to which the application has been assigned, and all deliberations shall be electronically recorded. The designated review body [committee] to which a block grant application has been referred shall conduct the public hearing on the application, except when the commission has authorized the establishment of a subcommittee of said committee to conduct the public hearing. All public hearings shall be restricted to the receipt of comments from the public and the state agency submitting the application, and shall be held in Frankfort, Kentucky.

(8) [(10)] Upon the request of the chairman of the designated review body [committee] to which the application has been referred, the commission may authorize the establishment of a subcommittee of the designated review body [committee] for the purposes of conducting the public hearing and advising the designated review body [committee] on the block grant application. Upon the request of the designated review body [committee] chairman, the subcommittee may include three (3) members of the Interim Joint Committee on Appropriations and Revenue.

(9) [(11)] A copy of the application as submitted to the commission shall be available for public review, prior to the public hearing, in the commission's library [offices as well as at locations designated by the state administering agency]. This copy shall not be removed by unauthorized persons [from the Commission's offices]. One (1) copy of the application under consideration also shall be available for public inspection at the public hearing on the application. [; however,] Copies of the application for retention by the public must be obtained from the state administering agency and not from the commission.

(10) [(12)] Public inquiries about specific proposals contained in the application, including but not limited to the intent of the application and programs proposed to be funded by the application, must [should] be directed to the appropriate state administering agency, and shall not be directed to the commission or its staff. Responses to such public inquiries are solely within the purview and responsibility of the state administering agency submitting the application. Copies [One (1) copy] of any public inquiry on any block grant application and responses thereto shall be submitted by the state administering agency to the Coordinator for Block Grants Oversight [Commission within five (5) days] prior to the commission's public hearing on such application.

(11) [(13)] Transcriptions of hearings shall not be made unless the commission so directs. When a transcription is requested [required] and approved by the commission, the requesting party shall reimburse the commission for its total costs for making such transcription.

(12) [(14)] Within sixty (60) days from the date the application is received by the commission [(except that no application shall be considered officially received by the Commission until July 1, 1982)], the designated review body [committee] shall complete its review of the application in accordance with the criteria specified in KRS 45.353(2) and shall make an affirmative finding of fact [or KRS 273.460(2), and shall issue a written advisory report] to the commission on the proposed use and distribution of funds to be provided in the application. Pursuant to KRS 45.354 the commission shall review the findings of the designated review body and make written findings of fact to the state administering agency and the Governor regarding the agency's block grant application. [Effective July 15, 1982, committee reports on any community services block grant application shall be in accordance with the provisions of KRS 273.462(1). Effective July 1, 1983, committee reports on any other block grant application shall be in accordance with the provisions of KRS 45.355(1).]

[(15) Effective July 1, 1982 through June 30, 1983, within ten (10) days upon receipt of an interim joint committee advisory report, the Commission shall review the report and make written comments to the state administering agency regarding the proposed use and distribution of funds to be provided under the block grant application, except that reviews and comments by the Commission on community services block grant applications also shall be in accordance with the provisions of KRS 273.462 and 273.464.]

[(16) Effective July 1, 1983, within ten (10) days upon receipt of a committee's report (effective July 15, 1982, for community services block grant applications pursuant to KRS 273.462) on a block grant application, the Commission may:]

[(a) Take no action on the advisory report thereby indicating approval of the application;]

[(b) Recommend to the state administering agency that the application be modified, stating in writing said modifications and reasons therefor; or]

[(c) Recommend to the state administering agency that federal funding not be sought, stating in writing the reasons therefor.]

[(17) Effective July 1, 1983 (community services block grants shall be subject to the provisions of KRS 273.464, effective July 15, 1982), the state administering agency, whose application is under review, shall within ten (10) days upon receipt of the Commission's written recommendations either withdraw the application, or review and resubmit the application to the Commission to comply with the Commission's objections.]

[(18) Effective July 1, 1983 (community services block grants shall be subject to the provisions of KRS 273.464, effective July 15, 1982), within ten (10) days after receipt of a revised block grant application by the state administering agency, the Legislative Research Commission shall either approve or disapprove the revised block grant application in the same manner as provided in KRS 45.355(2) or 273.462(2).]

[(19) Review and processing of any block grant application submitted to the Legislative

Research Commission, except for final approval or disapproval of a revised and resubmitted application, as provided in KRS 45.356(3) or 273.464(3), shall be completed within seventy (70) days from the date of receipt of any block grant application. The final twenty (20) days of the Commission's oversight process shall be reserved for the revision and resubmittal process as provided in KRS 45.356 and 273.464.]

[(20) Except for community services block grant applications, approval of any block application by the Legislative Research Commission shall not be required until July 1, 1983, and thereafter, before any block grant application is submitted to a federal administering agency for funding. Effective July 15, 1982, and thereafter, before any community services block grant application is submitted to a federal agency for funding, approval by the Legislative Research Commission shall be required.]

[(21) Effective July 1, 1983, KRS 45.356(3) provides that the Commission's determination on any block grant application, except community services block grant applications, is final unless the application is approved by the Kentucky General Assembly pursuant to KRS 45.351(2). Effective July 15, 1982, KRS 273.464(3) provides that the Commission's determination on a community services block grant application is final unless the application is approved by the Kentucky General Assembly pursuant to KRS 273.456(2).]

Section 2. Procedures implementing a review by the Legislative Research Commission of reports on the actual use and distribution of federal block grant funds administered by a state administering agency shall be as follows:

(1) Pursuant to KRS 45.357[(1)] and 273.453(2) [273.466(1)], any state administering federal block grant funds shall submit within thirty (30) days at the close of every federal fiscal year or at the close of the block grant's annual funding cycle, a report on the actual use and distribution of all block grant funds made available to the state administering agency during the preceding year.

(2) On or before the close of every federal year (September 30th), or at the close of a block grant's annual funding cycle, the Coordinator for Block Grants Oversight [Director of the Legislative Research Commission] shall notify in writing the state administering agency receiving block grant funds, to submit to the commission five (5) copies each, of the actual use and distribution of funds report on every block grant administered by the state administering agency for the preceding year. Five (5) copies of each actual use and distribution report shall be submitted by the state administering agency to: Coordinator for Block Grants Oversight [Director], Legislative Research Commission, The State Capitol Building, Frankfort, Kentucky 40601.

(3) Copies of any actual use and distribution report will be processed by the commission's Coordinator for Block Grants Oversight, with one (1) copy being forwarded to the designated review body [interim joint committee (or standing committee) whose jurisdiction relates to the block grant, and one (1) copy being forwarded to the Interim Joint Committee on

Appropriations and Revenue].

(4) Within sixty (60) days upon referral and receipt of an actual use and distribution report, the designated review body [committee] receiving the report shall forward to the commission any written comments or recommendations the designated review body [committee] has made regarding said reports.

(5) Upon completion of its review of a committee's report, the commission may notify the state administering agency of the commission's comments and recommendations.

Section 3. Procedures implementing the Legislative Research Commission review process regarding block grant program status reports as provided in KRS 45.357 and 273.453(2) [273.466] are as follows:

(1) Pursuant to KRS 45.357 and 273.453(2) [273.466] within thirty (30) days following December 31, 1982, June 30, 1983 and each six (6) months thereafter, any state administering agency administering a federal block grant shall submit five (5) copies of a "block grant program status report" on each block grant it administers to the commission. The block grant program status report shall show programs and services provided under the block grant for the preceding six(6) months, and shall contain the following:

(a) Appropriations, allotments, expenditures, encumbrances, and available balance;

(b) The level of service budgeted, defined in terms of objectives and beneficiaries;

(c) The level of services delivered during the period;

(d) Alternatives for improved services delivery;

(e) Any changes in service authorized or necessary as a result of unanticipated changes in clientele, resources, or for other reasons; and

(f) An evaluation of results, including a description of measurements used.

The state administering agency shall submit five (5) copies of each status report to: Coordinator for Block Grants Oversight [Director], Legislative Research Commission, The State Capitol Building, Frankfort, Kentucky 40601.

(2) Block grant program status reports will be processed by the commission's Coordinator for Block Grant Oversight. One (1) copy of each report shall be referred to the designated review body [appropriate interim joint committee (or standing committee) whose jurisdiction relates to the block grant, and one (1) copy shall be referred to the interim joint committee on appropriations and revenue].

(3) Within sixty (60) days upon referral and receipt of a status report, the designated review body [committee] receiving the status report shall complete its review and forward to the commission any written comments or recommendations the committee has made regarding the status report.

(4) Upon completion of a review of the designated review body's [a committee's] report, the commission may notify the state administering agency of the commission's comments and recommendations.

Section 4. Procedures implementing block grant

audits and investigations as prescribed in KRS 45.357(4) and (5) are as follows:

(1) Whenever the Coordinator for Block Grants Oversight determines that an audit or investigation of any matter pertaining to the application for or expenditure of federal block grant funds should be conducted then he shall submit in writing a proposal for such action to the commission's director. No such audit or investigation shall be conducted without the prior approval of the commission.

(2) It shall be the responsibility of the state administering agency or any other agencies of state government retaining records, reports or documents pertaining to any block grant program under audit or investigation to cooperate with and to comply with request for any report, record or document essential to the conduct of such audit or investigation. It shall be the responsibility of the Coordinator for Block Grant Oversight to specify in writing to the state administering agency or other agencies concerned such reports, records or documents which are requested. The commission shall be informed of all such requests.

(3) Whenever a state administering agency or other agencies of state government fail to provide reports, records or documents essential to the conduct of any block grant audit or investigation, the Coordinator for Block Grants Oversight may request the commission or designated review body to subpoena such reports, records or documents. Any such request by the Coordinator for Block Grants Oversight shall be made in writing to the commission and shall specify the materials to be subpoenaed and the necessity for such action.

REPRESENTATIVE DONALD BLANDFORD, Co-Chairman  
SENATOR JOSEPH PRATHER, Co-Chairman  
VIC HELLARD, Director

APPROVED BY AGENCY: June 6, 1985

FILED WITH LRC: June 14, 1985 at noon

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 22, 1985, at 1:00 p.m. in Room 107 of the Capitol Annex. Those interested in attending this hearing shall contact: Gordon F. Mullins, Coordinator for Block Grant Oversight, Legislative Research Commission, State Capitol, Room 406, Frankfort, KY 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Gordon Mullins or Alice Downey

(1) Type and number of entities affected: Cabinet for Human Resources: Maternal and Child Health; Preventive Health and Health Services; Alcohol, Drug Abuse and Mental Health; Community Services; Low Income and Home Energy. Department for Local Government: Community Development. Department of Education: 1986, 1987 and 1988 Education Block Grant.

(a) Direct and indirect costs or savings to those affected: Letters sent to agencies listed in (1) above; waiting responses.

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: LRC has submitted information request to agencies

involved. Response from agencies has not been received and LRC has no way of ascertaining costs to those agencies.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Approximately \$33,538. However, the amount is reimbursable to the LRC from the block grant funds pursuant to KRS 45.358.

2. Continuing costs or savings: Future costs will be approximately the same amount.

3. Additional factors increasing or decreasing costs: None that would alter the estimated costs.

(b) Reporting and paperwork requirements: Time records are kept by all employees who are assigned responsibilities regarding oversight of block grants. This requirement was instituted by the administrative staff to facilitate audit of federal funds accruing to LRC pursuant to KRS 45.358.

(3) Assessment of anticipated effect on state and local revenues: No effect since fees generated are intended simply to cover costs, and agencies' expenses are covered by the block grants involved.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods are available since the statutes governing block grants prescribe the procedure, method and costs.

(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 applicable.

#### Tiering:

Was tiering applied? No. The statutes governing block grants prescribe a uniform method that is applicable to all agencies. No exemptions are permitted by KRS 45.350-45.359 and there is no disproportionment impact on any of the regulated entities. There is only one class of entity.

#### TOURISM CABINET

Department of Fish and Wildlife Resources  
(Proposed Amendment)

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

RELATES TO: KRS 150.010, 150.025, 150.170, 150.175, 150.305, 150.330, 150.340, 150.360, 150.370, 150.390

PURSUANT TO: KRS 13A.350, 150.025

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



necessary to establish current season dates and hunting rules.

Section 1. Deer and turkey Season on Special Deer Areas. Unless stated herein, statewide deer gun and archery season regulations apply. These areas are open only on the dates specified below for the species mentioned herein.

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

(a) Deer archery hunts (either sex): White-tailed or fallow deer [only]. October 2 [3] through November 11 [10] and December 14 [8] through December 31.

(b) Quota deer hunts:

1. Quota gun hunts: White-tailed or fallow deer and sex as specified on permit. [Antlered, antlerless, or any deer as specified on permit.] November 14, 19-20, 23-24, and 26-27 [17-18, 20-21, 24-25, and 28-29].

2. Quota archery hunts: White-tailed or fallow deer as specified on permit [Only antlerless white-tailed or fallow deer unless otherwise specified on the permit], in that portion of the Environmental Education Area designated as hunt area 17. November 30-December 1, 4-5, and 7-8 [14, 17-18, 20-21, 24-25, and 28-29].

(c) Turkey archery hunts: One (1) turkey of either sex during the deer archery hunts as specified in subsection (1)(a) of this section. [Gobblers only with visible beards. Statewide season limits only. October 3 through November 10 and December 8 through December 31.] Hunter must have a valid wild turkey permit in possession when a turkey is taken. Turkey hunting will not be allowed after a hunter has harvested a deer.

(d) Quota deer gun hunt for youths only: One (1) white-tailed deer or fallow of either sex on November 16-17 [24-25]. Hunting is restricted to persons at least ten (10) years of age but who have not reached their sixteenth birthday. Each youth must be accompanied by an adult and must have a valid Kentucky hunting license, a state deer permit, an LBL [a Land Between the Lakes] Youth Hunt Permit and a state approved Hunter Safety Certificate.

(e) Bag limits: The deer bag limit for the Kentucky portion of LBL [Land Between the Lakes] is two (2) deer; provided only one (1) deer of either sex is taken during the Land Between the Lakes deer archery season [October 3 through November 10 and December 8 through December 31], and one (1) deer is taken during any quota gun or quota archery hunts at LBL [Land Between the Lakes]. Persons who have taken their first deer elsewhere in Kentucky, including other designated special deer areas, may take a second deer at Land Between the Lakes by means of any type of legal weapon permitted on this area. Persons who take their first deer at Land Between the Lakes are eligible to take their second deer elsewhere in Kentucky including other designated special deer areas by means of any legal deer hunting weapon. Under no circumstances may an individual hunter take more than two (2) deer anywhere in the state, except that three (3) may be taken if one (1) was taken during the Bernheim Forest Refuge Hunt on February 3-6, 1984.]

(f) Areas open and closed to hunting: State line to Barkley Canal is open to hunting except for developed public use areas (unless posted as

open), safety zones and areas posted as closed [posted areas].

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

(h) Checking in and out:

1. Quota gun hunters. All gun hunters, including those camping in LBL [Land Between the Lakes], must check in prior to hunting, but will not be required to check out unless a deer is harvested. Hunters must check in between 9:00 a.m. and 5:00 p.m. the day before the hunt, or after 4:00 a.m. on hunt days. Check stations will be open from 4:00 a.m. to 6:30 p.m. (CST) on hunt days.

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

(i) Permits and tagging requirements:

1. Permits. An LBL hunter use [A Land Between the Lakes hunting] permit is required for each hunter participating in the deer and turkey archery season and an LBL computer card permit is required for each hunter participating in the quota gun or quota archery deer hunts.

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

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

(k) The taking of coyotes: Hunters participating in the quota gun hunts may take coyotes provided they have not yet taken their deer.

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

(2) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties. There will be no hunting on Mondays and Tuesdays except when Monday or Tuesday is a federal holiday or as follows: December 23-24 and 30-31 [November 26-27, December 17-18, and December 31], then hunting will be permitted. There will be no hunting on December [24 and] 25 and January 1.

(a) Deer archery and muzzle-loading rifles (either sex): September 28 [22] through October 11 [5].

(b) Deer gun and archery (either sex): October 12 [6] through November 24 [18] and December 14



[1] through December 31 on selected areas [and January 1 through January 13, 1985. 1984 deer tags will be valid during the January portion of this season].

(c) Turkey archery season [hunts]: Gobblers only with visible beards. Statewide season limits apply. September 28 [22] through October 11 [5]. Only those turkey hunters who possess valid deer and turkey hunting permits are permitted to hunt turkey at this time. Turkey hunting will not be permitted after a hunter has harvested a deer. [This rule applies only when deer and turkey are hunted concurrently and not during the spring turkey hunting season.]

(d) Bag limits: The bag limit for Kentucky license holders hunting on Fort Campbell will be two (2) deer of either sex taken by either gun or bow. Prior to November 24 [18], once a hunter has taken his first deer on Fort Campbell, he is not eligible for weekend drawings (i.e., he can only hunt on Wednesdays through Fridays or on weekend standby) until the reopening of deer hunting on December 14 [1]. At that time if he has not harvested his limit he is eligible for the weekend drawing until he has taken his limit. [Persons who have taken their first deer elsewhere in Kentucky, including other designated special deer areas, may take a second deer at Fort Campbell by means of any type of legal weapon permitted on this area. Persons who take their first deer at Fort Campbell are eligible to take their second deer elsewhere in Kentucky including other designated special deer areas by means of any legal deer hunting weapon. Each deer taken must be tagged with a valid Kentucky first or second deer tag. Under no circumstances may an individual hunter take more than two (2) deer anywhere in the state, except that three (3) may be taken if one (1) was taken during the Bernheim Forest Refuge Hunt on February 3-6, 1984.]

(e) Permits and tagging requirements:

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

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

(f) Prohibited and permitted weapons: Handguns and crossbows are prohibited. Center-fire rifles [of .240 caliber or larger] will be permitted only in areas west of Palmyra Road. All rifles must be equipped with telescopic sights. Hunting arrows must be not less than twenty-four (24) inches in length, equipped with broadhead barbed blades not less than seven-eighths (7/8) inch nor more than two (2) inches wide for single two (2) edged blades, or not more than three (3) or more blades. The minimum weight for all broadheads is 100 grains. Explosive heads are prohibited on arrows.

(g) Hunter safety certificate: All deer hunters between the ages of twelve (12) and eighteen (18) [sixteen (16)] must possess a hunter safety certificate.

(h) Special clothing requirements: All deer

gun hunters must wear a cap and jacket or panels of daylight fluorescent orange totaling 500 square inches.

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

(a) Deer archer hunt (either sex): October 19 [13] through November 17 [11].

(b) Deer gun hunt (either sex): November 23-24, November 30-December 1 [24-25, December 8-9] and December 14-15 [15-16].

(c) Bag limits: The post bag limit is one (1) deer of either sex. [Persons who have taken their first deer elsewhere in Kentucky, including other designated special deer areas may take their second deer at Fort Knox by any legal weapon permitted on this area. Persons who take their first deer on Fort Knox are eligible to take their second deer elsewhere in Kentucky, including other designated special deer areas, by means of any legal deer hunting weapon. Under no circumstances may an individual hunter take more than two (2) deer anywhere in the state, except that three (3) may be taken if one (1) was taken during the Bernheim Forest Refuge Hunt on February 3-6, 1984.]

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

1. Archery hunts: Civilians not working on post must apply for weekend archery hunts by mail. No more than five (5) hunters may apply on any one (1) application. Applications must not be postmarked earlier than July 13 [14] or later than July 28 [29] to be considered for the drawing for weekend archery hunts. Applicants drawn will be assigned one (1) [two (2)] weekend[s] of archery hunting. Applications must include type of hunt (archery), name and address of each hunter, a self-addressed stamped envelope and a twenty (20) [fifteen (15)] dollar money order, certified check or cashier's check for each hunter, made payable to Treasurer of the United States. Mail applications to Morale Support Activities, Hunt Control Office, Fort Knox, Kentucky 40121. Weekday archery hunting will be on a first come, first served basis. Sign-up for weekday hunts must be made forty-eight (48) hours in advance at Hunt Control Headquarters Building 1060.

2. Gun hunts: Civilians not working on post must apply for a two (2) day gun hunt by mail. No more than five (5) hunters may apply on any one (1) application. Applications must not be postmarked earlier than August 10 [11] or later than August 18 [26] to be considered for a random drawing. Hunters will be assigned one (1), two (2) day hunting period. Applications must contain the type of hunt (gun), names and addresses of each hunter, a self-addressed stamped envelope and a twenty (20) [fifteen (15)] dollar money order, certified check or cashier's check for each hunter, made payable to Treasurer of the United States. Mail applications to Morale Support Activities, Hunt Control Office, Fort Knox, Kentucky 40121.

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

(f) Hunting hours: One-half (1/2) hour before

sunrise until 5:00 p.m. local prevailing time. Hunters must clear hunt control by 7:00 p.m.

(g) Prohibited and permitted weapons: Only breech-loading and muzzle-loading shotguns of twelve (12) gauge maximum and twenty (20) gauge minimum firing a single projectile, and muzzle-loading rifles of .38 caliber to .58 caliber firing a single projectile will be permitted. Crossbows are prohibited.

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

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

(a) Deer archery hunts: During the month of October with specific dates designated by the Activity Commander and subsequently announced through the news media.

(b) Deer gun hunts: During the month of November with specific dates designated by the Activity Commander and subsequently announced through the news media.

(c) Bag limits: The post bag limit is one (1) deer of the sex announced on the day of the hunt. [Persons who have taken their first deer elsewhere in Kentucky, including other designated special deer areas, may take their second deer on Blue Grass Ordnance Depot by any legal weapon permitted on this area. Persons who take their first deer on Blue Grass Ordnance Depot are eligible to take their second deer elsewhere in Kentucky, including other designated special deer areas by means of any legal deer hunting weapon. Under no circumstances may an individual hunter take more than two (2) deer anywhere in the state, except that three (3) may be taken if one (1) was taken during the Bernheim Forest Refuge Hunt on February 3-6, 1984.]

(d) Applications: Hunters may submit applications for [the] archery [hunts] or [the] gun hunts, but not for both. Applications for the drawings must be made on a postcard with only one (1) hunter allowed per card. More than one (1) postcard per individual will disqualify the applicant. When a husband and wife or adult and juvenile or a maximum of two (2) [three (3)] people desire to hunt together, the required information may be written on individual three (3) inch by five (5) inch cards, stapled together, and mailed in one (1) envelope. Each applicant must furnish name and address (including zip code), telephone number and specify whether gun or archery hunting is desired. Hunters, their hunting dates and areas will be selected by a drawing. All cards or envelopes must be postmarked no earlier than August 10 or later than September 9 to be eligible for the drawing. A fifteen (15) dollars per person fee will be charged for hunting payable on the assigned hunting date. Mail all applications to: Commander, Lexington-Blue Grass Depot Activity, Attention: Chairman, Wildlife Management Subcommittee, Lexington, Kentucky 40511-5000.

(e) Age limits: No one under the age of ten (10) [fourteen (14)] will be allowed to hunt. Hunters under eighteen (18) [sixteen (16)] must be accompanied by an adult.

(f) Prohibited and permitted weapons: Only breech-loading shotguns [of ten (10) gauge maximum and twenty (20) gauge minimum firing a single projectile] are permitted. Only longbows

and compound bows having a pull weight of forty (40) pounds or greater are permitted. Crossbows are prohibited.

(g) Harvest quota: Hunting will be discontinued whenever the designated deer harvest quota is reached or upon the direction of the Activity Commander.

(h) Hunter safety certificates: All deer hunters born after January 1, 1970 [under the age of sixteen (16) years] must possess a hunter safety certificate.

(5) Reelfoot National Wildlife Refuge located in Fulton county.

(a) Deer quota gun hunts: Open to either sex deer beginning the first Saturday in November and lasting for two (2) consecutive days and either sex deer beginning the third Saturday in November and lasting for two (2) consecutive days.

(b) Drawing: Only those persons selected by a drawing will be allowed to hunt. Hunters may hunt for one (1) day only.

(c) Bag limits: The refuge bag limit is one (1) deer of either sex. [Persons who have taken their first deer elsewhere in Kentucky, including other designated special areas, may take their second deer on Reelfoot National Refuge by any legal weapon permitted on this area. Persons who take their first deer on Reelfoot National Refuge are eligible to take their second deer elsewhere in Kentucky, including other designated special deer areas by means of any legal deer hunting weapon. Under no circumstances may an individual hunter take more than two (2) deer anywhere in the state, except that three (3) may be taken if one (1) was taken during the Bernheim Forest Refuge Hunt on February 3-6, 1984.]

(d) Check stations: All deer hunters are required to check in and out at designated check stations.

DON R. McCORMICK, Commissioner

DR. ROBERT C. WEBB, Chairman

G. WENDELL COMBS, Secretary

APPROVED BY AGENCY: March 12, 1985

FILED WITH LRC: June 13, 1985 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 23, 1985 at 2 p.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, 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 white-tailed deer hunting, and an estimated 2,500 persons will participate in wild turkey hunting in 1985. An unknown portion of these will avail themselves of the hunting opportunities offered on the federal installations spoken to in this regulation.

(a) Direct and indirect costs or savings to those affected: Direct and indirect costs involve the purchase of a state hunting license, one or two deer permits, and special hunting

permits required by the administration of the federal installations. Indirect costs are determined by the individual hunter, depending on his level of participation.

1. First year: Persons participating in the deer 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. Those participating in turkey hunting would be required to also purchase a turkey permit (\$6.50).

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). An additional hunting fee is charged by Fort Knox, Blue Grass Ordnance Depot Activity, and Fort Campbell.

(b) Reporting and paperwork requirements: Hunters will be asked to check their deer and turkey at a check station and fill out a portion of their tag denoting specific information about the deer and turkey taken. Hunters must complete applications for drawing hunts.

(2) Effects on the promulgating administrative body: Require 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 promulgation and enforcement of the regulation.

1. First year: The estimated Department 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: Deer and turkey hunters may be expected to expend money for equipment, transportation, food and lodging. The annual expenditure for these items average \$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 on the wise use of renewable resources and the fact that white-tailed deer and turkey 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.

#### TOURISM CABINET

#### Department of Fish and Wildlife Resources (Proposed Amendment)

301 KAR 3:030. Year-round season for some birds and animals.

RELATES TO: KRS 150.010, 150.025, 150.170, 150.330, 150.360

PURSUANT TO: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: This regulation pertains to the open season for unprotected species of wild birds and wild animals. Since all wildlife is protected unless declared unprotected, this regulation is necessary to establish the species that can be hunted year-round, and to insure that only those species declared unprotected may be taken by the use of hand, or mouth, mechanically or electronically operated calling or attracting devices. The function of this regulation is to furnish sport and recreation utilizing wildlife species that sometimes create a nuisance or a health hazard. Past year-round hunting for most of these species has had little effect upon their abundance. This amendment is necessary to bring this regulation into compliance with regulations 301 KAR 2:047, 301 KAR 2:111 and 301 KAR 2:170.

Section 1. The following species of wild birds and wild animals may be taken, pursued, possessed or transported all year except as stated in Section 3 of this regulation, by any person possessing a valid hunting license: Gray fox, coyote, woodchuck, crow, English sparrow and starling.

Section 2. Unprotected wild animals. All species of moles, mice, rats and shrews, except those which may be protected as rare or endangered species under the provisions of 301 KAR 3:061, are unprotected and may be taken without possessing a hunting license. [Some species of moles, mice, rats, and shrews are unprotected and may be taken without possessing a hunting license. (Refer to 301 KAR 3:061, rare and endangered wildlife, for species of rodents that are protected.)] All other wild birds and wild animals are protected except during open season and as specified by other regulations.

Section 3. Closed season. There shall be a closed season on all species of wild birds and wild animals, protected or unprotected, except deer, waterfowl, woodcock, snipe and raccoon from November 1 to midnight on Wednesday preceding the third Thursday in November, except that coyotes may be taken during this period by deer hunters, only as specified in regulations 301 KAR 2:047, 301 KAR 2:111 and 301 KAR 2:170. This does not prohibit tenants residing on the land, nor landowners from killing [any species of] wildlife [on their land] which is causing damage to persons or property on their land.

Section 4. Except as otherwise provided by

regulation, only those birds and animals listed in Section 1 of this regulation may be taken by the use of hand, mouth, calling or attracting devices, or mechanically or electronically operated calling or attracting devices during daylight hours only.

DON R. McCORMICK, Commissioner  
DR. ROBERT C. WEBB, Chairman  
G. WENDELL COMBS, Secretary

APPROVED BY AGENCY: March 10, 1985

FILED WITH LRC: June 13, 1985 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 23, 1985 at 2 p.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, 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 180,000 hunters are expected to seek deer, and probably no more than 1,000 will have an opportunity to take coyotes during these hunts.

(a) Direct and indirect costs or savings to those affected: There are no costs involved in this activity.

1. First year: This regulation applies only to people who are already licensed or authorized deer hunters.

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: Requires time and effort in developing and publishing the proposed regulation. No extra enforcement effort will be required because this will be incidental to enforcing the deer regulation.

(a) Direct and indirect costs or savings: All costs are associated with developing and publishing the regulation.

1. First year: The estimated cost associated with establishing and advertising this regulation is \$300.

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, since this is only another species which can be taken while licensees are hunting deer.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The only logical alternative was to retain the prohibition on killing coyotes November 1 until the third Thursday. Since deer hunters will be in the field and any incidental hunting would not threaten the coyote population, it seemed more desirable to permit this sport, and the harvest of hides.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This

amendment is to bring this regulation into compliance with regulations 301 KAR 2:047, 301 KAR 2:111 and 301 KAR 2:170.

(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 those deer hunters who want to take coyotes incidentally.

#### DEPARTMENT OF AGRICULTURE (Proposed Amendment)

##### 302 KAR 1:030. Bovine animals.

RELATES TO: KRS 247.610 to 247.685

PURSUANT TO: KRS 247.655

NECESSITY AND FUNCTION: KRS 247.655 authorizes the commissioner to establish and determine the rules and regulations to conduct a referendum among producers of bovine animals for the purpose of promoting and stimulating by research, market development and education, the increased [production,] use and sale, domestic and foreign, of bovine animals and bovine animal products.

Section 1. Definitions. As used in these rules and regulations, unless the context otherwise requires:

(1) "Commissioner" means the Commissioner of the Department of Agriculture;

(2) "Board" means the State Board of Agriculture;

(3) "Producer" means every person who produces bovine animals and thereafter causes the same to be marketed;

(4) "New producer" means a producer who was not engaged in the business of producing bovine animals at the time a referendum was conducted in accordance with the provisions in these rules and regulations;

(5) "Person" means any individual, corporation, partnership, association, cooperative, or other business entity;

(6) "Referendum agent" means an employee of the Department of Agriculture under the direct control of the commissioner;

(7) "County referendum agent" means a person appointed by the commissioner, in a county where the bovine animal referendum is held, as his agent for the conduct of said referendum;

(8) "Kentucky Beef Cattle Association" means an existing association, representative of bovine animal producers of Kentucky.

Section 2. Counties in Which Referendum Will Be Conducted. The bovine animal referendum will be conducted in all of the 120 counties in Kentucky.

Section 3. Who May Vote. (1) Each person engaged in the production of bovine animals on a commercial basis, including the owners of farms on which bovine animals are produced, tenants

and sharecroppers sharing in the proceeds of the sale of bovine animals shall be entitled to cast one (1) vote in the referendum, provided the producer is eighteen (18) years of age or older.

(2) Without limiting subsection (1) of this section, each person whose name regularly appears on checks issued in payment for the sale of bovine animals is eligible to cast one (1) vote in the referendum regardless of the ownership of the farm upon which bovine animals were produced. No person who certifies to the county referendum agent that he is a producer of bovine animals shall be refused a ballot but such person shall be required to furnish the county referendum agent with information specific enough for the commissioner to verify the person's voting eligibility before such ballot is counted in the referendum.

Section 4. Voting Place. The commissioner shall establish a voting place in each county within the state where producers of bovine animals reside. Such voting place will be in the agricultural and stabilization conservation [county extension] service (ASCS) office in each county where the referendum is conducted. The voting place must provide an area where each voter can mark his ballot in privacy. Only one (1) voter shall be permitted in the voting area at any one time. One (1) or more county referendum agents shall be permitted in each voting place for the purpose of conducting the referendum. The county referendum agent shall be in charge of and be responsible for the voting area. Campaigning for or against said referendum will not be permitted in the agricultural and stabilization conservation [county extension] service (ASCS) offices during voting hours.

Section 5. Hours for Voting. The voting places will be open from 9:00 a.m. to 3:00 p.m. local time and eligible voters will be permitted to vote only during such period of time [or by absentee ballot as set forth in Section 6 of this regulation. Voters will be permitted to vote only in the county of their residence or in the case of a corporate producer in the county where its principal place of business is located].

Section 6. County for Voting. Voters will be permitted to vote only in the county of their residence. This means voters with cattle in one (1) county and their residence in another county will be permitted to vote only in the county of their residence. A corporate producer will be permitted to vote only in the county where its principal place of business is located. Eligible voters who reside outside the Commonwealth will be permitted to vote only in the county where their farm is located; or, in the case of farms in two (2) or more counties eligible voters who reside outside the Commonwealth may choose one (1) of the counties for voting purposes. [Absentee Voting. Voting by absentee ballot will be permissible; provided, the request for an absentee ballot is made in writing to the commissioner at least ten (10) days in advance of September 7, 1976. The absentee ballot must be signed and returned to the commissioner on or before September 7, 1976, before such ballot is counted in the referendum.]

Section 7. Referendum Voting Date. The bovine animal referendum voting date will be set by the commissioner [September 7, 1976]. This date will be published by the commissioner through the medium of the public press in the Commonwealth of Kentucky at least thirty (30) days before the holding of such referendum, and direct written notice thereof shall likewise be given to each county extension service agent in any county covered by such referendum.

Section 8. Supervision of Referendum and Duties of the County Referendum Agent. The commissioner shall provide the county referendum agent with a copy of these rules and regulations to conduct said referendum. Each county referendum agent shall have in his possession and under his control a ballot box and the official ballot forms, indelible marking pens, and other supplies sufficient to operate each voting place as established in Section 4 of this regulation. Each prospective voter must identify himself to the county referendum agent; and such person will be required to sign a registration book giving their name and complete mailing address. Upon signing the registration book, each prospective voter will receive an official ballot from the county referendum agent. The official ballot after it has been completed by each eligible voter shall be placed in the ballot box by said voter.

Section 9. Approved Ballot Forms. The commissioner shall furnish each county referendum agent with official ballots. Also, the approved ballot shall show that the bovine animal producer is voting on whether or not to have the ten (10) cents assessment increased by fifteen (15) cents to a total of twenty-five (25) cents [ten (10) cents] per bovine animal deducted by the purchaser at the time of sale to be sent to the Kentucky Beef Cattle Association to be used as provided in KRS 247.655.

Section 10. Custody of Ballot Box and Referendum Material. Each county referendum agent shall provide a ballot box large enough to enclose all ballots cast in the referendum and to protect the ballots to insure that the information on the ballots is held in confidence. The county referendum agent shall mail all marked ballots and registration book the day following the voting in the bovine animal referendum to the Department of Agriculture in a properly secured manila envelope or folder.

Section 11. Confidential Information. All ballots cast, the identity of any person who voted, or the manner in which any person voted, and all information furnished to, compiled by, or in the possession of the commissioner, the referendum agent, and the county referendum agents shall be regarded as confidential. The commissioner shall retain the records, the ballots, the result of the referendum, and all other information furnished to or compiled by the commissioner in regard to the referendum for a period of twelve (12) months.

Section 12. Counting of Votes. Within five (5) days after the referendum, the commissioner shall designate an area within the department's

offices to be used for counting the votes cast in the referendum. The vote count shall be conducted by employees of the department, but the Kentucky Beef Cattle Association and any organization actively engaged in the production of bovine animals in Kentucky may each have one (1) representative present during the counting of the votes. Such organization must establish, to the satisfaction of the commissioner, that its desire to observe the counting of the ballots is for a legitimate purpose.

Section 13. Announcement of the Referendum Results. Announcement of the results of the referendum will be made only by the commissioner. The referendum agent or others who assist in the referendum shall not disclose any information in regard to the referendum. The commissioner will announce the results within ten (10) days after the referendum.

DAVID E. BOSWELL, Commissioner

APPROVED BY AGENCY: June 5, 1985

FILED WITH LRC: June 14, 1985 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 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.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Gene Thompson

(1) Type and number of entities affected: Agriculture Soil Conservation Service Office

(a) Direct and indirect costs or savings to those affected: None

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: Providing office for referendum.

(2) Effects on the promulgating administrative body: None

(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: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Method chosen was most feasible.

(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. Referendum needs to apply to the entire bovine industry.

#### CORRECTIONS CABINET (Proposed Amendment)

501 KAR 6:010. Corrections policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439

PURSUANT TO: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on May 14, 1984 and hereinafter should be referred to as Corrections Policies and Procedures or institutional policies and procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

(1) The corrections policies and procedures:

- 1.1 Legal Assistance for Corrections Staff (Amended 12/7/84)
- 1.2 News Media
- 1.6 Extraordinary Occurrence Reports
- 1.11 Population Counts and Reporting Procedures (Added 2/8/85)
- 2.1 Inmate Canteen
- 3.1 Code of Ethics
- 3.2 Inclement Weather and Emergency Conditions (Added 2/8/85) (Amended 3/15/85)
- 3.3 Holding of Second Jobs by Bureau Employees
- 3.7 Employment of Relatives (Added 3/15/85)
- 3.10 Staff Clothing and Personal Appearance
- 3.12 Institutional Staff Housing (Amended 5/17/85)
- 3.14 Corrections Cabinet Payroll Deduction Policy and Procedure
- 4.1 Attendance at Professional Meetings (Amended 11/20/84)
- 4.2 Staff Training and Development
- 4.3 Firearms and Chemical Agents Training (Amended 2/8/85)
- 4.4 Educational Assistance Program
- 6.1 Open Records Law
- 8.4 Emergency Preparedness
- 9.1 Use of Force
- 9.3 Transportation of Convicted Offenders
- 9.4 Transportation of Inmates to Funerals or for Reasons of Illness to Immediate Family (Amended 1/11/85)
- 9.5 Return of Escapees by Automobile
- 9.6 Contraband (Amended 3/29/85)
- 9.7 Storage, Issue and Use of Weapons Including Chemical Agents
- 9.8 Search Policy
- 9.9 Transportation of Inmates
- 9.10 Security Inspections (Added 5/17/85)
- 9.15 Institutional Entry and Exit Policy and Procedures
- 9.18 Informants
- 10.1 Inmates Serving a Sentence of Death
- 10.2 Special Management Inmates
- 10.3 Safekeepers
- 10.4 Special Needs Inmates

# ADMINISTRATIVE REGISTER - 33

11.2	Nutritional Adequacy of the Diet for Inmates <u>(Amended 5/31/85)</u>	(2) The Kentucky State Reformatory Procedures Memorandum:
11.3	Special Diet Procedures <u>(Amended 3/29/85)</u>	
12.1	Resident Clothing	KSR 01-00-09 Public Information and News Media Relations
13.1	Pharmacy Policy and Formulary	KSR 01-00-10 Entry Authorization for All Cameras and Tape Recorders Brought into the Institution
13.2	Health Maintenance Services <u>(Amended 10/17/84)</u> <u>(Amended 11/2/84)</u> <u>(Amended 1/11/85)</u>	[KSR 01-00-13 Kentucky Inter-Prison Press]
13.3	Medical Alert System <u>(Added 10/26/84)</u>	KSR 01-00-14 Extraordinary Occurrence Report <u>(Amended 2/15/85)</u>
13.4	Health Program Audits <u>(Added 5/17/85)</u>	KSR 01-00-15 Cooperation and Coordination with Oldham County Court <u>(Amended 2/15/85)</u>
14.2	Personal Hygiene Items	KSR 01-00-18 Assistant Duty Officers <u>(Added 6/6/85)</u>
14.3	Marriage of Inmates <u>(Amended 5/31/85)</u>	KSR 02-00-01 Inmate Canteen
14.4	Legal Services Program <u>(Amended 5/31/85)</u>	KSR 02-00-03 Screening of Checks and Money Transfers from Inmate Personal Accounts
15.1	Hair and Grooming Standards	KSR 02-00-11 Inmate Personal Accounts
15.2	Offenses and Penalties	KSR 02-00-12 Institutional Funds and Issuance of Checks
15.3	Meritorious Good Time <u>(Amended 4/1/85)</u> <u>(Amended 5/31/85)</u>	KSR 03-00-01 Shift Assignment/Reassignment
15.4	Governor's Meritorious Good Time Award	KSR 03-00-02 Employee Dress and Personal Appearance <u>(Amended 6/6/85)</u>
15.5	Restoration of Forfeited Good Time	KSR 03-00-05 Intra-Agency Promotional Opportunity Announcements
15.6	Adjustment Procedures and Programs <u>(Amended 12/7/84)</u>	KSR 03-00-06 Employee Time and Attendance <u>(Amended 1/8/85)</u> <u>(Amended 6/6/85)</u>
16.1	General Inmate Visiting Procedure	KSR 03-00-07 Travel Expense Reimbursement
16.2	Inmate Correspondence	KSR 03-00-08 Employee Tuition Reimbursement
16.3	Telephone Calls <u>(Amended 11/2/84)</u>	KSR 03-00-10 Workers' Compensation
17.1	Inmate Personal Property	KSR 03-00-11 Equal Employment Opportunity Complaints
17.2	Assessment Center Operations	KSR 03-00-12 Employee Grievance Procedure <u>(Amended 1/8/85)</u>
17.3	Controlled Intake of Inmates <u>(Amended 5/31/85)</u>	KSR 03-00-14 Prohibited Employee Conduct, Disciplinary Actions, and Appeals Process
18.4	Classification of the Inmate	KSR 03-00-15 Affirmative Action Program
18.5	Custody/Security Guidelines <u>(Amended 3/29/85)</u>	KSR 03-00-16 Confidentiality of Personnel Records
18.6	Classification Document	KSR 03-00-19 Establishment of Personnel Records and Employee Right to Challenge Information Contained Therein
18.7	Transfers	KSR 03-00-20 Personnel Selection, Retention and Promotion
18.8	Guidelines for Transfers Between Institutions	KSR 03-00-21 Equal Employment Opportunities for Institutional Job Assignments and Job Classification Promotions
18.9	Out-of-State Transfers <u>(Amended 3/15/85)</u>	KSR 03-00-23 Work Planning and Performance Review (WPPR)
18.10	Pre-Parole Progress Reports	KSR 03-00-24 Inclement Weather and Employee Work Attendance
18.11	Kentucky Correctional Psychiatric Center Transfer Procedures <u>(Amended 6/13/85)</u>	KSR 05-00-02 Research Activities
18.12	Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill	KSR 05-00-03 Management Information Systems
18.13	Population Categories	KSR 06-00-02 Inmate Master File
19.1	Government Services Projects	KSR 06-00-02 Records Audit
19.2	Community Services Projects	KSR 06-00-03 Security of Inmate Records
20.1	Study Release	KSR 07-00-02 Institutional Tower Room Regulations
20.6	Vocational Study Release	KSR 07-00-03 Guidelines for Contractors
22.1	Privilege Trips <u>(Amended 5/31/85)</u>	KSR 08-00-07 Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family
25.1	Gratuities	KSR 08-00-08 Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery, or Death of an Inmate
25.2	Public Official Notification of Release of an Inmate	KSR 08-00-09 Emergency Preparedness Training
25.3	Pre-Release	
25.4	Inmate Furloughs <u>(Amended 5/17/85)</u>	
25.6	Community Center Program	
25.7	Expedient/Expanded Expedient Release	
25.8	Extended Furloughs <u>(Amended 5/31/85)</u>	
27.1	Supervision: Case Classification	
27.2	Risk/Needs Administration	
27.4	Supervision Plan: General	
[27.7]	Classification of Caseloads]	
27.8	Travel Restrictions	
27.9	Conditions of Supervision	
27.10	Preliminary Revocation Procedures	
27.11	Apprehension and Transportation of Violators of Probation, Parole and Conditional Release	
27.12	Fugitive Section/Probation and Parole	
27.13	Supervision Fee <u>(Amended 5/6/85)</u>	
28.2	Investigations: General	
28.3	Pre-Sentence Investigations (To the Court)	
28.4	Pre-Parole (Pre-Sentence) Investigation (To the Institution and State Parole Board)	
28.5	Special Report to the Parole Board	
28.7	Out-of-State Investigations	



## ADMINISTRATIVE REGISTER - 34

KSR 09-00-04	Horizontal Gates/Box 1 Enter and Exit Procedure	KSR 16-00-03	Inmate Access to Telephones <u>(Amended 1/8/85)</u>
KSR 09-00-05	Gate I Entrance and Exit Procedure	KSR 17-00-01	Housing Unit Assignment
KSR 09-00-14	Use of Force	KSR 17-00-03	Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 09-00-21	Crime Scene Camera	KSR 17-00-04	Assessment/Classification Center Operations, Rules and Regulations
KSR 09-00-22	Collection, Preservation, and Identification of Physical Evidence	KSR 17-00-05	Dormitory 10 Operations <u>(Amended 2/4/85)</u>
KSR 09-00-23	Drug Abuse Testing	KSR 17-00-06	Identification Department Admissions and Discharges <u>(Amended 2/4/85)</u> <u>(Amended 6/6/85)</u>
KSR 09-00-25	<u>Inmate Motor Vehicle Operator's License (Added 6/6/85)</u>	KSR 17-00-07	Inmate Personal Property <u>(Amended 1/8/85)</u> <u>(Amended 2/15/85)</u>
KSR 10-00-02	Special Management Inmates - Operations, Rules and Regulations for Unit D	KSR 18-00-01	Special Management Inmates - Unit D Classification <u>(Amended 2/4/85)</u>
KSR 10-00-03	Special Needs Unit	KSR 18-00-04	Returns from Other Institutions
KSR 10-00-04	Unit D Admission/Release Ticket	KSR 18-00-05	Transfer of Residents to Kentucky Correctional Psychiatric Center
KSR 11-00-01	Meal Planning for General Population	KSR 19-00-01	Inmate Work Incentives
KSR 11-00-02	Special Diets	KSR 19-00-02	On-the-Job Training <u>(Amended 1/8/85)</u>
KSR 11-00-03	Food Service Inspections	KSR 19-00-03	<u>Safety Inspection of Inmate Work Assignment Locations (Added 1-8-85)</u>
KSR 11-00-04	Dining Room Dress Code for Inmates	KSR 20-00-01	Vocational School Referral and Release Process
KSR 11-00-06	Health Standards/Regulations for Food Service Employees	KSR 20-00-03	Academic School Programs
KSR 11-00-07	<u>Early Chow Line Passes for Medically Designated Inmates (Added 1/8/85)</u>	KSR 20-00-04	Criteria for Participation in Jefferson Community College Program
KSR 12-00-01	Inmate Summer Dress Regulations	KSR 21-00-01	Legal Aide Office and Law Library Services
KSR 12-00-02	Sanitation and General Living Conditions	KSR 21-00-02	Inmate Library Services
KSR 12-00-03	State Items Issued to Inmates	KSR 21-00-03	Library Services for Unit D
KSR 13-00-01	Identification of Mentally Retarded Inmates	KSR 22-00-03	Inmate Organizations <u>(Amended 6/6/85)</u>
KSR 13-00-02	Regulations for Hospital Patients	KSR 23-00-02	Chaplain's Responsibility and Inmate Access to Religious Representatives
KSR 13-00-03	Medication for Inmates Leaving Institution Grounds	KSR 23-00-03	Religious Programming
KSR 13-00-04	Dental Care for Inmates	KSR 25-00-01	Discharge of Residents to Hospital or Nursing Home
KSR 13-00-05	Medical and Dental Sick Call	KSR 25-00-02	Violations of Law or Code of Conduct by Inmates on Parole Furlough
KSR 13-00-06	Services for Mentally Retarded Inmates	KSR 25-00-03	Pre-Parole Progress Report
KSR 13-00-07	Referral of Inmates Considered to Have Severe Emotional Disturbances	[KSR 06-017	Entry/Exit to Visitation Building]
KSR 13-00-08	Institutional Laboratory Procedures	(3) The Kentucky State Penitentiary Operations Memorandum:	
KSR 13-00-09	Institutional Pharmacy Procedures <u>(Amended 6/6/85)</u>	KSP 000000-06	Administrative Regulations <u>(Amended 2/25/85)</u>
KSR 13-00-10	Requirements for Medical Personnel	[KSP 010000-02	Communication - Information Flow <u>(Amended as of 5/15/84)</u>
KSR 13-00-11	Preliminary Health Evaluation and Establishment of Inmate Medical Record	KSP 010000-04	Public Information and Media Communication <u>(Amended 4/16/85)</u>
KSR 13-00-12	Vision Care/Optomety Services	KSP 020000-01	General Guidelines for KSP Employees <u>(Amended 11/9/84)</u> <u>(Amended 1/28/85)</u> <u>(Amended 3/1/85)</u> <u>(Amended 4/15/85)</u>
KSR 13-00-14	<u>Periodic Health Examinations for Inmates (Added 1/8/85)</u>	KSP 020000-02	Service Regulations, Attendance, Hours of Work, Accumulation and Use of Leave <u>(Amended 3/8/85)</u> <u>(Amended 4/12/85)</u> <u>(Amended 5/3/85)</u>
KSR 13-00-15	<u>Medical Alert System (Added 2/4/85)</u>	KSP 020000-03	Work Planning and Performance Review <u>(Amended 2/20/85)</u>
KSR 14-00-01	Inmate Rights	KSP 020000-04	Employee Disciplinary Procedures <u>(Amended 4/17/84)</u> <u>(Amended 2/8/85)</u>
KSR 14-00-02	A/C Center and Unit D Inmate Access to Legal Aide Services <u>(Amended 1/8/85)</u>	KSP 020000-05	Proper Dress for Uniformed and Non-Uniformed Personnel <u>(Amended 12/10/84)</u> <u>(Amended 4/15/85)</u>
KSR 14-00-04	Inmate Grievance Procedure	KSP 020000-06	Employee Grievance Procedure
KSR 15-00-01	Operational Procedures and Rules and Regulations for Unit A, B, C <u>(Amended 3/26/85)</u>		
KSR 15-00-02	Regulations Prohibiting Inmate Control or Authority Over Other Inmate(s)		
KSR 15-00-03	Governor's Meritorious Good Time Award		
KSR 15-00-04	Restoration of Forfeited Good Time		
KSR 15-00-05	Differential Status for SU (QUIT) Inmates		
KSR 15-00-06	Inmate I.D. Cards		
KSR 15-00-07	Inmate Rules and Discipline		
KSR 16-00-01	Visiting Regulations		
KSR 16-00-02	Inmate Correspondence and Mailroom Operations		



# ADMINISTRATIVE REGISTER - 35

KSP 020000-07	Personnel Registers and Advertisements <u>(Amended 5/3/85)</u>	KSP 070000-11	Medical and Dental Services for Western Kentucky Farm Center <u>(Amended 3/22/85)</u>
KSP 020000-09	Maintenance, Confidentiality, and Informational Challenge of Material Contained in Personnel Files <u>(Amended 5/3/85)</u>	KSP 070000-13	Pharmacy Procedures <u>(Amended 1/28/85)</u>
KSP 020000-10	Overtime Policy <u>(Amended 10/19/84)</u>	KSP 070000-14	Medical Records <u>(Amended 3/22/85)</u>
KSP 020000-15	Legal Assistance <u>(Amended 4/15/85)</u>	KSP 070000-16	Psychiatric and Psychological Services <u>(Amended 3/22/85)</u>
KSP 020000-20	Equal Employment Opportunity Complaints <u>(Amended 2/22/85)</u>	KSP 070000-17	Dental Services for Special Management Units
KSP 020000-23	Recruitment and Employment of Ex-Offenders <u>(Amended 4/15/85)</u>	KSP 070000-19	Optometric Services
KSP 020000-24	Educational Assistance Program	KSP 070000-20	Menu Preparation and Planning
KSP 020000-25	Mediation and Appeal Procedure for WPPR	KSP 070000-24	General Sanitation and Safety, and Protection Standards and Requirements
KSP 020000-29	Promotional Opportunity Announcement Program <u>(Added 12-10-84) (Amended 2/20/85)</u>	KSP 070000-25	Food Service Inspections
KSP 030000-01	Inventory Records and Control <u>(Amended 4/23/85)</u>	KSP 070000-30	Therapeutic Diets
KSP 030000-04	Requisition and Purchase of Supplies and Equipment <u>(Amended 3/8/85) (Amended 6/3/85) (Amended 6/4/85) (Amended 6/7/85)</u>	KSP 090000-01	Inmate Work Programs <u>(Amended 4/15/85)</u>
KSP 030000-05	Inmate Personal Funds <u>(Amended 3/8/85) (Amended 4/5/85) (Amended 5/10/85)</u>	KSP 090000-06	Utilization of Legal Postage and Copy Privileges by Indigents
KSP 030000-06	Inmate Commissary Program <u>(Amended 3/8/85)</u>	KSP 090000-07	Access to the Inmate Legal Aide Office
KSP 040000-02	Inmate Records Section <u>(Amended 3/22/85) (Amended 4/23/85)</u>	KSP 090000-08	Inmate Legal Aide Office
KSP 040000-08	Inmate Equal Opportunity Policy <u>(Amended 4/23/85)</u>	KSP 090000-12	WKFC Residents - Access to Kentucky State Penitentiary Legal Library
KSP 050000-14	Searches of Inmates, Visitors, Staff, Vehicles, Cells and Area Shakedown and Preservation of Evidence	KSP 100000-02	Visiting Program <u>(Amended 10/19/84) (Amended 1/18/85) (Amended 1/30/85)</u>
KSP 060000-01	Telephones	KSP 100000-03	Disposition of Unauthorized Property <u>(Amended 1/25/85) (Amended 4/16/85)</u>
KSP 060000-02	General Operational Procedures for Special Management Unit <u>(Amended 2/4/85) (Amended 2/8/85) (Amended 3/1/85) (Amended 3/8/85) (Amended 3/22/85) (Amended 4/12/85)</u>	KSP 100000-04	Inmate Grooming and Dress Code
KSP 060000-03	Operational Procedures for Special Management Inmates Assigned to Disciplinary Segregation, Administrative Segregation, Administrative Control Unit and Special Security Unit <u>(Amended 11/30/84) (Amended 1/30/85) (Amended 2/8/85) (Amended 3/1/85)</u>	KSP 100000-05	Procedures for Providing Clothing, Linens and Other Personal Items <u>(Amended 11/16/84) (Amended 4/16/85)</u>
KSP 060000-04	Operational Procedures for Special Management Inmates Assigned to Protective Custody <u>(Amended 1/25/85) (Amended 3/8/85)</u>	KSP 100000-06	Mail <u>(Amended 2/21/84) (Amended 1/25/85) (Amended 3/8/85) (Amended 4/12/85)</u>
KSP 060000-09	Protective Custody Unit - Attorney Telephone Calls	KSP 100000-07	Long Distance Telephone Service
KSP 060000-11	Criteria for Disciplinary Segregation and Incentive Time Reduction Program	KSP 100000-08	Behavioral Counseling Record
KSP 060000-12	Administrative Control Protective Custody	KSP 100000-09	Due Process/Disciplinary Procedures <u>(Amended 11/2/84) (Amended 1/30/85) (Amended 5/3/85)</u>
KSP 060000-13	Special Management - Outdoor Exercise	[KSP 100000-10	Mail, Search and Seizure]
KSP 070000-02	Sick Call <u>(Amended 12/10/84) (Amended 4/23/85) (Amended 5/3/85)</u>	KSP 100000-11	Authorized and Unauthorized Property for Inmates <u>(Amended 1/25/85) (Amended 2/8/85) (Amended 3/8/85) (Amended 4/12/85) (Amended 6/7/85)</u>
KSP 070000-03	Health Evaluations <u>(Amended 3/22/85) (Amended 5/3/85)</u>	[KSP 100000-12	Packages]
KSP 070000-04	Consultations	KSP 100000-14	Property Room and Inventory Procedures
KSP 070000-05	Emergency Medical Procedure <u>(Added 5/31/85)</u>	KSP 100000-15	Uniform Standards for Fire Safety, Sanitation and Security of all Cells <u>(Amended 5/31/85)</u>
		KSP 100000-18	Inmate Grievance Committee Hearings <u>(Amended 5/10/85)</u>
		KSP 100000-20	Legal Services Program <u>(Amended 11/9/84) (Amended 1/25/85) (Amended 2/22/85)</u>
		KSP 100000-21	Photocopies for Non-Indigent Inmates with Special Court Deadlines <u>(Amended 11/9/84)</u>
		KSP 100000-22	Special Management Unit Legal Services Program <u>(Amended 11/9/84) (Amended 2/22/85) (Amended 2/25/85)</u>
		KSP 100000-24	Resident Legal Services Office Library <u>(Amended 11/9/84)</u>

# ADMINISTRATIVE REGISTER - 36

KSP 110000-02	PFO I Transfers to Medium Security Institutions	LLCC 03-08-02	Rotation of Correctional Officers Between Central Security and Unit Management Staff
KSP 110000-03	Governor's Meritorious Good Time Award Committee	LLCC 03-09-01	Promotion Board (Amended 2/15/85)
KSP 110000-04	Pre-Parole Report	LLCC 03-10-01	Affirmative Action: EEO (Amended 2/15/85)
KSP 110000-06	General Guidelines of the Classification Committee (Amended 5/31/85)	LLCC 03-12-01	Confidentiality of Information by Consultants, Contract Personnel and Volunteers
KSP 110000-07	Statutory Good Time Restoration	LLCC 08-01-01	Offender Records (Amended 2/15/85)
KSP 110000-08	Award of Meritorious Good Time (Amended 4/16/85)	LLCC 08-02-01	Records - Release of Information]
KSP 110000-10	Special Needs Inmates	LLCC 11-02-01	General Population Status
KSP 110000-11	Classification Committee - Transfer Requests	LLCC 11-03-01	LLCC Population Categories
KSP 110000-12	Classification Committee - Inmate Work Assignments (Amended 4/16/85)	LLCC 11-07-01	Adjustment Procedure for Minor Rule Violation
KSP 110000-13	Classification Document	LLCC 11-09-01	Rules and Regulations of the Unit (Amended 11/28/84)
KSP 110000-14	Vocational School Placement	LLCC 11-13-01	Yard, Walkway and Recreation Field Dress Code and Conduct (Amended 11/28/84)
KSP 110000-15	Transfers to Kentucky Correctional Psychiatric Center	LLCC 11-15-01	Post-Parole Furloughs
KSP 110000-16	Consideration of Further Treatment Requirements for Inmates Prior to Release	LLCC 11-16-01	Restoration of Forfeited Good Time
KSP 110000-17	Detention Cells	LLCC 11-19-01	Unit Shakedown/Control of Excess Property
KSP 110000-19	Custody/Security Guidelines (Added 6/7/85)	LLCC 11-20-01	Program Services for "Special Needs" Inmates
KSP 120000-04	Academic Education (Amended 5/3/85)	LLCC 12-01-01	Special Management Inmates
KSP 120000-07	Community Center Program	LLCC 12-04-01	Guidelines for (7E) PC Unit/General Living Conditions (Added 11/28/84) (Amended 4/30/85)
KSP 120000-08	Inmate Furloughs	LLCC 13-04-01	Food Service: Meals (Amended 2/15/85)
KSP 120000-11	Religious Services - Staffing (Amended 1/28/85)	LLCC 13-04-02	Food Service: Menu, Nutrition and Special Diets (Amended 2/15/85)
KSP 120000-18	Religious Services - Religious Programming (Amended 12/10/84)	LLCC 13-05-02	Medical Screening of Food Handlers (Amended 2/15/85)
KSP 120000-20	Marriage of Inmates	LLCC 13-06-01	Food Service: Inspections and Sanitation (Amended 2/15/85)
KSP 120000-24	Muslim Services	LLCC 13-07-01	Food Service: Purchasing, Storage and Farm Products (Amended 2/15/85)
KSP 120000-31	Extended Furloughs	LLCC 14-01-01	Procedures for Providing Clothing, Linens and Other Personal Items (Amended 2/15/85)
KSP 120000-32	Discharge of Inmates by Shock Probation	LLCC 14-05-01	Institutional Inspections (Amended 2/15/85)
KSP 130000-10	Execution Plan (Added 6/10/85)	LLCC 15-01-01	Sick Call and Pill Call
(4) The Luther Lockett Correctional Complex Policies and Procedures:		LLCC 15-02-01	Psychological Services
LLCC 01-08-01	Institutional Legal Assistance	LLCC 15-03-01	Pharmacy (Amended 2/15/85)
LLCC 01-09-01	Public Information and News Media Access	LLCC 15-04-01	Dental Services (Amended 2/15/85)
LLCC 01-12-01	Duty Officer Responsibilities (Added 4/30/85)	LLCC 15-05-02	Licensure and Training Standards (Amended 2/15/85)
LLCC 02-01-02	Fiscal Management: Accounting Procedures	LLCC 15-06-02	Emergency and Specialized Health Services
LLCC 02-01-03	Fiscal Management: Checks	LLCC 15-06-03	Emergency Medical Care Plan (Amended 2/15/85)
LLCC 02-01-04	Fiscal Management: Insurance	LLCC 15-07-01	Medical and Dental Records
LLCC 02-03-01	Fiscal Management: Audits (Amended 2/15/85)	LLCC 15-08-01	Special Diets
LLCC 02-06-01	Property Inventory	LLCC 15-11-01	Provision of Psychiatric Services from the KCPC/Responsibilities of the Department of Corrections
LLCC 03-01-01	General Guidelines for LLCC Employees (Amended 2/15/85)	LLCC 15-12-01	Disabled and Infirm Inmates
LLCC 03-01-02	Service Regulations, Attendance Accumulation and use of Leave (Amended 4/30/85)	LLCC 15-13-01	Specialized Health Services (Added 2/15/85)
LLCC 03-02-01	Proper Dress for Uniformed Personnel	LLCC 15-14-01	Informed Consent (Added 2/15/85)
LLCC 03-03-01	Employee Grievance Mechanism (Amended 2/15/85)	LLCC 15-15-01	Medical Restraints (Added 2/15/85)
LLCC 03-04-01	Employee Records (Amended 2/15/85)	LLCC 15-16-01	Health Education/Special Health Programs (Added 2/15/85)
LLCC 03-05-01	Personnel Registers (Amended 2/15/85)	LLCC 15-17-01	Health Records (Added 2/15/85)
LLCC 03-06-01	Work Planning: Employee Evaluations and Evaluation Control (Amended 2/15/85)	LLCC 16-01-01	Inmate Rights and Responsibilities (Amended 2/15/85)
LLCC 03-08-01	Shift Transfers	LLCC 16-02-01	Inmate Grievance Procedure (Amended 2/15/85)

# ADMINISTRATIVE REGISTER - 37

LLCC 16-03-01	Inmate Law Library (Amended 4/30/85)	[NTC 03-15-01	Supervisor/Employee Conference]
LLCC 17-01-01	Due Process/Disciplinary Procedure (Amended 2/15/85) (Amended 4/30/85)	NTC 03-15-01	<u>Time and Attendance: Accumulation and Use of Accrued Time (Added 3/8/85)</u>
LLCC 18-01-01	Inmate Correspondence	NTC 03-15-02	<u>Sick Leave Abuse (Added 3/8/85)</u>
LLCC 18-02-01	Inmate Visiting	NTC 03-15-03	<u>Inclement Weather and Emergency Conditions (Added 4/16/85)</u>
LLCC 20-01-01	Personal Property Control	NTC 03-16-01	<u>EEO - Affirmative Action (Amended 12/12/84)</u>
LLCC 20-02-01	Authorized Inmate Personal Property	NTC 03-17-01	<u>Employee Grievance Procedure (Added 1/11/85)</u>
LLCC 20-03-01	Unauthorized Items	NTC 03-17-02	<u>Review Committee (Added 3/15/85)</u>
LLCC 20-04-02	Inmate Canteen	NTC 03-18-01	<u>Educational Assistance Program (Added 2/13/85)</u>
LLCC 20-05-01	Inmate Control of Personal Funds (Amended 2/15/85)	NTC 03-19-01	<u>Holding of Second Jobs by Employees (Added 3/15/85)</u>
LLCC 20-06-01	<u>Procedure for Sending Appliances to Outside Dealers for Repair (Added 2/15/85)</u>	NTC 04-01-01	<u>Training and Staff Development (Amended 11/1/84) (Amended 1/11/85)</u>
LLCC 21-02-01	Classification/Security Levels	NTC 06-01-01	<u>Offender Records (Amended 3/15/85)</u>
LLCC 21-03-01	Classification Process	NTC 06-01-02	<u>Records - Release of Information</u>
LLCC 22-01-01	OJT/Job Assignments	NTC 08-05-01	<u>Duties of Fire Safety Officer (Added 5/15/85)</u>
LLCC 23-01-01	Academic School (Amended 2/15/85)	NTC 08-05-02	<u>Fire Procedures (Added 5/15/85)</u>
LLCC 26-01-01	Religious Services (Amended 2/15/85)	NTC 08-05-03	<u>Fire Prevention (Added 5/15/85)</u>
LLCC 28-01-01	Privilege Trips	NTC 10-01-01	<u>Special Management Inmates (Amended 4/23/85)</u>
LLCC 28-03-01	Temporary Release/Community Center Release	NTC 10-01-02	<u>Legal Aide Visits for Special Management Inmates (Added 4/23/85)</u>
LLCC 28-04-01	Pre-Parole Progress Report	NTC 11-03-01	<u>Food Service: General Guidelines</u>
LLCC 28-04-02	Parole Eligibility Dates	NTC 11-04-01	<u>Food Service: Meals</u>
(5) The Northpoint Training Center Policies and Procedures:		NTC 11-04-02	<u>Menu, Nutrition and Special Diets</u>
NTC 01-05-01	Extraordinary Occurrence Reports (Amended 1/11/85)	NTC 11-05-02	<u>Medical Screening of Food Handlers</u>
NTC 01-10-01	Institutional Legal Assistance (Amended 2/1/85)	NTC 11-06-01	<u>Inspections and Sanitation</u>
NTC 01-11-01	Political Activities of Merit Employees	NTC 11-07-01	<u>Purchasing, Storage and Farm Products</u>
NTC 01-15-01	Establishment of Warden as Chief Executive Officer	NTC 12-01-01	<u>Institutional Inspections</u>
NTC 01-17-01	Relationships with Public, Media and Other Agencies	NTC 12-02-01	<u>Personal Hygiene for Inmates (Clothing and Linens)</u>
NTC 02-01-02	Fiscal Management: Accounting Procedures	NTC 12-02-02	<u>Personal Hygiene Items</u>
NTC 02-01-03	Fiscal Management: Checks	NTC 13-01-01	<u>Emergency Medical Care Plan (Amended 12/12/84)</u>
NTC 02-01-04	Fiscal Management: Insurance	NTC 13-01-02	<u>Emergency and Specialized Health Services</u>
NTC 02-03-01	Fiscal Management: Audits (Amended 1/25/85)	[NTC 13-02-01	<u>Outside Hospital Security]</u>
NTC 02-08-01	Inmate Canteen	NTC 13-03-01	<u>Sick Call and Pill Call</u>
NTC 03-01-01	Employee Dress Code	NTC 13-04-01	<u>Pharmacy (Amended 1/25/85)</u>
NTC 03-02-01	General Guidelines for NTC Employees	NTC 13-05-01	<u>Dental Services</u>
NTC 03-03-01	Staff Members Suspected of Being Under the Influence of Intoxicants	NTC 13-06-01	<u>Licensure and Training Standards</u>
NTC 03-04-01	Shift Transfers	NTC 13-08-01	<u>Medical and Dental Records</u>
NTC 03-05-01	Work Planning and Performance Review (Amended 1/11/85)	NTC 13-09-01	<u>Special Diets</u>
NTC 03-06-01	Workers' Compensation	NTC 13-11-01	<u>Inmate Health Evaluation</u>
NTC 03-07-01	Merit System Registers and Placement of Advertisements	NTC 13-12-01	<u>Disabled and Infirm Inmates</u>
NTC 03-09-01	Maintenance Confidentiality and Challenge of Information Contained in Employee Personnel File	NTC 14-01-01	<u>Legal Services Program</u>
NTC 03-10-01	Employment of Ex-Offenders	NTC 14-03-01	<u>Inmate Rights and Responsibilities</u>
NTC 03-13-01	Travel Reimbursement for Official Business and Professional Meetings (Amended 4/16/85)	NTC 15-01-01	<u>Restoration of Forfeited Good Time</u>
NTC 03-14-01	Selection Retention, Promotion, and Lateral Transfer of Merit System Employees	NTC 15-02-01	<u>Due Process/Disciplinary Procedures (Amended 2/1/85)</u>
NTC 03-14-02	<u>Promotional Opportunities (Added 5/3/85)</u>	NTC 15-02-02	<u>Extra Duty Assignments</u>
		NTC 15-03-01	<u>Rules for Inmates Assigned to Minimum Security Living Area</u>
		NTC 15-03-02	<u>Rules and Regulations for Dormitories</u>
		NTC 16-01-01	<u>Mail Regulations (Amended 12/12/84)</u>
		NTC 16-02-01	<u>Visiting Policy (Amended 3/27/85)</u>
		NTC 16-02-02	<u>Extended and Special Visits</u>
		NTC 16-02-03	<u>Honor Dorm Visiting (Added 2/13/85)</u>
		NTC 16-02-04	<u>Visiting Policy for Inmates Residing in the Minimum Security Living Area (Amended 5/15/85)</u>
		NTC 16-03-01	<u>Inmate Furloughs</u>

# ADMINISTRATIVE REGISTER - 38

NTC 17-01-01 Personal Property Control  
 NTC 17-01-02 Authorized Inmate Personal Property (Amended 2/1/85)  
 (Amended 3/15/85)  
 NTC 17-01-03 Unauthorized Inmate Property  
 NTC 17-01-04 Disposition of Unauthorized Property (Added 5/15/85)  
 NTC 17-03-01 Assessment/Orientation (Amended 12/12/84)  
 NTC 18-01-01 Pre-Parole Progress Report  
 NTC 18-01-02 Parole Eligibility Dates  
 NTC 18-02-01 Instructions for Scheduling 6 Month Classification Reviews  
 NTC 18-03-01 Classification Process  
 NTC 18-04-01 Classification Committee  
 NTC 18-05-01 Transfers to Other Institutions  
 [NTC 18-06-01 Meritorious Housing Dormitory]  
 NTC 19-01-01 Inmate Work Program (Added 4/23/85)  
 NTC 20-01-01 Academic School Program (Amended 12/12/84)  
 NTC 21-01-01 Library Services  
 NTC 22-01-01 Privilege Trips  
 NTC 22-03-01 Conducting Inmate Organizational Meetings and Programs  
 NTC 23-01-01 Religious Services  
 NTC 23-03-01 Marriage in Inmates  
 NTC 24-04-01 Honor Status (Added 11/14/84)  
 NTC 24-05-01 Unit Management (Added 11/30/84)  
 NTC 25-01-01 Release Preparation Program  
 NTC 25-01-02 Temporary Release/Community Center Release  
 NTC 25-02-01 Funeral Trips and Bedside Visits (Amended 5/3/85)

(6) The Kentucky Correctional Institution for Women Policies and Procedures:

KCIW 01-06-01 Legal Assistance for Corrections Staff  
 KCIW 01-08-01 Public Information and News Media Access  
 KCIW 02-01-01 Comprehensive Insurance (Amended 12/20/84)  
 KCIW 02-02-01 Fiscal Management: Audits (Amended 12/17/84)  
 KCIW 02-02-03 Fiscal Management/Checks (Amended 12/18/84)  
 KCIW 02-03-03 Criteria for Selection of Bidders and Vendors (Added 1/24/85)  
 KCIW 02-04-01 Accounting Procedures (Amended 12/31/84)  
 KCIW 02-05-01 Inmate Canteen (Amended 12/31/84)  
 KCIW 02-07-01 Release of C.E.T.A. Money Earned (Added 10/12/84)  
 KCIW 03-01-01 Travel Expense Reimbursement (Amended 12/31/84)  
 KCIW 03-02-01 General Orders for all Staff (Amended 12/27/84)  
 KCIW 03-03-01 Employee Grievance Procedure (Amended 12/31/84) (Amended 1/22/85)  
 KCIW 03-05-01 Employee Personnel File (Amended 12/18/84)  
 KCIW 03-06-01 Affirmative Action EEO (Amended 12/28/84)  
 KCIW 03-08-01 Employee Performance Evaluations (Amended 1/24/85)  
 KCIW 03-09-01 Payroll and Personnel Manning Records (Amended 12/31/84)  
 KCIW 03-10-01 Promotion Committee  
 KCIW 03-11-01 Personnel Registers

KCIW 03-12-01 Criminal History Checks on all Personnel and the Recruitment and Employment of Ex-Offenders  
 KCIW 06-01-01 Inmate Records (Amended 12/17/84)  
 KCIW 06-01-02 Transfers to Community Centers and the Minimum Security Unit (Added 12/27/84)  
 KCIW 10-01-01 Special Management Unit: General Operation and Regulations (Added 12/31/84)  
 KCIW 10-01-02 Special Management Unit Programs, Placement and Review (Amended 12/31/84)  
 KCIW 11-01-01 Food Service Operation Inspections (Amended 10/12/84)  
 KCIW 11-01-02 Budgeting, Accounting, Purchasing Procedures for Food Products (Amended 10/12/84)  
 KCIW 11-02-01 Menu Preparation, Special Diets  
 KCIW 11-03-01 General Guidelines for Food Service Manager (Amended 1/24/85)  
 KCIW 11-03-02 General Guidelines for Food Service Workers (Added 11/9/84) (Amended 12/27/84)  
 KCIW 11-04-01 Health Standards, Regulations for Food Service Employees (Amended 12/18/84)  
 KCIW 12-01-01 Control of Pests and Vermin (Amended 11/9/84)  
 KCIW 12-02-01 Laundry Facilities and Clothing Issuance (Amended 11/9/84)  
 KCIW 12-04-01 Sanitation and General Living Conditions (Amended 12/27/84)  
 KCIW 13-01-01 Medical and Dental Care (Amended 1/22/85)  
 KCIW 13-01-02 Preliminary Health Evaluation  
 KCIW 13-01-03 Drug Distribution  
 KCIW 13-03-01 Emergency Care (Amended 1/24/85)  
 KCIW 13-03-02 Infirmary Care and Outside Services (Amended 12/17/84)  
 KCIW 13-03-03 Outside Hospital Security (Amended 1/24/85)  
 [KCIW 13-04-01 Emotionally Disturbed Inmates]  
 KCIW 13-04-01 Medical Alert System (Added 1/24/85)  
 KCIW 13-04-02 Psychiatric/Psychological Services (Amended 12/17/84)  
 KCIW 14-01-02 Inmate Rights and Responsibilities (Amended 12/18/84)  
 KCIW 14-02-01 Access to Attorneys and Designated Counsel Substitutes (Amended 12/31/84)  
 KCIW 14-03-01 Inmates Not Subject to Discrimination (Amended 12/18/84)  
 KCIW 14-04-01 Inmate Grievance Procedure (Amended 12/18/84)  
 KCIW 15-01-01 Offenses and Penalties (Added 12/31/84)  
 [KCIW 15-01-01 Inmates Rules and Discipline]  
 KCIW 15-01-02 Adjustment Committee Procedures (Added 1/24/85)  
 KCIW 15-04-01 Incentive Levels System (Added 12/31/84)  
 KCIW 16-01-01 Inmate Correspondence (Amended 1/24/85)  
 KCIW 16-01-02 Inmate Mail Distribution (Amended 1/24/85)  
 KCIW 16-01-03 Staff Mail (Added 12/28/84)  
 KCIW 16-02-01 Inmate Access to Telephone  
 KCIW 16-02-02 Intra-Institution Phone Calls  
 KCIW 16-03-01 Inmate Visiting

# ADMINISTRATIVE REGISTER - 39

KCIW 16-03-02 Unauthorized Items for Picnic Lunches, Food Packages and Regular Packages

KCIW 16-04-01 Inmate Indigent Fund (Added 9/10/84)

KCIW 17-01-01 Assessment/Classification Unit Operation and Reception Programs (Amended 12/27/84)

KCIW 17-01-02 Assessment/Classification Unit Rules and Regulations (Amended 12/17/84) (Amended 1/24/85)

KCIW 17-02-01 Identification Department, Admissions and Discharges (Amended 12/27/84)

KCIW 17-03-01 Notifying Inmates Families of Admission and Procedures for Mail and Visiting (Amended 12/18/84)

KCIW 18-01-02 Institution Housing Assignments (Added 12/28/84)

KCIW 18-02-01 Classification Procedures (Amended 12/31/84)

KCIW 18-05-01 Special Needs Inmates (Amended 1/22/85)

KCIW 18-06-01 Status Codes (Added 12/17/84)

KCIW 19-01-01 Inmate Work Programs (Amended 12/20/84) (Amended 12/28/84)

[KCIW 19-01-02 Inmate Work Program Participation]

KCIW 19-03-01 Landscape and Maintenance Work Details (Added 12/27/84)

KCIW 20-01-01 Education Programs (Amended 1/22/85)

KCIW 20-01-03 Vocational Education: Curriculum Flexible Schedule, up-grade programs and release preparation program (Added 1/24/85)

KCIW 20-01-04 Entry - Exit Vocational School (Added 1/24/85)

KCIW 20-01-05 Vocational Programs: Approved assessed and contain guidelines for vocational school records (Added 1/24/85)

KCIW 20-01-06 Vocational Education: Staffing patterns and requirements (Added 1/24/85)

KCIW 20-01-07 Vocational Counselor (Added 1/24/85)

KCIW 20-01-08 Vocational Education: Community Resources and the integration with academic progress (Added 1/24/85)

KCIW 20-01-09 Vocational Education: Support Equipment (Added 1/24/85)

KCIW 20-01-10 Control of Flammable, Hazardous, Toxic and Caustic Materials and Chemicals in the Vocational Area (Added 1/24/85)

KCIW 22-01-04 Inmate Club Activities (Added 12/20/84)

KCIW 23-01-01 Religious Services (Amended 11/9/84)

KCIW 25-01-01 Pre-Parole Progress Report (Amended 12/31/84)

KCIW 25-02-01 Temporary Release/Community Center Release and Code of Conduct (Amended 12/28/84)

KCIW 25-02-02 Furloughs (Amended 12/31/84)

KCIW 25-03-01 Escorted Leaves into the Community (Amended 12/17/84)

[KCIW 27-01-01 Indigent Fund]

KCIW 27-02-01 Inmate Money and Property Control

[KCIW 27-02-02 Release of CETA Money Earned]

(7) The Food Service Manual, Offender Records

Manual and the Classification Manual are hereby approved by the Secretary of the Corrections Cabinet as authorized by KRS 196.035, 197.020, 439.470, 439.590 and 439.640.

Offender Records Manual (Amended 11/9/84, 5/20/84 and 4/2/85)

Food Services Manual (None)

Classification Manual (Amended 10/29/84)

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: June 14, 1985

FILED WITH LRC: June 14, 1985 at noon

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 22, 1985, at 9 a.m. at the auditorium in the State Office Building. Those interested in attending this hearing shall notify in writing: Barbara Jones, Office of General Counsel, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

## REGULATORY IMPACT ANALYSIS

Agency Contact Person: Barbara W. Jones

(1) Type and number of entities affected: 1927 employees of the Corrections Cabinet, 5981 inmates, 3427 parolees, 5065 probationers, and all visitors to state correctional institutions.

(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:

1. First year: None - All of the costs involved with the implementation of the regulation are included in the operational budget.

2. Continuing costs or savings: Same as 2(a)1.

3. Additional factors increasing or decreasing costs: Same as 2(a)1.

(b) Reporting and paperwork requirements: Weekly submission of policy revisions.

(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. All policies are administered in a uniform manner.

**TRANSPORTATION CABINET**  
**Department of Highways**  
**Division of Mass Transportation**  
**(Proposed Amendment)**

**603 KAR 7:040. Public transportation capital assistance program.**

RELATES TO: KRS 96A.010 through 96A.370

PURSUANT TO: KRS 174.080

**NECESSITY AND FUNCTION:** The Public Transportation Capital Improvement Program is authorized and governed by the budget bill adopted by the Kentucky General Assembly. The Transportation Cabinet is authorized by KRS 96A.095 to accept funds from the Commonwealth and any of its agencies and from federal agencies appropriations and grants to accomplish the promotion and development of mass transit services in Kentucky. The function of this regulation is to implement the procedures required to administer the nonurbanized public transportation program in accordance with applicable state and federal laws and regulations.

Section 1. In order to facilitate the administration of the public transportation capital assistance program as authorized by the General Assembly and KRS 96A, the following is adopted by reference: The Public Transportation Capital Improvement Program issued May, 1982 and last revised May, 1985 [August, 1983], by the Transportation Cabinet.

Section 2. All documents incorporated by reference herein are on file for public inspection in the Division of Mass Transportation, 11th Floor, State Office Building, Frankfort, Kentucky 40622.

C. LESLIE DAWSON, Secretary/Commissioner

APPROVED BY AGENCY: June 3, 1985

FILED WITH LRC: June 4, 1985 at 2:30 p.m.

**PUBLIC HEARING SCHEDULED:** A public comment hearing on this proposed amended regulation is scheduled for July 23, 1985, at 10:30 a.m. at the 4th Floor Hearing Room, State Office Building, corner of High and Clinton Streets, Frankfort, Kentucky. All persons who intend to attend this public hearing must notify in writing at least five days prior to the hearing: Mr. Rusty Cheuvront, Chief Administrative Assistant, Transportation Cabinet, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Rusty Cheuvront

(1) Type and number of entities affected: All categories of public transportation providers in the state. 75 agencies in total realize savings from this state program.

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

1. First year: \$500,000.

2. Continuing costs or savings: Continuing benefits depend on state authorizations. Generally, range from \$500,000 to \$600,000.

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

(b) Reporting and paperwork requirements: Invoices and audits.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: \$500,000 in costs from the general funds through the Cabinet.

2. Continuing costs or savings: Continuing costs depend on state authorizations. Generally from \$500,000 to \$600,000.

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: PTP preparation, quarterly status report.

(3) Assessment of anticipated effect on state and local revenues: This program shares state funds with local revenue to match federal funds.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternative of not providing the program would have an adverse affect on transit operators.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A

(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. The application process should be the same for all applicants.

**LOCAL MANDATE IMPACT STATEMENT**

**SUBJECT/TITLE:** Public Transportation Capital Assistance

**SPONSOR:** KTC, DOH, Mass Transportation

**NOTE SUMMARY**

**LOCAL GOVERNMENT MANDATE:** No

**TYPE OF MANDATE:**

**LEVEL(S) OF IMPACT:** City, County, Urban County Government

**BUDGET UNIT(S) IMPACT:**

**FISCAL SUMMARY:** Revenues: \$500,000; Expenditures: \$500,000; Net Effect: 0

**MEASURE'S PURPOSE:** To provide procedures for applying for and receiving state financial assistance for public transportation capital improvement projects. The program provides up to one-half of the local match for federally funded projects.

**PROVISION/MECHANICS:** N/A

**FISCAL EXPLANATION:** N/A

**DATA SOURCE(S):**

**CABINET FOR PUBLIC PROTECTION AND REGULATION**

**Department of Financial Institutions**

**Division of Banking and**

**Division of Thrift Institutions**

**(Proposed Amendment)**

**808 KAR 1:060. Remote service units.**

RELATES TO: KRS 287.180, 289.061, 290.055 [290.020]

PURSUANT TO: KRS Chapter 13A [13.082], 287.011, 287.020, 287.900, 289.702, 290.070 [290.020]

**NECESSITY AND FUNCTION:** To clarify the definition of the term "branch," [and] "branch

office," and "service facility," as used in KRS 287.180, [and] 289.061, and 290.055, respectively, and to provide a procedure and set of criteria for the establishment of remote service units so as to ensure the maintenance of competitive equality between state and federally chartered financial institutions.

Section 1. Unless otherwise provided, whenever the term "financial institution" is used in this regulation, it shall be deemed to refer to a state-chartered bank, savings and loan association or credit union.

Section 2. Except as provided in Section 11 of this regulation, a financial institution may receive and act upon communications from its customers transmitted through electronic or mechanical devices (hereinafter referred to as "remote service units") requesting the withdrawal of funds either from the customer's deposit account or from a previously authorized line of credit, or instructing the institution to receive funds or to transfer funds for the customer's benefit. In accordance with a customer's request or instruction, and subject to verification by the institution, and the restrictions of Section 11 of this regulation, cash or checks may be received, and cash may be dispensed at the location of the device.

Section 3. Any transaction initiated by a remote service unit shall be subject to verification by the financial institution, either by direct wire transmission or otherwise.

Section 4. Although the approval of the commissioner shall not be required to operate the devices described in this regulation, if a financial institution wishes to establish, use or share a device which allows customers to leave cash or checks for deposit or receive cash in connection with a debit to any of his accounts, then such financial institution shall furnish to the Department of Financial Institutions [Banking and Securities] at least thirty (30) days prior to its actual use of such device the following information:

- (1) The location;
- (2) A general description of the area where located and the manner of installation at that location;
- (3) The manner of operation, including whether the device is on-line, and a step-by-step analysis of how a customer is to use the device. A description of how the transactions are recorded and verified should also be included;
- (4) The types of transactions that will be performed;
- (5) Whether the device will be manned, and if so, by whose employee;
- (6) Whether the device will be shared, and if so, the names and locations of the other institutions participating, and the costs and terms of the sharing agreement;
- (7) The manufacturer and, if owned, the purchase price, or, if leased, the lease payments and the name of the lessor;
- (8) If a card or other device is used to activate the remote service unit, how such card or device is to be used;
- (9) Consumer protection procedures, including the disclosure of rights and liabilities of

consumers and protection against wrongful or accidental disclosure of confidential information;

(10) The distance from the nearest office of the reporting institution, and the distance from the nearest remote service unit of the reporting institution;

(11) The distance from the nearest office of another institution that will not share the facility, and the name of such other institution and the distance from the nearest remote service unit that is not shared by the reporting institution and the names of the financial institutions that use such unit;

(12) Insurance and the security provisions protecting the installation and its users.

Section 5. The commissioner may, if he deems it appropriate, allow an institution to establish, use or share a remote service unit less than [that] thirty (30) days after furnishing the information required by Section 4 of this regulation.

Section 6. Written notice must be given to the Department of Financial Institutions [Banking and Securities] at least ten (10) days prior to changing any of the operations described in a notice previously given pursuant to Section 4 of this regulation; provided that the commissioner may, if he deems it appropriate, allow a change upon shorter notice.

Section 7. Any financial institution which desires to operate or to enable its customers to utilize a remote service unit may make such device available for use by customers of any other bank, savings and loan association or credit union which has its principal office in the same county, whether it be state or federally chartered, upon the request of such institution to share in the use of the device and to share all costs, including a reasonable return on capital expenditures incurred in connection with its development, installation and operation.

Section 8. One or more financial institutions sharing one or more remote service units may give a single notice to the Department of Financial Institutions [Banking and Securities], provided that such notice include the information listed in Section 4 of this regulation for each shared device.

Section 9. The Commissioner of the Department of Financial Institutions [Banking and Securities] reserves the right to require new or additional information from any financial institution desiring to participate in the operation of one or more remote service units.

Section 10. No notice is required for any device which:

(1) Is used only to transfer funds for goods or services received, and through which neither cash is dispensed nor cash or checks left for subsequent deposit.

(2) Is used solely to verify a customer's credit for purposes of cashing a check or completing a credit card transaction.

Section 11. No bank or savings and loan



association shall establish, share, or in any way participate in the operation or use of a remote service unit unless such unit is located within the county in which its principal office is located; provided that a bank or savings and loan association may share in the use of a remote service unit that is located outside of the county in which its principal office is located if such remote service unit is so programmed that the only type of transaction available to an out-of-county user is the dispensing of funds. For purposes of this regulation, the term "out-of-county user," as it relates to a particular remote service unit, shall be deemed to refer to an individual who has his principal banking relationship with a state or federally chartered bank or savings and loan association whose principal office is located in a county other than that in which the remote service unit is located.

Section 12. A remote service unit may not be staffed by an institution employee; except that the institution may, for a reasonable period of time, provide an employee to instruct and assist customers in the operation of the device. The use of employees other than those of an institution to operate or assist in the operation of remote service units shall not be deemed to constitute the conducting of the business of banking by them or their employees, and such employees may be trained in the use of the devices by an institution's employees.

Section 13. Any financial transaction effected by use of a remote service unit shall be deemed to be transacted at the institution and not at the remote service unit, and such remote service unit shall not be considered to be a branch or branch office.

Section 14. If, as a result of this regulation, any action by one or more institutions would be in violation of what is commonly referred to as the antitrust law, then this regulation shall be construed so as to permit or require only such action as shall not be in violation of such law.

MELVIN H. WILSON, Secretary

BALLARD W. CASSADY, JR., Commissioner

APPROVED BY AGENCY: June 12, 1985

FILED WITH LRC: June 13, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 23, 1985, at 10 a.m., prevailing local time, in the offices of the Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing no later than July 18, 1985: J. Rick Jones, Esq., Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601, (502) 564-3390.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: J. Rick Jones

(1) Type and number of entities affected: State-chartered banks, savings and loan associations, and credit unions.

(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: Under certain circumstances institutions must give notice to and file information with the Commissioner in order to operate a remote service unit.

(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: Does not apply

(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? Yes.

#### CABINET FOR PUBLIC PROTECTION AND REGULATION

Department of Financial Institutions

Division of Banking and

Division of Thrift Institutions

(Proposed Amendment)

808 KAR 1:070. Application and hearing procedure.

RELATES TO: KRS 287.061, 288.450, 289.031, 290.015, [290.040,] 291.440

PURSUANT TO: KRS 287.020, 288.610, 289.702, 290.070, 291.530

NECESSITY AND FUNCTION: To provide procedures for the handling of applications for new or branch facilities submitted by financial institutions pursuant to KRS Chapters 287, 288, 289, 290, and 291.

Section 1. Notice of Application; Hearing. (1) Notice to the public on the application shall be published in accordance with KRS Chapter 424.

(2) Individual notice of the application shall be afforded as follows:

(a) Upon application for a new bank certificate or approval of a branch bank, to all state and national banks doing business within the county;

(b) Upon application for a small loan license, to all financial institutions doing business within the county.

(c) Upon application for a savings and loan certificate, to all state and federal savings and loan associations doing business within the county;

(d) Upon application for a credit union certificate, to all state and federal credit unions doing business within the county;

(e) Upon application for an industrial loan

certificate, to all industrial loan companies doing business within the county.

(3) Each notice shall contain a statement of the applicant's name, the nature and location of proposed business and the address for the filing of protests. The notice shall appraise all parties opposed to the approval of the application of the right to file a written protest with the department, [that only those parties filing timely protests shall be permitted to introduce evidence and cross-examine witnesses at a subsequent hearing, and that] Said protest to be timely filed must be received by the department not later than twenty (20) days after notice is afforded.

[(4) A hearing in regard to the application need not be held if, after publication of notice, no protests are received. However, nothing shall prevent the commissioner from requesting a hearing. If so requested, a hearing shall be commenced as if a written protest under subsection (3) of this section had been filed.]

[(5) If no hearing is held, the commissioner shall make the determination required of him by the appropriate statutory sections. If such determination is adverse to the applicant, said applicant alone may request, within twenty (20) days of the adverse order, a public hearing. If requested, such hearing shall be convened as if a written protest under subsection (3) of this section had been filed except that only the department shall be permitted to act as adverse party to the applicant.]

[(6) Upon the filing of a timely protest, request of the commissioner, or appeal by the applicant of an adverse determination, a hearing shall be held. Notice to the public at large setting forth the time, place, and nature of the hearing shall be given in compliance with KRS Chapter 424. Individual notice shall be afforded all parties filing timely protests and the applicant. A prehearing conference may be held at the discretion of the department or upon request by any party.]

Section 2. Hearing. When a hearing is held [required], then:

(1) The commissioner or someone designated by him shall serve as hearing officer and shall be in charge of the hearing. The hearing officer may be assisted by a departmental attorney as legal officer.

(2) Those parties who have filed timely protests and the department, if it so desires, shall be afforded an opportunity to appear, respond to and present evidence and argument on all issues involved. Such parties may conduct cross-examination required for a full disclosure of the facts. Individuals who fail to file timely protests shall be permitted to make statements for the record and file petitions and/or communications germane to the proceedings, but shall not be permitted to otherwise participate.

(3) All irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Any evidence may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The rules of privilege shall be given effect. Objections to evidentiary offers may be made and shall be noted in the record.

(a) Documentary evidence may be received in

the form of copies or excerpts. Upon request, parties shall be given an opportunity to compare the copy and/or excerpt with the original. All documentary evidence shall be presented such that there will be one (1) copy for the hearing officer, one (1) copy for the department, and one (1) for each party. The applicant shall provide a large map (certified as to its correctness) of the relative county(ies). Such map shall be used at the hearing to point out the exact location of the proposed application.

(b) Notice may be taken of judicially cognizable facts within the agency's specialized knowledge. Parties may be notified either before or during the hearing of the material noted, including any staff memorandum or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's expertise may be utilized in the evaluation of the evidence.

[(4) The maximum amount of time that shall be allotted to each side is three (3) hours. This time limitation shall serve as an overriding constraint on all permissible activities. This time may be spent in direct examination of the witness, cross-examination of opposing witnesses, opening remarks, closing arguments, or any other provident purpose. The fact that there is more than one protestant shall not increase the allotted time for the protestants; rather, it shall necessitate the dividing of such time between protestants.]

[(4) [(5)] Order of proceeding. The following shall be the typical order of the proceeding of any hearing. Variations and additions shall be permitted at the discretion of the hearing officer.

(a) Appearances of all parties shall be entered for the record.

(b) Each party may make a short statement of position and identification of witnesses.

(c) All witnesses shall be sworn.

(d) The department shall introduce any exhibits desired to be included in the record.

(e) The hearing officer shall rule on all motions heretofore made.

(f) The applicant shall produce his evidence. Each protestant and the department may cross-examine each witness upon completion of that witness' testimony.

(g) Upon exhaustion of the applicant's evidence, the protestant(s) shall produce his (their) evidence. Upon completion of each witness' testimony, all other parties (including the department) may cross-examine that witness. Upon completion of the protestants' case, the applicant may offer evidence in rebuttal. The protestant may then have the opportunity to offer rebuttal.

(h) Upon completion of the introduction of evidence, direct and/or rebuttal, the parties may submit or argue the case. In the argument, the protestant shall open and the applicant conclude.

(i) Prior to the final submission of the case, members of the public, deserving to be heard, shall be permitted to make statements for the record and may file petitions or communications germane to the matter of record.

(j) The hearing officer may at his discretion continue the hearing for the purpose of receiving additional evidence for argument in the form of written briefs.

Section 3. Hearing Officer's Report, Decision and/or Orders Where a Hearing has been Held. The final report, decision or order, shall be in writing or stated in the record. It shall include findings of facts and conclusions of law, separately stated. Findings of facts shall be based exclusively on the evidence and on matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If the hearing officer is other than the commissioner, his findings and conclusions together with his recommendations, shall be presented to the commissioner, who shall make the final decision and disposition of the matter. Parties shall be notified either personally or by mail of any final report, decision or order and a copy of such shall be delivered to each party.

Section 4. Costs. A hearing reporter shall be arranged for by the hearing officer. The cost of the reporter and the cost of the transcript and one (1) copy thereof for the department shall be borne by the parties on a prorated basis, i.e., the costs above divided by the number of parties.

[Section 5. Appeal. An appeal to the appropriate court from a final order of the commissioner pursuant to Section 3 of this regulation may be taken within a reasonable time (if such a time is not set forth within the statute(s) by anyone who was aggrieved by such order and who was a party to a hearing held pursuant to Section 1(6) of this regulation. Upon appeal, the department shall file a copy of the record, duly certified by the commissioner or one of his agents, with the court. An appeal from an order of the commissioner does not, unless specifically ordered by the commissioner does not, unless specifically ordered by the commissioner or the court, operate as a stay of the commissioner's order.]

MELVIN H. WILSON, Secretary

BALLARD W. CASSADY, JR., Commissioner

APPROVED BY AGENCY: June 12, 1985

FILED WITH LRC: June 13, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 23, 1985, at 10 a.m., prevailing local time, in the offices of the Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing no later than July 18, 1985: J. Rick Jones, Esq., Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601, (502) 564-3390.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: J. Rick Jones

(1) Type and number of entities affected: All Kentucky chartered financial institutions.

(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: Does not apply

(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. Uniform application to all regulated financial institutions.

#### CABINET FOR PUBLIC PROTECTION AND REGULATION Department of Financial Institutions Division of Banking (Proposed Amendment)

808 KAR 1:080. Investments in bank service corporations by state-chartered banks.

RELATES TO: KRS 287.100, 287.103

PURSUANT TO: KRS Chapter 13A, 287.020(3)

NECESSITY AND FUNCTION: National banks are permitted to invest in bank service corporations which allow banks to achieve economies of scale in performing certain banking functions. Such investments are neither expressly prohibited nor expressly allowed for state-chartered institutions. KRS 287.020(3) authorizes the commissioner to prescribe regulations authorizing banks or trust companies to engage in any banking activity in which they could engage were they operating as National banks. The purpose of this regulation is to grant competitive parity to state-chartered banks.

Section 1. Any state-chartered bank is hereby authorized to purchase for its own account shares of stock of a bank service corporation as outlined in the Bank Service Corporation Act (12 U.S.C. 1861 et seq.) and any amendments thereto, provided that such bank service corporation is properly organized under KRS Chapter 271A and is owned by one (1) [exclusively by two (2)] or more insured banks; and further provided that the total amount of any such investment shall at no time exceed ten (10) per centum of the insured [holding] bank's paid-in unimpaired capital and surplus and no insured bank shall invest more than five (5) per centum of its total assets.

MELVIN H. WILSON, Secretary

BALLARD W. CASSADY, JR., Commissioner

APPROVED BY AGENCY: June 12, 1985

FILED WITH LRC: June 13, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 23, 1985, at 10 a.m., prevailing local time, in the

offices of the Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing no later than July 18, 1985: J. Rick Jones, Esq., Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601, (502) 564-3390.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: J. Rick Jones

(1) Type and number of entities affected: State-chartered banks.

(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: Does not apply

(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. Uniform application to all regulated financial institutions.

#### PUBLIC PROTECTION AND REGULATION CABINET Department of Financial Institutions Division of Banking (Proposed Amendment)

#### 808 KAR 11:010. Acquisitions.

RELATES TO: KRS 287.900

PURSUANT TO: KRS 287.020

NECESSITY AND FUNCTION: KRS 287.900 permits the formation of multibank holding companies and multiple bank ownership by individuals in Kentucky. This administrative regulation is to insure uniformity in the interpretation of those provisions which apply to the acquisition of banks by individuals and bank holding companies.

Section 1. (1) Fifteen (15) percent deposit limitation. Once every calendar year, the department shall prepare a deposit summary which lists the total deposits in all banks in this state based upon the year-end reports made by the banks to their respective supervisory authorities. The departmental deposit summary shall be prepared as soon as practical following compilation of the data contained in the

year-end reports.

(2) The year-end reports to be used by the department are the December 31, Report of Condition filed by the respective banks with the appropriate federal regulatory agencies to include the Federal Deposit Insurance Corporation for state non-member banks, the Federal Reserve Board for state member banks and the Comptroller of the Currency for national banks.

(3) Bank acquisitions under consideration by the department shall be based upon the departmental deposit summary available at the time of the acquisition application.

(4) In calculating the total deposits for the acquiring individual or company and the bank being acquired, the deposits for the year the departmental deposit summary is available shall be used.

Section 2. Acquisition Period. (1) The five (5), twelve (12) month periods after the effective date of KRS 287.900 during which individuals or companies may not acquire, directly or indirectly, control of more than three (3) banks in this state shall commence on the date that the individual or bank holding company acquires the first [a] bank. An individual or bank holding company is deemed to have acquired a bank on the day the transaction is consummated.

(2) Effective July 13, 1989, the limitation on the number of bank acquisitions is removed, and individuals and companies may acquire an unlimited number of banks so long as the acquisitions do not exceed the fifteen (15) percent deposit limitation.

Section 3. Emergency Acquisitions. If the commissioner or the Comptroller of the Currency determines that an emergency exists in regard to a state-chartered or national bank respectively, an individual or company may acquire control of the failing bank or bank holding company without being restricted by the three (3) bank acquisition limitation, the fifteen (15) percent deposit limitation or the time limitations for filing for change of control. Approval of the acquisition shall be based on the financial condition, the competence, experience and integrity of the individual or acquiring company or its principals.

MELVIN WILSON, Secretary

BALLARD W. CASSADY, JR., Commissioner

APPROVED BY AGENCY: June 12, 1985

FILED WITH LRC: June 13, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 23, 1985, at 10 a.m., prevailing local time, in the offices of the Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing no later than July 18, 1985: J. Rick Jones, Esq., Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601, (502) 564-3390.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: J. Rick Jones, Esq.

(1) Type and number of entities affected: Individuals and multibank holding companies.

(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: Unknown

(4) Assessment of alternative methods; reasons why alternatives were rejected: Does not apply

(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. Uniform application to all regulated financial institutions.

#### PUBLIC PROTECTION AND REGULATION CABINET

Department of Financial Institutions

Division of Banking

(Proposed Amendment)

#### 808 KAR 11:020. Procedures.

RELATES TO: KRS 287.095, 287.905

PURSUANT TO: KRS 287.020

NECESSITY AND FUNCTION: KRS 287.095 and 287.905 set forth the statutory procedures for filing applications by a bank holding company or individual to acquire control of a state-chartered bank or bank holding company which includes a state-chartered bank when either a state-chartered bank or a bank holding company which includes a state-chartered bank is involved in the transaction; the setting of filing and examination fees; and the examination of any holding company that controls a state-chartered bank. This administrative regulation is to insure uniformity in the procedures to be used in the application and examination processes.

Section 1. (1) The provisions of KRS 287.095(1) and (2) are not applicable to transactions involving applications filed with the Federal Reserve Board for prior approval to become a one-bank holding company. The application process for prior approval to become a one-bank holding company is regulated by the Federal Reserve Board and such transactions are not subject to KRS 287.905. [Action by a bank holding company to acquire control of a state-chartered bank or to acquire control of a bank holding company which includes a state-chartered bank is, however, subject to KRS 287.905. Applications by a bank holding company

to acquire control of a state-chartered bank or to acquire control of a bank holding company which includes a state-chartered bank may be filed with the commissioner on or after July 13, 1984.]

(2)(a) Applications by a bank holding company to acquire control of a state-chartered bank or to acquire control of a bank holding company which controls a state-chartered bank; and

(b) Applications by a bank holding company which controls a state-chartered bank to acquire control of a national bank or bank holding company which controls a national bank; and

(c) Applications by a bank holding company which controls a state-chartered bank to acquire control of a bank or bank holding company not having its principal place of business in this state; and

(d) Applications by a bank or bank holding company not having its principal place of business in this state to acquire control of a state-chartered bank or bank holding company which includes a state-chartered bank, are subject to KRS 287.905.

(3) [(2)] Whenever a proposed change occurs in the outstanding voting stock of a state-chartered bank which is subject to KRS 287.095 or 287.905, in those cases where a bank holding company application or change of control notice is required by federal regulatory agencies, the concurrent filing of a copy of the application or notice submitted to the federal regulatory agency with the commissioner would fulfill the notice requirement of KRS 287.095 or 287.905. Notice is required to be filed with the commissioner in all cases where the change in ownership of voting stock would result in direct or indirect ownership by a stockholder or an affiliated group of stockholders of ten (10) percent or more of the outstanding voting stock of the bank. The filing of notice with the commissioner on forms used by federal regulatory agencies shall be treated as confidential information by the commissioner as provided by federal law.

(4) [(3)] The original document and four (4) copies of the [All] bank holding company application shall be filed with the commissioner concurrently with the application filed with the Federal Reserve Board and shall be on the same application form used by the Federal Reserve Board. All subsequent information furnished by the applicant to the Federal Reserve Board shall be concurrently filed with the department.

(5) [(4)] A complete application is one which includes all information necessary for the commissioner to make a decision to approve or disapprove the application and has been accepted for processing by the Federal Reserve Board.

Section 2. Filing Fee. Each application shall include a non-refundable investigation fee of \$250. The fee assessed by the commissioner shall be paid prior to approval of the application by the commissioner.

Section 3. Examination Fees. If the commissioner examines or elects to participate in a joint examination with the applicable federal regulatory agency of any holding company that controls a state-chartered bank, the examination fee assessed against the company examined shall be based upon fair compensation

for time and actual expenses.

Section 4. Publication of Notice. Publication of notice of intention of a bank holding company to acquire control of a state-chartered bank or to acquire control of a bank holding company which controls a state-chartered bank shall be the responsibility of the applicant pursuant to Regulation Y issued by the Federal Reserve Board (12 CFR 225, as revised effective February 3, 1984).

Section 5. Hearings. The department shall not hold hearings on any application or notice. Hearings, if any, shall be conducted by the Federal Reserve Board in accordance with Regulation Y issued by the Federal Reserve Board (12 CFR 225, as revised effective February 3, 1984) or by the appropriate federal banking agency pursuant to the federal Bank Change in Control Act of 1978, as amended (12 U.S.C. 1817(j)).

Section 6. Nonbank Activities and Acquisitions. Nonbank activities and acquisitions for bank holding companies are regulated by the Federal Reserve Board in accordance with Regulation Y issued by the Federal Reserve Board (12 CFR 225, as revised effective February 3, 1984).

Section 7. Coordination with Federal Reserve Board. The commissioner shall coordinate the application process for acquisition of control of state-chartered banks and bank holding companies which control a state-chartered bank with the Federal Reserve Board to insure that no unreasonable delays occur in the approval process.

MELVIN H. WILSON, Secretary  
BALLARD W. CASSADY, JR., Commissioner

APPROVED BY AGENCY: June 12, 1985

FILED WITH LRC: June 13, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 23, 1985, at 10 a.m., prevailing local time, in the offices of the Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing no later than July 18, 1985: J. Rick Jones, Esq., Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601, (502) 564-3390.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: J. Rick Jones

(1) Type and number of entities affected: Individuals and multibank holding companies; number unknown at this time.

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

1. First year: \$250 per application  
2. Continuing costs or savings: Examination of holding company at \$24 per hour.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: Must file application to form multibank holding company and notice of change in control.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: \$183,000  
2. Continuing costs or savings: Continuation budget plus annual salary increases.

3. Additional factors increasing or decreasing costs: Unknown

(b) Reporting and paperwork requirements: Analysis of applications and notices.

(3) Assessment of anticipated effect on state and local revenues: Unknown at this time.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Does not apply

(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. Uniform application to all regulated financial institutions.

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

815 KAR 20:110. Traps and clean-outs.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS [13.082,] 318.010, 318.130

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the quality, location and the placing of traps and clean-outs to prevent harmful gases and odors from entering buildings and homes that are served by plumbing systems.

Section 1. Traps, Kind and Minimum Size. Every trap shall be self-cleaning. Traps for bathtubs, lavatories, sinks and other similar fixtures shall either be tubular brass, tubular ABS or PVC conforming to ASTM F-409, cast brass, cast iron, lead or schedule 40 PVC (polyvinyl chloride) or ABS (acrylonitrile-butadiene-styrene) traps. Tubular or schedule 40 PVC or ABS p-traps may be either the union-joint or solvent welded type. Tubular brass traps shall be seventeen (17) gauge. No tubular brass, tubular PVC or tubular ABS traps shall be installed below the finished floor serving a fixture. Traps shall have a full-bore, smooth interior waterway. The threads in cast brass and cast iron traps shall be tapped out of solid metal. Lead traps shall be extra heavy.

Section 2. Traps, Prohibited. A trap which depends upon the action of movable parts or concealed interior partitions for its seal shall not be used.

Section 3. Traps, Where Required. Each fixture shall be separately trapped by a water-seal trap placed as near to the fixture as possible not to exceed ten (10) inches from the bottom of the fixture to the dip of the seal. In no case shall

the waste from a bathtub or other fixture discharge into a water closet bend. No fixture shall be double trapped.

Section 4. Water Seal. A fixture trap shall have a water seal of not less than two (2) inches nor more than four (4) inches.

Section 5. Trap Clean-Outs. Trap clean-outs are optional.

Section 6. Trap Levels and Protection. All traps shall be set true with respect to their water seals and shall be protected from frost and evaporation.

Section 7. Pipe Clean-Outs. The bodies of clean-out ferrules shall be made in standard pipe sizes, conforming in thickness to that of pipe and fittings and shall extend not less than one-quarter (1/4) inch above the hub in which it is placed. The clean-out cap, or plug shall be heavy red brass not less than one-eighth (1/8) inch thick and shall have a raised nut or recessed pocket for removal.

Section 8. Pipe Clean-Outs, Where Required. A clean-out easily accessible, shall be provided at the base of each vertical waste or soil stack. There shall be at least two (2) clean-outs in the house drain, one (1) at or near the base of the stack and the other with full size Y branch inside the building at a point not beyond two (2) feet from the foundation wall. Clean-outs shall be of the same nominal size as the pipe it serves up to four (4) inches, and not less than four (4) inches for larger pipe.

Section 9. Manholes. All underground clean-outs in a building, except where clean-outs are flush with the floor or wall, shall be made accessible by a manhole or with a proper cover.

Section 10. Clean-Outs (Equivalents). Any floor or wall connection of a fixture trap whether bolted or screwed to the floor or wall, shall be regarded as a clean-out with the exception of the clean-out where the house drain enters a building.

Section 11. Grease Traps. When a grease trap is installed, it shall be placed as near as possible to the fixture it serves and shall be approved by the department. All grease traps used inside a building shall have a sealed cover and shall be properly vented. Grease traps shall be installed for all restaurants and food service establishments as well as other types of businesses deemed necessary by the Department of Housing, Buildings and Construction or as required by municipal ordinance. In the case of food establishments using a private sewage system, grease traps shall be installed as required in the Cabinet for Human resources regulation 902 KAR 10:085. [Grease traps may be installed whenever a private sewage disposal system is used but must be installed to serve restaurants and food handling establishments.]

Section 12. Sand Traps. Sand traps shall be designed and located so as to be readily

accessible and shall meet the requirements of the department.

Section 13. Basement Floor Drains. A basement floor drain shall connect into a trap so constructed that it can be readily cleaned and of a size to serve efficiently the purpose for which it is intended. When subject to back flow or back pressure, such drains shall be equipped with an adequate back-water valve. The trap seal shall be at least four (4) inches above the flow line of the house drain.

Section 14. Back Water Valves. A back water valve shall be of non-corrosive metals and so constructed as to insure a positive mechanical seal except when discharging wastes.

Section 15. Utility Room Floor Drains. A utility room floor drain with an individual waste shall be provided with a two (2) inch vent increased to three (3) inches before passing through the roof of a building.

Section 16. Directional Flow Fittings and Continuous-Waste. Kitchen sink units, or fixtures with more than one (1) unit may be connected with a continuous-waste, provided a directional flow fitting is used. Continuous-waste shall be either seventeen (17) gauge tubular brass or schedule 40 ABS or PVC or tubular ABS or PVC material.

MELVIN H. WILSON, Secretary

CHARLES A. COTTON, Commissioner

APPROVED BY AGENCY: June 6, 1985

FILED WITH LRC: June 13, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 25, 1985 at 10 a.m. in the offices of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Judith G. Walden, Office of the General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601. If no written requests to appear at the public hearing are received by July 20, 1985, the hearing may be cancelled.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl VanCleve

(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): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Minimal increase due to time required to completing regulatory impact analysis.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: See item 2(1) above.



(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:

(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: To improve on regulation and to coordinate it with 902 KAR 10:085 in the Cabinet for Human Resources.

Tiering:

Was tiering applied? No. Not applicable.

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

**815 KAR 20:191. Minimum fixture requirements.**

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS [13.082,] 318.130

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation incorporates many of the provisions which have been in effect for some time with regard to residential and public buildings. The department has revised the old regulation to make it easier to interpret. This regulation includes the requirements of the Department for Natural Resources and Environmental Protection as well as the Department for Human Resources and the Department of Justice. These inclusions simplify the plan process.

Section 1. (1) In buildings accommodating males and females it shall be presumed that the occupants will be equally divided between males and females unless otherwise denoted.

(2) The occupancy load factor used to determine the number of plumbing fixtures required shall be that denoted by Article 8, Section 806 of the 1983 edition of the Kentucky Building Code unless otherwise denoted.

Section 2. All types of buildings shall be provided with toilet rooms on each level or floor; however, where the department determines that separate facilities on each level or floor are unnecessary, toilet rooms on every other level or floor shall be sufficient.

Section 3. Toilet rooms for males and females shall be clearly marked.

Section 4. Toilet Floor Construction Requirements. Toilet room floors in all public buildings and places of employment shall be constructed of non-absorbent materials. When more than one (1) water closet and one (1) lavatory is installed, such a toilet room shall have at least one (1) floor drain and one (1) accessible hose bibb.

Section 5. Theatres, Assembly Halls, Libraries, Museums and Art Galleries. (1) A separate water closet and lavatory shall be provided for males and females in the stage area.

(2) A drinking fountain shall be provided in the stage and auditorium area and a drinking fountain shall be provided on each floor for each 500 persons or fraction thereof.

(3) Separate toilet rooms for males and females shall be provided as indicated in Section 2, as follows:

(a) One (1) water closet for each 100 males or females or fraction thereof; two (2) water closets for 101 to 200 males or females or fraction thereof; three (3) water closets for 201 to 400 males or females or fraction thereof; over 400 add one (1) water closet for each additional 500 males and one (1) for each additional 300 females.

(b) One (1) urinal for eleven (11) to 200 males; two (2) urinals for 201 to 400; three (3) urinals for 401 to 600; add one (1) urinal for each additional 300 males or fraction thereof.

(c) One (1) lavatory for up to 100 males or females; two (2) lavatories for 101 to 200; three (3) lavatories for 201 to 400; four (4) lavatories for 401 to 750; add one (1) lavatory for each additional 500 or less over 750.

(d) One (1) service sink or slop sink on each floor.

(e) The number of fixtures shall be based upon the maximum seating capacity or fixed seats. If fixed seats are not provided the basis for determining the capacity shall be one (1) person per each fifteen (15) square feet of area.

(4) In libraries, museums and art galleries separate toilet facilities for males and females shall be provided as indicated in Section 2, as follows:

(a) One (1) water closet and one (1) lavatory for each 100 females or fraction thereof.

(b) One (1) water closet and one (1) lavatory for each 200 males or fraction thereof.

(c) One (1) urinal for eleven (11) to 200 males; two (2) urinals for 201 to 400; 33 urinals for 401 to 600; add one (1) urinal for each additional 300 males or fraction thereof.

(d) One (1) service sink or slop sink on each floor.

(e) A drinking fountain shall be provided for each 500 persons or fraction thereof.

(f) The above number of fixtures shall be based upon the actual number of persons that can be accommodated.

(5) Urinals may be substituted for water closets for males, not to exceed one-third (1/3) of the required total number of water closets but in all cases the minimum number of urinals must be installed.

(6) Water closets in public restrooms shall be of the elongated bowl type with a split open front seat.

Section 6. School Buildings (Relates also to 702 KAR 4:070 and 702 KAR 4:080). (1) A drinking fountain shall be provided on each floor and/or wing of a building and an additional drinking fountain shall be provided for each seventy-five (75) pupils or fraction thereof. The fountains shall be equipped with a protective cowl and the orifice shall be one (1) inch above the overflow rim of the fountain.

(2) Elementary through secondary level school

buildings shall be provided with the following:

(a) Water closets for males shall be installed in the following proportions:

1. One (1) water closet for up to twenty-five (25) pupils.

2. Two (2) water closets for twenty-six (26) to 100 pupils.

3. One (1) water closet for each 100 pupils or fraction thereof in excess of 100.

(b) Urinals for males shall be installed in the following proportions:

1. One (1) urinal for up to twenty-five (25) pupils.

2. Two (2) urinals for twenty-six (26) to fifty (50) pupils.

3. Four (4) urinals for fifty-one (51) to 100 pupils.

4. Six (6) urinals for 101 to 200 pupils.

5. Eight (8) urinals for 201 to 300 pupils.

6. Ten (10) urinals for 301 to 400 pupils.

7. Twelve (12) urinals for 401 to 500 pupils.

8. One (1) urinal for each fifty (50) pupils or fraction thereof in excess of 500.

(c) Water closets for females shall be installed in the following proportions:

1. Two (2) water closets for up to twenty-five (25) pupils.

2. Three (3) water closets for twenty-six (26) to fifty (50) pupils.

3. Six (6) water closets for fifty-one (51) to 100 pupils.

4. Eight (8) water closets for 101 to 200 pupils.

5. Ten (10) water closets for 201 to 300 pupils.

6. Twelve (12) water closets for 301 to 400 pupils.

7. Fourteen (14) water closets for 401 to 500 pupils.

8. One (1) water closet for each forty (40) pupils or fraction thereof in excess of 500.

(d) Lavatories for male and female pupils shall be installed in the following proportions:

1. One (1) lavatory for each twenty-five (25) pupils or fraction thereof.

2. Two (2) lavatories for each fifty (50) pupils or fraction thereof.

3. One (1) lavatory for each fifty (50) pupils or fraction thereof over fifty (50).

4. Twenty-four (24) inches of sink or eighteen (18) inches of circular basin when provided with water outlet for each space, shall be considered equivalent to one (1) lavatory.

(3) One (1) service sink or slop sink shall be installed on each floor of a building.

(4) When detached relocatable classrooms are used, sanitary facilities will not be required, provided it is within a distance not to exceed thirty-five (35) feet from the main structure and there are sufficient fixtures in the main structure to serve the entire capacity of the school including the relocatable classrooms.

(5) Water closets for use in the above facilities shall be of the elongated bowl type with a split open front seat.

Section 7. Schools of Higher Education and Similar Educational Facilities. In schools of higher education and similar institutions there shall be installed:

(1) One (1) water closet for each fifty (50) males or one (1) water closet for each twenty-five (25) females or fraction thereof.

(2) One (1) lavatory for each fifty (50) males or females or fraction thereof.

(3) One (1) drinking fountain for each seventy-five (75) persons or fraction thereof.

(4) One (1) urinal shall be provided for each thirty (30) males or fraction thereof. One (1) water closet less than the number specified may be provided for each urinal installed except that the number of water closets in such cases shall not be reduced to less than two-thirds (2/3) of the minimum specified.

(5) Water closets for use in above facilities shall be of the elongated bowl type with a split open front seat.

Section 8. Public Garages and Service Stations. Separate toilet rooms with at least a water closet and lavatory for females and a water closet, lavatory and urinal for males shall be provided. Water closets shall be of the elongated bowl type with a split open front seat.

Section 9. Churches. Sanitary facilities shall be provided in churches as follows:

(1) One (1) drinking fountain for each 400 persons or fraction thereof.

(2) One (1) water closet for each 150 females or fraction thereof.

(3) One (1) water closet for each 300 males or fraction thereof.

(4) One (1) urinal for each 150 males or fraction thereof.

(5) One (1) lavatory for each 150 persons or fraction thereof.

Section 10. Transient Facilities (Relates also to 902 KAR 10:010). (1) Hotels and motels with private rooms shall have one (1) water closet, one (1) lavatory and one (1) bathtub or shower per room.

(2) In the public and service areas there shall be:

(a) One (1) water closet for each twenty-five (25) males or fraction thereof.

(b) One (1) water closet for each fifteen (15) females or fraction thereof.

(c) One (1) lavatory for each twenty-five (25) males or females or fraction thereof.

(d) One (1) urinal for eleven (11) to 100 males then one (1) for each additional fifty (50) or fraction thereof.

(e) One (1) bathtub or shower, if needed, for each ten (10) males or females or fraction thereof.

(f) One (1) drinking fountain for each seventy-five (75) or fraction thereof on each floor.

(g) One (1) service sink or slop sink on each floor.

(3) In residential-type buildings there shall be one (1) water closet, one (1) lavatory and one (1) bathtub or shower for each ten (10) males and each ten (10) females or fraction thereof.

(4) In rooming houses with private baths, they shall have one (1) water closet, one (1) lavatory and one (1) bathtub or shower per room.

(5) In rooming houses without private baths, there shall be:

(a) One (1) water closet for one (1) to ten (10) males and one (1) for each additional twenty-five (25) or fraction thereof.

(b) One (1) water closet for one (1) to eight

(8) females and one (1) for each additional twenty (20) or fraction thereof.

(c) One (1) urinal for eleven (11) to 100 males, then one (1) for each additional fifty (50) or fraction thereof.

(d) One (1) lavatory for each ten (10) males or females or fraction thereof.

(e) One (1) bathtub or shower for each ten (10) males or females or fraction thereof.

Section 11. Dormitories: School, Labor or Institutional (Relates also to 902 KAR 10:040). In dormitories there shall be installed:

(1) One (1) water closet for up to ten (10) males or one (1) water closet for up to eight (8) females; add one (1) water closet for each additional twenty-five (25) males or fraction thereof and one (1) water closet for each additional twenty (20) females or fraction thereof.

(2)(a) One (1) urinal for each twenty-five (25) males or fraction thereof. Over 150 males add one (1) fixture for each additional fifty (50) males or fraction thereof.

(b) Where urinals are provided for women, the same number shall be provided as for men.

(c) Where urinals are provided, they may be substituted for water closets, not to exceed one-third (1/3) of the required total number of water closets.

(d) Trough urinals shall be figured on the basis of one (1) urinal for each twenty-four (24) inches of length.

(3)(a) One (1) lavatory for one (1) to twelve (12) persons. Add one (1) lavatory for each twenty (20) males and each fifteen (15) females.

(b) Separate dental lavatories should be provided in community toilet rooms. A ratio of one (1) dental lavatory to each fifty (50) persons.

(4) One (1) bathtub or shower for each eight (8) persons. Over 150 persons add one (1) fixture for each twenty (20) persons. For women's dormitories, there shall be installed additional bathtubs at the ratio of one (1) for each thirty (30) women.

(5) One (1) drinking fountain for each seventy-five (75) persons.

(6) One (1) laundry tray or clothes washer for each fifty (50) persons.

(7) One (1) service sink or slop sink for each 100 persons.

Section 12. Hospitals, Nursing Homes and Institutions (Relates also to 902 KAR 20:031, 902 KAR 20:046, 902 KAR 20:056, 902 KAR 20:010). Sanitary facilities shall be provided on each floor level and shall conform to the following:

(1) Hospitals:

(a) Wards:

1. One (1) water closet for each ten (10) patients.

2. One (1) lavatory for each ten (10) patients.

3. One (1) tub/shower for each fifteen (15) patients.

4. One (1) drinking fountain for each 100 patients.

(b) Individual rooms: One (1) water closet, one (1) lavatory and one (1) tub/shower.

(c) Waiting rooms: One (1) water closet and one (1) lavatory.

(2) Nursing homes and institutions (other than penal).

(a) One (1) water closet for each twenty-five (25) males or fraction thereof.

(b) One (1) water closet for each twenty (20) females or fraction thereof.

(c) One (1) lavatory for each ten (10) persons or fraction thereof.

(d) One (1) urinal for each fifty (50) males.

(e) One (1) tub or shower for each fifteen (15) persons or fraction thereof.

(f) One (1) drinking fountain on each floor.

(g) One (1) service sink or slop sink on each floor.

(3) Institutions, penal:

(a) Cell:

1. One (1) prison type water closet.

2. One (1) prison type lavatory.

(b) Day rooms and dormitories:

1. One (1) water closet for each eight (8) inmates or fraction thereof.

2. One (1) lavatory for each eight (8) inmates or fraction thereof.

3. One (1) shower for each fifteen (15) inmates or fraction thereof.

4. One (1) urinal may be substituted for each water closet but in no instance shall the water closets be reduced to less than one-half (1/2) the number required.

5. One (1) drinking fountain per floor.

6. One (1) service sink or slop sink per floor.

(c) Toilet facilities for employees shall be located in separate rooms from those in which fixtures for the use of inmates or patients are located.

(d) One (1) drinking fountain on each floor.

(e) One (1) service sink or slop sink per floor.

Section 13. Workshops, Factories, Mercantile and Office Buildings. Separate toilet facilities shall be provided for males and females on each floor unless otherwise denoted.

(1) Workshops and factories: Sanitary facilities shall conform to the following:

(a) One (1) water closet for each twenty-five (25) males or fraction thereof, up to 100.

(b) One (1) lavatory for each twenty-five (25) males or fraction thereof, up to 100.

(c) One (1) urinal for eleven (11) to fifty (50) employees.

(d) Two (2) urinals for fifty-one (51) to 100 employees.

(e) One (1) lavatory for each twenty-five (25) females or fraction thereof, up to 100.

(f) One (1) water closet for each fifteen (15) females or fraction thereof up to 100.

(g) When in excess of 100 there shall be an additional water closet for each thirty (30) males and each thirty (30) females or fraction thereof; one (1) lavatory for each additional fifty (50) males and females or fraction thereof; one (1) urinal for each 100 males or fraction thereof.

(h) One (1) shower for each fifteen (15) persons exposed to skin contamination from irritating, infectious or poisonous materials.

(i) One (1) drinking fountain on each floor for each fifty (50) employees. In excess of 100 employees there shall be an additional drinking fountain on each floor for each additional seventy-five (75) persons.

(j) One (1) service sink or slop sink per floor.

(k) Individual sinks or wash troughs may be

used in lieu of lavatories. Twenty-four (24) inches of sink or trough, when provided with water or eighteen (18) inches of circular basin shall be deemed the equivalent of one (1) lavatory.

(2) Mercantile:

(a) Sanitary facilities within each store shall be provided for employees and when more than five (5) persons are employed, separate facilities for each sex must be provided. EXCEPTION: For stores containing no more than 3,000 square feet of total gross floor area, employee facilities are provided within a centralized toilet room area or areas having a travel distance of no more than 500 feet.

(b) Sanitary facilities shall be provided for customers when the building contains 5,000 square feet or more. In malls and/or shopping centers, the required facilities, based on one (1) person per 100 square feet of total area, may be installed in individual stores or in a central toilet room area or areas, if the distance from the main entrance of any store does not exceed 500 feet and if accessible to physically disabled persons.

(c) Sanitary facilities shall be provided as stated in this section and shall conform as follows:

1. One (1) water closet for one (1) to 100 persons.
2. Two (2) water closets for 101 to 200 persons.
3. Three (3) water closets for 201 to 400 persons.
4. One (1) water closet for each 500 males, or 300 females, in excess of 400.
5. One (1) urinal for one (1) to 200 males.
6. Two (2) urinals for 201 to 400 males.
7. Three (3) urinals for 401 to 600 males.
8. One (1) urinal for each 300 males, or fraction thereof, over 600.
9. One (1) lavatory for one (1) to 200 persons.
10. Two (2) lavatories for 201 to 400 persons.
11. Three (3) lavatories for 401 to 700 persons.

12. One (1) lavatory for each 500 persons, or fraction thereof, in excess of 700.

13. One (1) drinking fountain on each floor for each 500 persons or fraction thereof.

14. One (1) service sink or slop sink per floor.

(3) Office buildings:

(a) Sanitary facilities within office buildings shall be provided for employees and when more than five (5) persons are employed, separate facilities for each sex must be provided. EXCEPTION: For office buildings containing no more than 3,000 square feet of total gross floor area, employee facilities are not required if adequate interior facilities are provided within a centralized toilet room area or areas having a travel distance of no more than 500 feet.

(b) Sanitary facilities shall be provided for customers when the office building or space contains 5,000 square feet or more. In office buildings, the required facilities, based on one (1) person per 100 square feet of total area, may be installed within the individual shops, or in a central toilet room area or areas if the distance from the main entrance of any office does not exceed 500 feet and if accessible to physically disabled persons.

(c) Sanitary facilities shall be provided as stated in this section and shall conform as follows:

1. One (1) water closet for one (1) to fifteen (15) persons.
2. Two (2) water closets for sixteen (16) to thirty-five (35) persons.
3. Three (3) water closets for thirty-six (36) to fifty-five (55) persons.
4. Four (4) water closets for fifty-six (56) to eighty (80) persons.
5. Five (5) water closets for eighty-one (81) to 110 persons.
6. Six (6) water closets for 111 to 150 persons.
7. One (1) water closet for each forty (40) additional persons.
8. One (1) lavatory for one (1) to fifteen (15) persons.
9. Two (2) lavatories for sixteen (16) to thirty-five (35) persons.
10. Three (3) lavatories for thirty-six (36) to sixty (60) persons.
11. Four (4) lavatories for sixty-one (61) to ninety (90) persons.
12. Five (5) lavatories for ninety-one (91) to 125 persons.
13. One (1) lavatory for each forty-five (45) additional persons.
14. Whenever urinals are provided, one (1) water closet less than the number specified may be provided for each urinal installed except that the number of water closets in such cases shall not be reduced to less than seventy (70) percent of the minimum specified.
15. One (1) drinking fountain for each seventy-five (75) persons or fraction thereof.

Section 14. Swimming Pool Bathhouses (Relates also to 401 KAR 6:030). (1) Bathhouses for public swimming pools shall be divided into two (2) parts separated by a tight partition, each designated for "Males" or "Men" and the other "Females" or "Women."

(2) Sanitary facilities shall be provided in each bathhouse to serve the anticipated bather loading, as defined in 401 KAR 6:030, Section 7(5), and shall conform to the following:

(a) One (1) water closet for each seventy-five (75) males or fraction thereof.

(b) One (1) water closet for each fifty (50) females or fraction thereof.

(c) One (1) urinal for each seventy-five (75) males or fraction thereof.

(d) One (1) lavatory for each 100 persons or fraction thereof.

(e) One (1) shower per each fifty (50) persons or fraction thereof.

(f) One (1) drinking fountain per each 200 persons or fraction thereof.

(3) Fixture schedules shall be increased for pools at schools or similar locations where bather loads may reach peaks due to schedules of use. Pools used by groups or classes on regular time schedules of one (1) hour or less shall have one (1) shower for each six (6) swimmers, or one (1) shower for each ten (10) swimmers if the period is two (2) hours.

(4) Satisfactorily designed and located shower facilities, including warm water and soap, shall be provided for each sex. Showers shall be supplied with water at a temperature of no less than ninety (90) degrees Fahrenheit, and at a

flow rate of at least three (3) gallons per minute. Thermostatic, tempering or mixing valves shall be installed to prevent scalding of the bathers.

(5) The requirement relating to bathhouse toilet room and shower facilities may be waived when such facilities are conveniently available to pool patrons within 150 feet from the pool.

Section 15. Park Service Buildings or Bathhouses (Relates to 902 KAR 15:020). (1) Except for self-contained recreational vehicle parks, each park shall provide one (1) or more central service buildings containing the necessary toilet and other plumbing fixtures specified.

(2) Except for self-contained recreational vehicle parks, sanitary facilities shall be provided as follows:

(a) One (1) to fifteen (15) vehicle spaces:

1. Males: One (1) water closet, one (1) urinal, one (1) lavatory and one (1) shower.

2. Females: One (1) water closet, one (1) lavatory and one (1) shower.

(b) Sixteen (16) to thirty (30) vehicle spaces:

1. Males: One (1) water closet, one (1) urinal, two (2) lavatories and two (2) showers.

2. Females: Two (2) water closets, two (2) lavatories and two (2) showers.

(c) Thirty-one (31) to forty-five (45) vehicle spaces:

1. Males: Two (2) water closets, one (1) urinal, three (3) lavatories and three (3) showers.

2. Females: Two (2) water closets, three (3) lavatories and three (3) showers.

(d) Forty-six (46) to sixty (60) vehicle spaces:

1. Males: Two (2) water closets, two (2) urinals, three (3) lavatories and three (3) showers.

2. Females: Three (3) water closets, three (3) lavatories and three (3) showers.

(e) Sixty-one (61) to eighty (80) vehicle spaces:

1. Males: Three (3) water closets, two (2) urinals, four (4) lavatories and four (4) showers.

2. Females: Four (4) water closets, four (4) lavatories and four (4) showers.

(f) Eighty-one (81) to 100 vehicle spaces:

1. Males: Four (4) water closets, two (2) urinals, five (5) lavatories and five (5) showers.

2. Females: Five (5) water closets, five (5) lavatories and five (5) showers.

(g) When over 100 vehicle spaces are provided there shall be one (1) additional water closet and one (1) additional lavatory for each sex per additional thirty (30) spaces or fraction thereof; one (1) additional shower for each sex per additional forty (40) vehicle spaces or fraction thereof; and one (1) additional urinal for males per additional 100 vehicle spaces.

Section 16. Residential and Day Camp Sites (Relates to 902 KAR 10:040). (1) Each residential and day camp site shall be provided with sanitary facilities for each sex as specified.

(2) Sanitary facilities shall be provided as listed below, except, however, day camps shall not be required to provide shower facilities.

(a) One (1) to eighteen (18) persons served:

1. Males: One (1) water closet, one (1) urinal, one (1) lavatory and one (1) shower.

2. Females: Two (2) water closets, one (1) lavatory and one (1) shower.

(b) Nineteen (19) to thirty-three (33) persons served:

1. Males: Two (2) water closets, one (1) urinal, two (2) lavatories and two (2) showers.

2. Females: Two (2) water closets, two lavatories and two showers.

(c) Thirty-four (34) to forty-eight (48) persons served:

1. Males: Two (2) water closets, two (2) urinals, two (2) lavatories and three (3) showers.

2. Females: Three (3) water closets, two (2) lavatories and three (3) showers.

(d) Forty-nine (49) to sixty-three (63) persons served:

1. Males: Three (3) water closets, two (2) urinals, three (3) lavatories and four (4) showers.

2. Females: Four (4) water closets, three (3) lavatories and four (4) showers.

(e) Sixty-four (64) to seventy-nine (79) persons served:

1. Males: Three (3) water closets, three (3) urinals, three (3) lavatories and five (5) showers.

2. Females: Five (5) water closets, three (3) lavatories and five (5) showers.

(f) Eighty (80) to ninety-five (95) persons served:

1. Males: Four (4) water closets, three (3) urinals, four (4) lavatories and six (6) showers.

2. Females: Six (6) water closets, four (4) lavatories, and six (6) showers.

(g) When over ninety-five (95) persons are served, there shall be provided: One (1) additional water closet and one (1) additional lavatory for each twenty-five (25) persons or fraction thereof served; one (1) additional shower for each twenty (20) persons, or fraction thereof, served; one (1) urinal per fifty (50) additional males or fraction thereof.

(h) Water closets may be substituted for urinals when facilities may be used by both sexes.

Section 17. Retail Food Stores and Restaurants. Sanitary facilities shall be provided for employees. (Relates to 902 KAR 10:020 and 902 KAR 45:005).

(1) Food stores:

(a) When in excess of five (5) persons of different sex are employed, separate facilities must be provided for the employees.

(b) Sanitary facilities shall be provided for customers when the building contains 5,000 square feet or more. In malls and/or shopping centers, the required facilities, based on one (1) person per fifty (50) square feet, may be installed in individual stores or in a central toilet room area or areas, if the distance from the main entrance of any store does not exceed 500 feet.

(c) 1. One (1) water closet for one (1) to 100 persons.

2. Two (2) water closets for 101 to 200 persons.

3. Three (3) water closets for 201 to 400 persons.

4. One (1) water closet for each 500 males or 300 females in excess of 400.

5. One (1) urinal for eleven (11) to 200 males.

6. Two (2) urinals for 201 to 400 males.

7. Three (3) urinals for 401 to 600 males.

8. One (1) urinal for each 300 males or fraction thereof, over 600.

9. One (1) lavatory for one (1) to 200 persons.

10. Two (2) lavatories for 201 to 400 persons.

11. Three (3) lavatories for 401 to 700 persons.

12. One (1) lavatory for each 500 persons or fraction thereof in excess of 700.

13. One (1) drinking fountain on each floor for each 500 persons or fraction thereof.

14. One (1) service sink, utility sink or curbed mop basin per floor as required.

(2) Restaurants:

(a) When in excess of five (5) persons of different sex are employed, separate facilities must be provided for the employees.

(b) In new establishments or establishments that are extensively altered or changed from another type occupancy to a restaurant, toilet facilities for each sex shall be provided and readily accessible for the use of both patrons and employees; provided, that carry-out type food service operations shall be exempted from providing toilet facilities for the use of their patrons.

(c) 1. Two (2) water closets for one (1) to 100 persons.

2. Three (3) water closets for 101 to 200 persons.

3. Four (4) water closets for 201 to 300 persons.

4. One (1) water closet for each additional 200 persons or fraction thereof over 300.

(d) 1. One (1) urinal for eleven (11) to 200 males.

2. One (1) urinal for each additional 150 males or fraction thereof over 150.

(e) 1. One (1) lavatory for one (1) to 200 persons.

2. Two (2) lavatories for 201 to 400 persons.

3. Three (3) lavatories for 401 to 600 persons.

4. One (1) lavatory for each additional 200 persons or fraction thereof over 600.

(f) 1. One (1) drinking fountain for one (1) to 100 persons.

2. Two (2) drinking fountains for 101 to 500 persons or fraction thereof.

(g) When food is consumed indoors on premises, water stations may be substituted for drinking fountains.

(h) One (1) service sink, utility sink or curbed mop basin on each floor as required.

(i) Lavatories for handwashing shall be provided in the kitchen area, readily accessible to the employees. However, if the service or utility sink is placed in a location readily accessible to the employees as determined by the Cabinet for Human Resources, it may substitute for the lavatory.

Section 18. Temporary Facilities for Construction Projects. Separate sanitary fixtures shall be provided as scheduled below for both males and females:

(1) One (1) water closet per thirty (30) males or fraction thereof.

(2) One (1) urinal per thirty (30) males or fraction thereof.

(3) One (1) lavatory per thirty (30) males or fraction thereof.

(4) One (1) water closet per twenty (20) females or fraction thereof.

(5) One (1) lavatory per twenty (20) females or fraction thereof.

(6) One (1) drinking fountain per 100 persons or fraction thereof.

Section 19. The fixture requirements of this regulation are also compiled in table form which is available from the Division of Plumbing, Department of Housing, Buildings and Construction, The 127 Building, Frankfort, Kentucky 40601.

MELVIN H. WILSON, Secretary

CHARLES A. COTTON, Commissioner

APPROVED BY AGENCY: June 6, 1985

FILED WITH LRC: June 13, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 25, 1985 at 10 a.m. in the offices of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Judith G. Walden, Office of the General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601. If no written requests to appear at the public hearing are received by July 20, 1985, the hearing may be cancelled.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl VanCleve

(1) Type and number of entities affected:

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

1. First year: Savings of approximately \$100

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:

1. First year: Minimal increase due to completing regulatory impact analysis.

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: None

(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: To improve on regulation and to coordinate it with requirements of the Cabinet for Human Resources.

Tiering:

Was tiering applied? No. Not applicable.

**CABINET FOR HUMAN RESOURCES  
Department for Health Services  
(Proposed Amendment)**

**902 KAR 2:090. Tuberculosis testing.**

RELATES TO: KRS 158.036, 158.037, 211.180, 214.034, 215.520

PURSUANT TO: KRS [13.082,] 194.050, 211.090

NECESSITY AND FUNCTION: KRS 211.180 mandates the Cabinet for Human Resources to implement a statewide program for the detection, prevention and control of communicable diseases. KRS 214.034 requires the establishment of tuberculosis testing schedules for children by the Cabinet for Human Resources[, and also requires the establishment of methods for epidemiologic determinations necessary to determine the need for tuberculosis testing following the first year of school]. KRS 158.037 requires the establishment of reporting regulations for tuberculin skin test results in children attending all public or private elementary or secondary schools by the Cabinet for Human Resources. KRS 158.036 establishes the [The regulation specifies the recommended] schedule for mandatory tuberculosis testing of children as an initial two (2) year period with subsequent testing every five (5) years at the discretion of the Secretary for Human Resources. The regulation mandates tuberculin testing for all first time school enrollees in private and public schools in Kentucky and describes [, the methods for epidemiologic determination of the need for tuberculosis testing following the first year of school, and] the methods for reporting tuberculin skin test results on children to local health departments.

Section 1. Definitions. (1) "Child" means an individual under the age of eighteen (18) years.

(2) "Tuberculin skin test" means the intracutaneous injection of five (5) tuberculin units of purified protein derivative by the Mantoux technique or multiple puncture, but preferably the former.

(3) "First-time enrollee" means a child entering private or public school in the Commonwealth, the child never having attended school in the Commonwealth previously.

Section 2. Each first-time enrollee in [Each child seeking to attend] public or private school in the Commonwealth shall [is to] be tested for tuberculosis by tuberculin skin test within one (1) year prior to entering the public or private school. A child who has not been tested prior to entering the public or private schools may be permitted to attend class for a period of time not to exceed thirty (30) [five (5)] days, as approved in writing by the health officer of the local health department having jurisdiction. Further attendance is conditioned upon presentation of proof of having been tested for tuberculosis in accordance with Section 3 of this regulation.

Section 3. (1) Each first-time enrollee in [Each child entering] a public or private school [for the first time] shall present a valid certificate approved by the Cabinet for Human Resources and signed by the attending physician or by the health officer of the local health

department having jurisdiction, containing the date of the most recent tuberculin skin test, the type of skin test given (Mantoux, multiple puncture or other), and the millimeters of induration at forty-eight (48) ~~to~~ [and] seventy-two (72) hours post-testing. The certificate shall become a permanent part of the child's school health record.

(2) When tuberculin skin testing is medically contraindicated according to the written statement of an attending physician or of the health officer of the local health department having jurisdiction, the child shall receive a chest x-ray. The only exception to this requirement is a child who can present documentation of a completed course of isoniazid prophylaxis or multiple drug treatment for previously diagnosed tuberculosis infection or disease.

Section 4. Each public or private school shall, within sixty (60) days of the beginning of each school year, forward to the local health department having jurisdiction in the area a report containing:

(1) A list showing the name, grade, type of tuberculin skin test performed and the millimeters of induration for all first-time enrollees who had any induration at forty-eight (48) to seventy-two (72) hours indicated on their tuberculin skin testing certificate and all first-time enrollees who were excepted in accordance with Section 3(2) of this regulation; and

(2) The number of first-time enrollees by school grade; and of those, the number tested.

Section 5. When the prevalence [incidence] of significant tuberculin reactors among first-time [first-year] enrollees at any school exceeds or equals five-tenths (0.5) of one (1) percent, additional testing may be required by the health officer of the local health department having jurisdiction or the Cabinet for Human Resources [of the total first-year enrollment, at least all students in the highest elementary school grade and all tenth grade students at that same school shall be tuberculin skin tested within ninety (90) days of the beginning of the school year]. Results of the testing shall be provided the local health department having [in that] jurisdiction. Additional control measures [skin testing] may then be required at the sound discretion of the health officer of the local health department having jurisdiction or the Cabinet for Human Resources in order to protect the public health. [When tuberculin skin testing is medically contraindicated according to the written statement of an attending physician or the health officer of the local health department having jurisdiction, skin testing will not be required.]

C. HERNANDEZ, M.D., Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: June 12, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 22, 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 July 17, 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: Gary R. Hammonds

(1) Type and number of entities affected: All schools public and private - number unknown.

(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 additional.

(2) Effects on the promulgating administrative body:

(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:

(b) Reporting and paperwork requirements: No additional.

(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: None

Tiering:

Was tiering applied? No. N/A.

#### 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 June 1 [May 1], 1985, 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 May 1,

1985, 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, 1985, 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 May 1, 1985, 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 June 1 [May 1], 1985, 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 June 1 [May 1], 1985, edition of the "Western State Hospital Policy Manual" consisting of thirty-two (32) [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, 1985, 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 May 1, 1985, 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 May 1, 1985, 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 May 1, 1985, 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

DST-0-2 #26 Designates areas of responsibility to maintain a program monitoring and evaluation system to assure quality control.

DST-0-3 #1A Revised to include right to legal counsel and/or P & A services.

#15D More clearly identifies procedures for behavior management programs involving time-out or aversive stimuli.

#20 Identifies procedures for development of behavior management programs.

DST-0-4 #3A More clearly defines role of Behavior Management Committee.

OAKWOOD POLICY MANUAL - A-2 - Volume II

DST-08A #5B Updates listing of information to be provided resident's family or guardian prior to admission.

DST-08D #1B Revised to include social worker's responsibility for providing parent or guardian with quarterly fiscal statement.

OAKWOOD POLICY MANUAL - A-3 - Volume III

DST-2-2 #42 Sets forth mission of Nursing Department.

DST-2-5 #2B Deletes policy regarding Pharmacy Hours of Operation. (Deleted)

Section 5 is revised as follows:

CENTRAL STATE HOSPITAL POLICY MANUAL - E-1

Section B - Management Section

No. 8 This policy revised to add first procedure and attachment relating to adult abuse. A requirement by the Joint Commission. (Remove old policy and attachments and add the revised policy.)

Section G - Nursing Section

No. 2 This policy was rewritten to meet a minimum RN coverage because of 30-40% increase in patient census. Wording was changed because the organizational structure had been changed. (Remove old policy and add revised one.)

No. 3 Wording needed to be changed because of the organizational structure change. (Remove old policy and add revised one.)

No. 6 New Policy. Policy was written for the possibility of confirmed diagnosis of AIDS. (Add new policy.)

Section FF - Utilization Review

No. 2 Needs to be added back into the manual. No changes were made on this policy.

Section I - Pastoral Services

No. 1 This policy revised as the old policy failed to adequately describe and include the full range of services available through the Pastoral Department. (Remove old policy and add revised one.)

No. 1.1 This new policy was added to further clarify pastoral responsibilities. (Add directly behind No. 1.)

CENTRAL STATE HOSPITAL POLICY MANUAL - E-2 - NURSING MANUAL

Section 3.2 and 3.12

Infection control committee requested these two policies be revised and expanded. The policies were not clearly stated. Hopefully the new policies would decrease urinary tract infections.

None of the policy changes will result in any additional expenditures or in any financial savings. Also, no changes in staff will be required to implement these changes.

Section 6 is revised as follows:

WESTERN STATE HOSPITAL POLICY MANUAL - F-2

Nursing Procedures Manual

NOTE: Change in Table of Contents. Section I. Procedure #11 - Collection of Timed Urine Specimen now #10. Deleted Procedure #10 - Lumbar Puncture.

Section I

Procedure No. 7 To obtain a smear: Change in procedure to designation of staff responsible for procedure.

Procedure No. 8 Cultures: Change and update procedure to designation of staff responsible for procedure and to comply with current accepted practice.

Procedure No. 9 Sputum Cultures: Change to designation of staff responsible update to comply with current supplies used. Updated charting and references.

Procedure No. 10 Lumbar puncture - delete - no longer performed within facility.

Procedure No. 11 Collection of timed urine specimen change to No. 10.

Procedure No. 11 Urine glucose and ketone determination: New procedure - due to change in supplies used to determine urine glucose and ketone levels.

Procedure No. 12 Blood glucose testing used a glucometer: New procedure to be used when a blood glucose is needed quickly and lab services are not available within the facility.

Section II - No change

Section III - Emergencies and Special Problems

Procedure No. 1 Artificial respiration - updated procedure for method of observing for air movement.

Procedure No. 3 Cardiopulmonary resuscitation: Update procedure for air movement and changed procedure to read in same sequence for one man CPR as in two man CPR.

Procedure No. 4 Suturing - Changed procedure to include designation of staff responsible for procedure. Those staff persons trained in sterile technique.

Section III

Procedure No. 2 Ketoacidotic coma and insulin shock - Page 2 - Designation of the head nurse to be notified of symptoms found. Registered nurse only level of staff designated to notify physician.

Section IV

Procedure No. 1 Procedure for bedpan and/or urinal - Updated procedure to current practices, updated charting necessary and updated reference sources.

Procedure No. 2 Tub bath - Updated procedure to address privacy of patient and checking water temperature. Updated reference sources.

Procedure No. 5 Shaving - Changed/updated procedure to comply with equipment presently used. Psychiatric safety razors not used in this facility.

Section V

Procedure No. 1 Handwashing: Routine and antiseptic - Updated procedure to comply with current CDC (Center for Disease Control, Atlanta, Georgia) guidelines - updated references.

Procedure No. 2 Enteric precautions: Updated to comply with current CDC guidelines. Updated reference.

Procedure No. 4 Tuberculosis (AFB) isolation: Updated procedure to comply with current CDC guidelines. Updated references.

Procedure No. 5 Respiratory isolation: Updated procedure to comply with current CDC guidelines. Updated references.

Procedure No. 6 Drainage/secretion precautions: Updated procedure to comply with current CDC guidelines. Updated references.

Procedure No. 7 Strict isolation - Pages 2 and 3. Updated procedure to comply with current CDC guidelines. Updated references.

Procedure No. 8 Contact isolation: Updated procedure to comply with current CDC guidelines. Updated references.

Section VI

Procedure No. 2 Lavage - Stomach irrigations: Change procedure to include designations of staff with higher assessment skills and trained in procedure. Updated to include equipment now available for use and to comply with current accepted practices and updated references.

Procedure No. 3 Gavage (tube feeding) - Changed procedure to designate level of staff responsible for procedure. Staff trained in procedure and higher levels assessment skills.

Procedure No. 4 Intermittent suction: Changed procedure to designate staff specifically trained to perform procedure.

Procedure No. 5 Fecal impaction: Changed procedure to designate staff trained to perform procedure.

Procedure No. 6 Retention enema: Changed procedure to designate staff responsible for procedure to those specifically trained to perform procedure.

Procedure No. 7 Cleansing enema: Changed procedure to designate staff responsible for procedure to those specifically trained to perform procedure.

Procedure No. 8 Colostomy irrigation: Changed procedure to designate responsible staff to those staff persons specifically trained in procedure.

Procedure No. 10 Changing dressings - Changed procedure to designate staff responsible for procedure to those trained in sterile technique.

Procedure No. 11 Tracheostomy care and suction: Updated procedure to comply with current accepted practice, current equipment available. Designated staff responsible to those specifically trained. Updated references.

Procedure No. 18 Blood transfusion: Changed procedure to designate staff responsible for procedure due to possible critical repercussions to patient.

Procedure No. 20 Catheterization: Changed procedure to designate staff responsible for procedure to be those trained in sterile technique.

Procedure No. 21 External catheterization: Changed procedure to designate staff responsible to those trained to avoid problems in blood circulation of glans penis.

Procedure No. 22 Page 2 - Foley catheter insertion and intermittent irrigation: Changed procedure to designate staff responsible to be those trained in sterile technique.

Procedure No. 24 Postural drainage: Changed procedure to designate staff responsible to be those trained in the procedure and a warning of areas to avoid during cupping.

Procedure No. 25 Colostomy care - Change procedure to designate staff responsible for procedure to be those with a higher level of assessment skills to assess stoma and skin condition.

Procedure No. 26 Continuous feeding with external feeding pump - New procedure to be used when continuous feedings are prescribed and include equipment now available for use.

#### Section VII - Unclassified

Procedure No. 1 Postmortem care - Page 2 - Changed procedure from padding and tying wrist to placing arms at side. Previous method caused bruising of the skin.

WESTERN STATE HOSPITAL POLICY MANUAL - F-2 - NURSING PROCEDURE MANUAL

Cover sheet revised to indicate current review and revision.

Other revisions as listed on attached sheet.

WESTERN STATE HOSPITAL POLICY MANUAL - F-3 - NURSING SERVICES POLICIES AND PROCEDURES

Revision: Section IV - Medication and Treatment Policies

Policy No. 1 Specifications of persons administering medications - revised to allow only licensed nurses to administer medications in compliance with state licensure standards.

[Section 1 is revised as follows:

OAKWOOD POLICY MANUAL - A-1

DST 07 #34 Time and attendance - policy to provide uniform procedure

DST 07 #35 Inclement Weather - policy to insure staff attendance during bad weather.

Section 2 is revised as follows:

HAZELWOOD POLICY MANUAL - B-1

87-3-1 #1B Chief Executive Officer  
This is a policy update and the policy itself is required by ICF/MR regulations, Federal #W 98.

87-3-1 #3C Human Rights Committee  
Policy has been revised to more accurately reflect facility's current practice and to better comply with ACMRDD Standards - under committee membership (item #2) and reporting alleged abuse to the Human Rights Chairperson (item #6).

87-3-5 #3C Incident Report  
This is a policy and procedure update due to changes in facility forms as well as procedures for handling report of resident incidents.

HAZELWOOD POLICY MANUAL - B-2

#40 is replaced with new time and attendance to provide uniform procedure

44 is replaced with new inclement weather to insure staff attendance during bad weather

87-6-7 #4A Resident Discipline  
This is a policy revision. The policy is required by Federal ICF/MR regulations as well as ACMRDD standards. The policy addresses basic guidelines for interaction and involvement of residents and staff during basic daily activities.

87-9-2 #2C Transfer of Facility Personnel  
This is a policy and procedure update. It clarifies the procedures which employees in the facility will follow regarding employee transfers to other shifts or departments.

Section 3 is revised as follows:

CENTRAL STATE HOSPITAL ICF-MR POLICY MANUAL

C 4-17 #25 Time and attendance policy to provide uniform procedure

C 4-17 #26 Inclement weather policy to insure staff attendance during bad weather

Section 4 is revised as follows:

EASTERN STATE HOSPITAL POLICY MANUAL - D2 - Section II

#16 Time and attendance policy to provide uniform procedure

#17 Inclement weather policy to insure staff attendance during bad weather

EASTERN STATE HOSPITAL POLICY MANUAL - D19 - LAUNDRY AND CLOTHING DEPARTMENT

D19 Replace volume D19 with new manual

The following changes are made in this volume

a. Table of Contents - Add Quality Assurance - Page 15

b. Introduction (A brief list of duties) Delete "linen request" and "linen control" as they are not pertinent to a list of duties and are covered in other policies.

c. Organizational Chart - Add a block for the "Director."

p.4 Policy on Purchase of Clothing - In paragraph (1) delete "Departmental" as there is no longer such a document as Departmental Purchase Orders.

p.5 Policy on Laundry Preparation - Paragraph 7, 8 & 9 delete references to DeBoor Laundry and change to "contract laundry service."

Appendix - Add hospital name to forms.

p.5 & I Laundry Pins - Delete all reference to laundry pins. Their use is discontinued as a safety hazard.

p.15 Add new policy - Laundry & Clothing Quality Assurance Program.

EASTERN STATE HOSPITAL POLICY MANUAL - D1

Section 2 Approval Sheet for Manual. This needs to replace previous one in the front of the manual.

Section 2 p.28 Admission, Treatment and Billing of United States Veterans. The attached revised policy reflects changes in the Veterans Administration Hospital's procedures for accepting referrals for veterans who may be eligible for treatment there. The V.A. is requiring a bit more information, as reflected in #3, A-3.

Section 2 p.33 Speech, Language and Hearing Services. The attached policy replaces the previous policy in Section 2, page 33. Hearing screening is now a part of the patient's initial work-up and will be performed in the Dental Clinic at the time the patient has a dental examination. There is no charge in the way referrals for speech therapy are handled.

Section 2 p.14A The revised Code Blue policy replaces page 14-A, Volume D1. Please note that item 9 has been rewritten to distinguish between non-emergency transportation needs and emergency transportation needs.

Section 5 is revised as follows:

CENTRAL STATE HOSPITAL POLICY MANUAL - E-1

Section X #19 Time and attendance policy to provide uniform procedure

Section X #20 Inclement weather policy to insure staff attendance during bad weather

Section B - Management Section

No. 11 This policy has been revised to be in accordance with the procedure. The last paragraph was added by a requirement of the Joint Commission.

Section C - Fire & Safety Manual

No. 2 Policy has been revised to have used needles removed from the plastic syringe and destroyed in the hypodermic syringe safety device in the medication rooms. A red disposal container containing the used plastic syringes will be sealed with tape around the top and disposed of by Housekeeping staff.

No. 3 New policy added to the Fire & Safety Section as required by Joint Commission.

Section E - Medical Services

No. 3 New policy added to the Medical Services to be in compliance with the Joint Commission.

Section X - Personnel

No. 2 Policy revised to meet up with the standards of the Joint Commission.

Section 6 is revised as follows:

WESTERN STATE HOSPITAL POLICY MANUAL

F1 #10 is replaced with new Inclement Weather Policy to insure staff attendance during bad weather.

F14 #38 new policy on Time and Attendance policy to provide uniform procedure.

Section 7 is revised as follows:

GLASGOW ICF POLICY MANUAL

G12 p.12 a & b new policy added - Time and Attendance to provide uniform procedure

p.12c new policy added - Inclement Weather to insure staff attendance during bad weather

Section 8 is revised as follows:

WESTERN STATE HOSPITAL ICF POLICY MANUAL - H-1

#XXVIII New Time and Attendance policy to provide uniform procedure

#XXIX New Inclement Weather policy to insure staff attendance during bad weather

Section 9 is revised as follows:

VOLTA POLICY MANUAL I-1

Personnel section:

New policy on Time & Attendance policy to provide uniform procedure

New policy on Inclement Weather policy to insure staff attendance during bad weather

Section 10 is revised as follows:

KENTUCKY CORRECTIONAL PSYCHIATRIC CENTER POLICY MANUAL - J-1

Section A Inclement Weather Hazard or Emergency is replaced with Inclement Weather policy to insure staff attendance during bad weather.

Section A New policy added on Time & Attendance policy to provide uniform procedure.]

DENNIS D. BOYD, Commissioner  
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: June 12, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 22, 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 July 17, 1985, of their desire to appear and testify at the hearing: 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.

(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 Health Services  
Certificate of Need and Licensure Board  
(Proposed Amendment)

902 KAR 20:018. Operation and services; renal dialysis facilities.

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

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

NECESSITY AND FUNCTION: KRS 216B.040 and 216B.105(3) mandate that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services. This regulation provides for the licensure requirements for the operation and services of renal dialysis facilities.

Section 1. Scope of Operation and Services. Renal dialysis facilities are freestanding or hospital based, public or private facilities that are established, equipped and operated to provide outpatient dialysis and related services to end stage renal disease patients.

Section 2. Definitions. As used in this regulation, the following terms shall have the meanings set forth below: (1) "Administrator" means a person who holds a baccalaureate degree or its equivalent and has at least one (1) year of experience in an ESRD unit.

(2) "Anti-HBs" means the antibody to the hepatitis B virus. Persons who are anti-HBs positive are immune to infection by the hepatitis B virus. Immunity may be conferred either by vaccination or infection.

(3) [(2)] "Qualified dietitian" means a person who:

(a) Is registered by the American Dietetic Association and has at least one (1) year of experience in clinical nutrition; or

(b) Has a baccalaureate or advanced degree with major studies in food and nutrition or dietetics and has at least one (1) year of experience in clinical nutrition.

(4) [(3)] "End stage renal disease (ESRD)" means that stage of renal impairment which is virtually always irreversible and permanent, and requires dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life.

(5) [(4)] "Facility" means renal dialysis facility.

(6) "HBsAg" means the hepatitis B antigen. This antigen is present in the blood of persons who are infected by the hepatitis B virus. Patients who test HBsAg positive are potential sources of infection (carriers).

(7) "HBV negative" means the absence of the hepatitis B virus, the hepatitis B antigen, and the antibody to the hepatitis B virus. Individuals who are HBV negative are susceptible to infection by the hepatitis B virus.

(8) [(5)] "Medical director" means a licensed physician who is a board eligible or certified nephrologist, internist, or pediatrician with at least twelve (12) months experience or training in the care of ESRD patients.

(9) [(6)] "Qualified medical record practitioner" means a person who has graduated from a program for medical record administrators

or technicians accredited by the Council on Medical Education of the American Medical Association and the American Medical Record Association; and who is certified as a registered records administrator or an accredited record technician by the American Medical Record Association.

(10) [(7)] "Qualified registered nurse" means a nurse who is licensed to engage in registered nursing practice pursuant to KRS 314.041; and

(a) Has at least twelve (12) months experience in clinical nursing and an additional six (6) months of experience in nursing care of ESRD patients; or

(b) Has eighteen (18) months experience in nursing care of ESRD patients. At least three (3) months of the total eighteen (18) months required ESRD experience shall be in training patients in self-care if the nurse is responsible for self-care dialysis training.

(11) [(8)] "Qualified social worker" means a social worker licensed to practice in Kentucky, who has completed a course of study with specialization in clinical practice at, and holds a masters degree from, a graduate school of social work accredited by the Council on Social Work Education.

(12) [(9)] "Renal dialysis center" means a hospital unit which is approved to furnish the full spectrum of diagnostic, therapeutic (including inpatient dialysis furnished directly or under arrangement), and rehabilitative services, except renal transportation, required for the care of ESRD dialysis patients.

(13) [(10)] "Renal transplantation center" means a hospital unit which is approved to furnish directly, transplantation and other medical and surgical specialty services required for the care of the ESRD transplant patients, including inpatient dialysis furnished directly or under arrangement. A renal transplantation center may also be a renal dialysis center.

(14) [(11)] "Self-care dialysis training" means a program which trains ESRD patients or their helpers, or both, to perform dialysis.

Section 3. Administration and Operation. (1) Licensee:

(a) The licensee shall be legally responsible for the operation of the facility and for compliance with federal, state, and local laws and regulations pertaining to the operation of the facility.

(b) The licensee shall develop written policies for the administration and operation of the facility. Policies shall include:

1. Personnel practices and procedures;
2. Job descriptions for each level of personnel including authority and responsibilities of each classification;
3. Qualifications for medical staff membership;
4. Medical care practices and procedures;
5. Prevention and control of hepatitis, peritonitis and other infections including appropriate procedures for surveillance and reporting of infections, housekeeping, handling and disposal of waste and contaminants, and sterilization and disinfection, including the sterilization and maintenance of equipment; and
6. Procedures to be followed in medical and non-medical emergencies, including fires, natural disasters and equipment failures.



(2) Administrator. The facility shall have an administrator who is responsible for the management of the facility including enforcement of written policies and protection of patient's personal and property rights.

(3) The facility shall have a permanent site of operation and maintain regularly scheduled hours during which dialysis services are available.

(4) Affiliation agreements. A renal dialysis facility shall have affiliation agreements or arrangements in writing with renal dialysis centers and renal transplantation centers which provide the following:

(a) In the case of renal transplantation centers agreements shall provide for medical and surgical specialty services required for the care of ESRD patients, including transplantation and inpatient dialysis furnished directly or under arrangement; and

(b) In the case of renal dialysis centers affiliation agreements shall provide the basis for effective working relationships under which inpatient hospital care or other hospital services are available promptly to the dialysis facility's patients when needed. The agreements between renal dialysis facilities and renal dialysis centers shall provide in writing that:

1. Timely transfer or referral of patients between the renal dialysis facility and the renal dialysis center shall be effected whenever it is determined to be medically appropriate by the physicians at the facility and the center.

2. Patient care plans and medical and other information necessary or useful in the care and treatment of patients transferred or referred between facilities shall be interchanged within one (1) working day of the transfer or referral.

(5) Personnel. An adequate number of personnel shall be present to meet the needs of patients including medical and non-medical emergencies.

(a) Medical staff. The facility shall have an organized medical staff which shall be responsible for the quality of all medical care provided to patients in the facility and for the ethical and professional practices of its staff.

(b) There shall be a medical director responsible for supervising the staff of the facility. The medical director shall be a full or part-time staff member and in his absence a similarly qualified medical staff member shall be either in the unit or immediately available in the community whenever patients are being dialyzed.

(c) The facility shall employ at least one (1) full-time qualified registered nurse who is responsible for nursing services. Whenever patients are undergoing dialysis, a nurse experienced in rendering ESRD care shall be on duty to oversee patient care.

(d) The facility shall employ or have contracts for services with the following ancillary personnel:

1. A qualified dietician;
2. A qualified medical records practitioner;
3. A qualified social worker.

(6) Incident and accident reports. The facility shall report all incidents or accidents that present a direct or immediate relationship to the health, safety or security of any patient or staff member. Examples of the type of incidents to be reported include but are not limited to the following: any incident requiring

emergency treatment or hospitalization, cleaning agents left in a machine and used on a patient, contamination of the water supply, development of infection or communicable disease, etc. The reports shall be submitted to the Cabinet for Human Resources, Office of Inspector General, Division of Licensing and Regulation, 4th Floor, East, 275 East Main Street, Frankfort, Kentucky 40621 within three (3) days of the occurrence on the forms provided by the cabinet. A copy of the report shall be retained at the facility and shall be made available for inspection by the cabinet.

Section 4. Services. (1) Each patient is admitted on the medical authority of, and is under the supervision of, the medical director. When absent from the facility the medical director shall designate a qualified physician to be responsible for admission and supervision of patients.

(2) Laboratory services. All renal dialysis facilities shall have access to laboratory facilities and services (other than the specialty of tissue pathology and histocompatibility testing) to meet the needs of the ESRD patients. All services shall be performed either by a laboratory in a licensed hospital or by a laboratory licensed by the Department for Human Resources pursuant to KRS Chapter 333 and regulations promulgated thereunder.

(3) Medical records:

(a) A current and complete medical record shall be maintained for each patient.

(b) Organization. The supervisor of medical records shall be responsible for the proper documentation, completion and preservation of all the facility's medical records.

(c) Indexing. Medical records shall be properly indexed and systematically filed.

(d) Ownership. Records of patients shall not be removed from the facility's custody except in accordance with a court order or subpoena.

(e) Confidentiality. Records of patients shall be available for inspection only to members of the professional staff, the patient, or an authorized individual acting in behalf of the patient. This shall not preclude the record being used for research or statistical investigation, providing that the patient's anonymity is protected.

(f) Content. Complete medical records shall be prepared for all patients admitted to the facility. A minimum medical record shall include at least the following information:

1. Name and address of the patient, and guardian or committee, if any;
2. Identification data (name, address, age, sex, marital status);
3. Date of admission;
4. Date of transfer to renal transplantation center if applicable;
5. Referring and attending physicians' name;
6. History and physical examination record prior to the initial treatment;
7. Treatment plans;
8. Records of special examinations, consultations, and clinical, laboratory, and x-ray services;
9. Doctor's orders, dated and signed;
10. Nurses' notes;
11. Dialysis chart including pulse,

respiration and blood pressure;

12. Social evaluation and plan developed by the social worker; and

13. Orders for medication and treatment written in ink and signed by the prescribing physician.

(g) Retention of records. All medical records shall be retained for a minimum of five (5) years from the date the patient was last seen in the facility, or in the case of a minor, three (3) years after the patient reaches the legal age of majority, whichever is longest.

(4) Pharmaceutical services:

(a) The facility shall have provisions for promptly obtaining prescribed drugs and biologicals from licensed pharmacies.

(b) The facility shall provide appropriate methods and procedures for storage, control and administering of drugs and biologicals.

(c) All medications shall be administered by licensed medical or nursing personnel in accordance with the Medical and Nurse Practice Acts. The medical record shall include a record of each dose administered including date and time of administration, type of medication, dosage, method of administration, name of physician who prescribed the medication, and name of the person who administered the medication.

(5) Social services. The qualified social worker shall be responsible for each patient's social evaluation and treatment, participating in team review of patient progress and recommending changes in treatment based on the patient's current social needs, providing casework and group work services to patients and their families, financial advice, referrals for vocational rehabilitation, and for identifying community social agencies and other resources and assisting patients and their families to utilize them.

(6) Dietetic services. The nutritional needs of each patient shall be evaluated by the attending physician and the qualified dietician. The dietician, in consultation with the attending physician, shall be responsible for assessing the nutritional and dietetic needs of each patient, recommending therapeutic diets, counseling patients and their families on prescribed diets, and monitoring adherence and response to diets.

(7) Self-care dialysis support services. Renal dialysis facilities which offer self-care dialysis training shall make the following services available either directly, under agreement, or by arrangement with another ESRD facility upon completion of the patients' training:

(a) Monitoring the patients' home adaptation, including provisions for visits to the home or the facility;

(b) Consultation for the patient with a qualified social worker and a qualified dietician;

(c) A recordkeeping system which assures continuity of care;

(d) Installation and maintenance of dialysis equipment;

(e) Testing and appropriate treatment of the dialysis water;

(f) Ordering of supplies as needed; and

(g) Infection control (i.e., control of hepatitis and peritonitis).

Section 5. Physical Environment. (1) Building and equipment:

(a) All electrical and other equipment used in the facility shall be maintained free of defects which could be a potential hazard to patients or personnel. There shall be a program of preventive maintenance of equipment used in dialysis and related procedures in the facility.

(b) Water used for dialysis purposes shall be analyzed periodically and treated as necessary to maintain a continuous water supply that is biologically and chemically compatible with acceptable dialysis techniques. Records of test results and equipment maintenance shall be maintained at the facility.

(2) Hepatitis testing. (a) Candidates for dialysis shall be screened for the hepatitis B surface antigen (HBsAg) and antibodies to the hepatitis B virus (Anti-HBs) within one (1) week before or at the time they enter the unit in order to determine their serologic status for surveillance purposes. All potential employees shall be screened within one (1) week prior to or within the first week of employment. Thereafter, routine serologic testing to monitor for hepatitis B infection shall be conducted in accordance with the following schedule:

#### TEST AND FREQUENCY

	<u>HBsAg</u>	
<u>Serologic Status</u>	<u>Patients</u>	<u>Staff</u>
<u>Susceptible to infection (HBsAg and anti-HBs negative, i.e., HBV negative)</u>	<u>Quarterly</u>	<u>Quarterly</u>
<u>Infected (HBsAg positive)</u>	<u>Test both patients and staff monthly; then quarterly after two (2) consecutive positive monthly tests; if person remains positive for six (6) months then test annually</u>	
<u>Immune (Anti-HBs positive on two (2) consecutive tests)</u>	<u>Not required for either patients or staff</u>	
	<u>Anti-HBs</u>	
<u>Serologic Status</u>	<u>Patients</u>	<u>Staff</u>
<u>Susceptible to infection (HBsAg and anti-HBs negative, i.e., HBV negative)</u>	<u>Monthly</u>	<u>Quarterly</u>
<u>Infected (HBsAg positive)</u>	<u>After two consecutive negative monthly tests for HBsAg, patients and staff shall have two (2) tests for Anti-HBs</u>	
<u>Immune (Anti-HBs positive on two (2) consecutive tests)</u>	<u>Semi-annually, if vaccinated*</u>	<u>Annually, if vaccinated*</u>
	<u>Annually, for unvaccinated patients and staff**</u>	

\*Vaccinated = three (3) doses of HB vaccine received and anti-HBs positive at a level of ten (10) sample ratio units by radioimmunoassay or positive by enzyme immunoassay.

\*\*Unvaccinated = fewer than three (3) doses of HB vaccine.

(b) All candidates for dialysis shall be screened for alanine aminotransferase (ALT, previously SGPT) or aspartate aminotransferase (AST, previously SGOT) to determine potential non-A, non-B hepatitis infection within one (1) week before or at the time they enter the unit and monthly thereafter.

(3) [(2)] Infection control:

(a) [All patients to be dialyzed shall be tested for hepatitis prior to the initial dialysis and every two (2) months thereafter.] If dialysis of confirmed carriers of hepatitis is performed in the facility a unit which is adequately isolated from other units in the facility and only used for hepatitis carriers shall be used. Confirmed carriers of hepatitis may also be dialyzed in an adjacent or separate facility utilized only for hepatitis carriers, or in the patients' home.

(b) All facilities utilizing a central-batch delivery system shall provide either on the premises or through affiliation agreements sufficient individual delivery systems for the treatment of any patient requiring special dialysis solutions.

(4) [(3)] Contamination prevention. The facility shall employ appropriate techniques to prevent cross contamination between the unit and adjacent hospital or public areas including, but not limited to, food service areas, laundry, disposal of solid waste and blood-contaminated equipment, and disposal of contaminants into sewage systems. Waste storage and disposal shall be carried out in accordance with applicable local laws and acceptable public health standards.

C. HERNANDEZ, MD., Commissioner  
FRANK BURKE, SR., Chairman  
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: June 14, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 22, 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 interest persons notify the following office in writing by July 17, 1985 of their desire to appear and testify at the hearing: Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Greg Lawther

(1) Type and number of entities affected: The operators of all outpatient renal disease facilities, patients in all renal disease facilities and their employees.

(a) Direct and indirect costs or savings to those affected: The proposed amendments concerning hepatitis testing will result in a decrease in costs to these facilities and their

employees. The incident and accident reporting requirements will result in minor increased cost for mailing of reports to the Inspector General.

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: The incident and accident reporting requirements are new.

(2) Effects on the promulgating administrative body: The Division of Licensing and Regulation will incur minor costs to develop the reporting form, review reports submitted and investigate selected incidents or accidents.

(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: The only alternative was to leave the existing requirement as it is. The existing requirement hepatitis testing provision results in unnecessary tests. There is currently no incident or accident reporting requirement in this licensure regulation.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict 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: None

Tiering:

Was tiering applied? No. These are licensure regulations. All renal disease facilities are required to meet the same standards.

#### CABINET FOR HUMAN RESOURCES

Department for Health Services

Certificate of Need and Licensure Board

(Proposed Amendment)

902 KAR 20:200. Tuberculosis testing in long term care facilities.

RELATES TO: KRS 215.520 to 215.600, 216B.010 to 216B.131, 216B.990(1),(2)

PURSUANT TO: KRS 216B.040(2), 216B.105

NECESSITY AND FUNCTION: KRS 216B.040 and 216B.105 mandate that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services. KRS 215.520 to 215.590 mandates that nursing homes report cases of tuberculosis. The purpose of this regulation is to establish licensure requirements concerning uniform procedures for the identification and control of tuberculosis in skilled nursing facilities, intermediate care facilities, nursing homes, and personal care homes. These procedures are necessary to

minimize the transmission of tuberculosis infection among the staff and residents of such facilities.

Section 1. Definitions. (1) "Induration" means a firm area in the skin which develops as a reaction to injection tuberculosis proteins when a person has tuberculosis infection. The diameter of the firm area is measured to the nearest millimeter to gauge the degree of reaction. A reaction of ten (10) millimeters or more of induration is considered highly indicative of tuberculosis infection.

(2) "Skin test" means a tuberculin skin test utilizing the intradermal (Mantoux) technique using five (5) tuberculin units of purified protein derivative (PPD). The results of the test must be read forty-eight (48) to seventy-two (72) hours after injection and recorded in terms of millimeters of induration.

(3) "Two (2) step skin testing" means a series of two (2) tuberculin skin tests administered seven (7) to fourteen (14) days apart.

Section 2. Admission of Patients under Treatment for Pulmonary Tuberculosis Disease. No licensee shall admit a person under medical treatment for pulmonary tuberculosis disease unless there is documentation of three (3) consecutive sputum smears negative for acid-fast bacilli within the month prior to admission and the patient is considered non-infectious by a licensed physician.

Section 3. Tuberculin Skin Testing of Residents. For residents entering a facility, no skin testing is required if a previous documented skin test has shown ten (10) or more millimeters of induration or if the resident is currently receiving or has completed one (1) year of prophylactic therapy or a course of multiple-drug chemotherapy for tuberculosis. For all other residents, however, skin testing is required upon admission to the facility. For such residents whose initial skin test shows less than ten (10) [zero (0) through nine (9)] millimeters of induration, two (2) step skin testing is required, unless they can document that they have had a tuberculosis skin test within one (1) year prior to their initial testing upon admission to the facility. The skin test status of all residents must be documented through recording of the date and millimeters of induration of the most recent skin test in the medical record. The front cover of the medical record shall be labeled in a conspicuous manner with the notation "PPD+" for all residents with a reaction of ten (10) or more millimeters of induration.

Section 4. X-raying of Residents. All residents found on admission testing to have a skin test of ten (10) or more millimeters of induration shall receive a chest x-ray, unless a chest x-ray done within two (2) months prior to admission showed no evidence of tuberculosis disease or the resident can document that he has previously had one (1) year of prophylactic treatment with isoniazid.

Section 5. Monitoring of Residents with a Skin Test of Ten (10) or More Millimeters of Induration. Residents with a skin test of ten

(10) or more millimeters of induration shall be monitored for development of pulmonary symptoms such as cough, sputum production or chest pain. If such symptoms develop and persist of three (3) weeks or longer, a chest x-ray shall be taken and three (3) sputum samples shall be submitted to the Division of Laboratory Services, Department for Health Services, Frankfort, Kentucky, for tuberculosis culture and smear.

Section 6. Monitoring of Residents with a Skin Test of Less than Ten (10) [Zero (0) Through Nine (9)] Millimeters of Induration. Annual skin testing is required. In addition, if pulmonary symptoms develop and persist for three (3) weeks or more, the tuberculin skin test shall be repeated, three (3) sputum samples shall be submitted to the Division of Laboratory Services, Department for Health Services, Frankfort, Kentucky for tuberculosis culture and smear, and a chest x-ray shall be taken.

Section 7. Tuberculin Skin Testing of Staff. The skin test status of all staff members shall be documented in the employee's personnel record. A skin test shall be initiated on all new staff members before or during the first week of employment and the results shall be documented in the employee's personnel record within the first month of employment. No skin testing is required at the time of initial employment if the employee documents a prior skin test of ten (10) or more millimeters of induration or if the employee is currently receiving or has completed one (1) year of prophylactic therapy or a course of multiple-drug chemotherapy for tuberculosis. Two (2) step skin testing is required for new employees over age forty-five (45) whose initial test shows less than ten (10) millimeters of induration, unless they can document that they have had a tuberculosis skin test within one (1) year prior to their current employment. All staff who have never had a skin test of ten (10) or more millimeters induration must be skin tested annually within two (2) weeks before or after the anniversary of their last skin test.

Section 8. X-raying and Monitoring of Staff with a Skin Test of Ten (10) or more Millimeters of Induration. All staff who are found to have a skin test of ten (10) or more millimeters induration, on initial employment testing or annual testing, must receive a chest x-ray unless a chest x-ray within the previous two (2) months showed no evidence of tuberculosis or, the individual can document the previous completion of a course of prophylactic treatment with isoniazid. They shall be advised of the symptoms of the disease and instructed to report to their employer and seek medical attention promptly, if symptoms persist.

Section 9. Responsibility for Screening and Monitoring Requirements. The administrator of each long-term care facility is responsible for ensuring that all skin-tests, chest x-rays and sputum sample submissions are done in accordance with Sections 1 through 8 of this regulation. In those facilities not employing professional staff with the technical training to carry out the screening and monitoring requirements, the

administrator shall arrange for professional assistance from either the local health department or private medical practitioners. Irrespective of who carries out the screening and monitoring requirements, all skin testing dates and results, all chest x-ray reports and all sputum sample culture and smear results shall be recorded as a permanent part of the medical record and be summarized on the individual's transfer form when an interfacility transfer occurs.

Section 10. Reporting to Local Health Departments. The following shall be reported to the local health department having jurisdiction by the administrator of the long-term care facility immediately upon becoming known: chest x-rays which are suspicious for tuberculosis; sputum smears positive for acid-fast bacilli; sputum cultures positive for mycobacterium tuberculosis; residents or staff who converts from a skin test of less than ten (10) to a skin test of ten (10) or more millimeters of induration; and all residents and staff who have a skin test of ten (10) millimeters or more induration at the time of admission or employment, respectively.

Section 11. Prophylaxis of Persons with Recent Infection but no Disease [Skin Test Converters]. Any resident or staff whose skin test status changes on annual testing [converts] from less than ten (10) to ten (10) or more millimeters of induration shall be considered to be recently infected with Mycobacterium tuberculosis. Such recently infected persons who have no signs or symptoms of tuberculosis disease on chest x-ray or medical history should be given preventive therapy with isoniazid for a year unless medically contraindicated as determined by a licensed physician. Medications shall be administered to patients only upon the written order of a physician. If such individual is unable to take isoniazid therapy, the individual shall be advised of the clinical symptoms of the disease, and have an interval medical history and a chest x-ray [shall be] taken and evaluated for tuberculosis infection every six (6) months during the two (2) years following conversion. [If the resident or staff member completes one (1) year of preventive therapy with isoniazid, no further x-rays are required except in accordance with Section 5 of this regulation.]

Section 12. Any staff or resident who can document completion of preventive treatment with isoniazid shall be exempt from further screening requirements except in accordance with Section 5 of this regulation.

C. HERNANDEZ, MD., Commissioner  
FRANK BURKE, SR., Chairman  
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: June 12, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 22, 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 interest persons notify the following office in writing by July 17, 1985 of their desire to appear and testify at the

hearing: Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

# REGULATORY IMPACT ANALYSIS

Agency Contact Person: Greg Lawther

(1) Type and number of entities affected: All long term care facilities and their employees and residents.

(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: The amendments to this regulation are to clarify the intent of this 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? No. These are licensure regulations. All long term care facilities are required to meet the same standards.

## CABINET FOR HUMAN RESOURCES

Department for Employment Services

Division for Job Service and Special Programs  
(Proposed Amendment)

903 KAR 2:010. Weatherization assistance program.

RELATES TO: KRS 194.010, 194.050

PURSUANT TO: KRS 13A.100 [13.082], 194.010, 194.050

NECESSITY AND FUNCTION: The Cabinet [Department] for Human Resources is authorized by KRS 194.010 to develop and operate human services programs for the citizens of the Commonwealth which shall include all related federal programs in which the state elects to participate. KRS 194.050 authorizes the Secretary for the Cabinet [Department] for Human Resources to formulate, promote, establish and execute policies, plans and programs and to adopt, administer and enforce all applicable state laws and all rules and regulations necessary to protect and maintain the health, welfare and sufficiency of the citizens of the

Commonwealth. To this end the Secretary shall adopt, administer and enforce such rules and regulations as are necessary to qualify for the receipt of federal funds. The Commonwealth of Kentucky has agreed to meet the requirements set forth in Section 2605(b) of the "Low-Income Home Energy Assistance Act of 1981," and accordingly, will receive a federal grant to assist eligible households to meet the costs of home energy. Included in this act (2605K) is the provision that funds may be made available to low-income persons for weatherization of residences. The regulation sets forth the eligibility criteria for participation in the Weatherization Assistance Program and defines various administrative responsibilities necessary through the act.

Section 1. Application. Each person requesting weatherization assistance shall be required to complete an application provided by the cabinet [department], and the person shall provide such information deemed necessary to permit the cabinet [department]'s agents to determine eligibility and benefit amount consistent with the criteria contained herein. The cabinet [department] may require proof of domicile and other pertinent considerations listed by the applicant.

Section 2. Definitions. Terms used in this regulation are defined as follows:

(1) "Energy crisis intervention" is an emergency situation brought on through adverse weather and energy supply shortage.

(2) "Household" shall include all individuals who occupy a housing unit as their legal residence.

(3) "Housing unit" shall be one (1) or more rooms when occupied as separate and distinct living and/or sleeping quarters.

(4) "Home energy" means a source of heating or cooling in residential dwellings.

(5) "Poverty level" means with respect to a household the income poverty guidelines as prescribed by the Office of Management and Budget.

(6) "Weatherization" is the act of repairing, altering or constructing items within a housing unit which when accomplished will eliminate or substantially reduce the "life or health threatening situation" to a household and/or reduce energy costs of a housing unit substantially.

(7) "Elderly person" means an individual who is sixty (60) years of age or older.

(8) "Handicapped person" means an individual who is handicapped as described in Section 7(b) of the Rehabilitation Act of 1973.

(9) "State" means the Commonwealth of Kentucky.

(10) "Life or health threatening situation" means a housing unit in a state of disrepair and/or disfunctioning of equipment or systems within the unit which causes a resident to be in danger of harm through inclement weather conditions, inadequate or faulty electrical, heating, cooling, plumbing, sewage, and structural systems.

(11) "Homebound" means a person who because of the infirmities of age, or this in conjunction with other disorders is unable to leave his/her home unaided by others.

(12) "Service provider" means the agency,

government or non-profit, administratively responsible to accept applications for weatherization assistance and which provides assistance to an eligible household pursuant to the provisions of this regulation.

Section 3. Eligibility Criteria. A housing unit shall be eligible for weatherization, subject to the availability of federal funds specifically referenced for this purpose, if each of the following criteria is met:

(1) The housing unit shall be occupied by one (1) or more elderly, handicapped, homebound or low-income persons who use the unit as his/her legal domicile, and:

(a) The income of the household shall not exceed 125 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget and the household does not have liquid assets in excess of \$3,000. Excluded from assets are cars, household or personal belongings, primary residence, prepaid burial policies, and cash surrender value of insurance policies.

(b) The owner of the housing unit shall issue a right of entry to the agency administering the program.

(c) The owner of the housing unit, if rented to an eligible household, shall agree in writing to refrain from raising the rental on the housing unit based on the increased value of the work performed through the weatherization project.

(d) The housing unit of an eligible household shall meet the definition of "life and/or health threatening situation."

(2) The housing unit eligible for weatherization shall be prioritized according to Section 8 of this regulation.

Section 4. Distribution and Payment of Funds.

(1) The Cabinet [Department] for Human Resources shall allot funds available for the weatherization program based on the relative need for weatherization of housing units occupied by low-income persons taking into account the following factors:

[(a) Relative poverty of the area;]

[(a) [(b)] Relative number of low-income homes in the area;

[(c) Relative number of homebound;]

[(b) [(d)] Previous program performance of the service provider.

(2) The service provider shall not allot in excess of \$1,500 for any single housing unit.

(3) The service provider may not use more than fifteen (15) percent of weatherization funds for rental housing units.

(4) The service provider shall be reimbursed for services performed on a monthly basis.

Section 5. Emergency Procedures. (1) The service provider shall establish emergency procedures to permit immediate assistance where the "life and health threatening situation" is of an imminent dangerous consequence.

(2) An emergency situation requiring immediate assistance without regard to prioritization shall be reported to the grantee within seven (7) working days with full documentation of the emergency circumstance.

Section 6. Training, Technical Assistance, Monitoring and Auditing. (1) The training, technical assistance, and monitoring of the weatherization program shall be through the auspices of the Department [Bureau] for Employment [Manpower] Services or its designee, and shall be designed to ensure effective and efficient provision of assistance to eligible persons consistent with the terms of this regulation.

(2) A fiscal audit of the expenditure of federal funds for purposes herein contained shall be conducted annually.

Section 7. Assurances and Certification. (1) The Cabinet [Department] for Human Resources shall require assurances of the solvency of the provider organization and that the organization has the legal authority to apply for a grant and possesses the expertise to discharge the responsibilities noted herein.

(2) In addition to those assurances referenced in Section 7(1), the provider organization shall agree to:

(a) Comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives federal financial assistance.

(b) Comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where the primary purpose of a grant is to provide employment or discriminatory employment practices will result in unequal treatment of persons who are or should be benefitting from the grant-aided activity.

(c) Comply with provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of federal and federally-assisted programs.

(d) Comply with the minimum wage and maximum hour provisions of the Federal Fair Labor Standards Act, and with applicable state labor laws.

(e) Comply with the regulations, policies, guidelines, and requirements, including Office of Management and Budget Circular No. A102 as it relates to the application, acceptance, and use of federal funds for this federally-assisted program.

(f) Provide safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain.

(g) Provide such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of and accounting for federal funds used in this program.

(h) Maintain necessary documents, records, books and papers to enable the Cabinet [Department] for Human Resources to audit expenditure of federal funds.

(i) Agree to repay to the state those amounts identified in an audit not to have been expended in accordance with this regulation.

(j) Develop procedures for a timely and fair

administrative hearing to households denied assistance under provisions of this regulation. An unreasonable delay in acting on an application for assistance shall constitute grounds for a hearing.

(k) Perform all weatherization work consistent with local and state building codes, and that materials and workmanship conform to quality standards as established by the Department for Employment Services.

Section 8. Weatherization Priority Ranking Form. A household and housing unit eligible for assistance under provisions of this regulation shall receive a priority ranking based on factors herein indicated and shall receive assistance in sequence to the indicated ranking.

(1) Number in household.

(2) Conditions of home.

(3) Family income.

(4) Cost of fuel as a percentage of family income.

(5) Special circumstances.

JAMES P. DANIELS, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: June 6, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 22, 1985 at 9 a.m. in the 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 July 17, 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: Commissioner James P. Daniels

(1) Type and number of entities affected: Twenty-four local non-profit administrative agencies, (23 community action agencies, and 1 local government), are affected.

(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: No additional reports would be needed.

(2) Effects on the promulgating administrative body: Simplifies department's processing.

(a) Direct and indirect costs or savings: Minimal 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: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Seven methods were assessed and it was determined that the selected formula distributes the money to areas where the eligible units are greater and complements the Department's policies. The



previous formula combined information from three data sources, whereas the data supplied for this formula is from U.S. Census Bureau.

(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: N/A

Tiering:

Was tiering applied? No. All recipients of weatherization assistance are treated equally.

**CABINET FOR HUMAN RESOURCES**  
**Department for Employment Services**  
**Division of Unemployment Insurance**  
**(Proposed Amendment)**

**903 KAR 5:260. Unemployment insurance procedures.**

RELATES TO: KRS 341.005 through 341.990

PURSUANT TO: KRS 13A.100, 194.050(1), 341.115

NECESSITY AND FUNCTION: Title III of the Social Security Act authorizes the states to implement an unemployment insurance program. 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 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 procedures required to administer the unemployment insurance program in accordance with applicable state and federal laws and regulations.

Section 1. In order to facilitate the administration of the unemployment insurance program as authorized by Title III of the Social Security Act and KRS Chapter 341, the following operating manuals are adopted by reference:

(1) Unemployment Insurance Local Office Manual as issued February 1984 and last revised April 25, 1985 [February 11, 1985]. This manual includes procedures: for requiring proper identification of persons filing claims for benefits; for taking and processing initial, additional, reactivated and continued claims for benefits; for assigning claimants to the appropriate group for the eligibility review program; for conducting benefit rights interviews; for processing payorder cards for payment; for correcting and changing benefit data; for registering claimants for work; for conducting the eligibility review program; for stopping and releasing payment of benefits; for entering claim history and benefit payment information into the data base; for taking and processing interstate claims, combined wage claims, claims by former federal employees and ex-service-members, and claims for extended benefits and federal supplemental compensation benefits; for conducting investigations and issuing determinations regarding a claimant's separation, ability to work, availability for work, active search for work, benefit

entitlement, and deductions from benefits; for processing employers' protests to claims; for taking requests for reconsideration of monetary eligibility; for establishing benefit overpayments and initiating recovery or recoupment by processing partial payment agreements or issuing liens; for initiating action on lost or returned checks; for detecting and initiating recovery of fraudulent overpayments; for filing appeals to eligibility determinations; for reporting workload time spent; for compiling claims and nonmonetary determination statistics; and for ranking of local offices based on performance criteria.

(2) Unemployment Insurance Benefit Branch Procedures Manual issued May, 1982 and last revised December 12, 1984. This manual includes procedures for administering the payment of unemployment insurance benefits; for maintaining accounts for all benefit income and expenditures; for detecting, establishing and initiating recovery of benefit overpayments; for assigning benefit charges to employer accounts; for conducting a quality review of nonmonetary determinations affecting the payment of benefits; for processing unemployment claims for former federal employees, ex-service-members, combined wage claimants, interstate claims, claims for Disaster Unemployment Assistance, claims under the Trade Readjustment Act and claims under the Work Incentive Program; for reconsidering monetary rate determinations; for processing payment for lost or returned benefit checks; and for investigating potential fraud and recommendation of recovery action or criminal prosecution.

(3) Unemployment Insurance Tax Collection and Accounting Branch Manual issued November, 1982 and last revised January 15, 1985. This manual includes procedures: for setting up, transferring and cancelling employer contribution and reimbursement accounts; for collecting quarterly taxes from contributory employers and for billing reimbursing employers for benefits paid; for auditing quarterly wage and tax reports by making adjustments, assessing additional payment and penalties and crediting tax overpayments; for maintaining records of employer accounts and tax payments; for adjusting wages if required when a reconsideration of monetary benefit eligibility is filed; and for collecting delinquent taxes by filing tax liens, recommending suits and temporary restraining orders, garnishing wages, filing claims in bankruptcy or against monies due to delinquent employers from state agencies.

(4) Unemployment Insurance Administrative Support Branch Manual issued December, 1983 and last revised November 9, 1984. This manual includes procedures: for maintaining files of benefit claims, employer records, appeals, and unemployment insurance commission orders; for maintaining mail security operations for all checks received by the division; for gathering statistics and conducting statistical studies; for verifying workload items for the budget process; for publishing statistical reports for the division and for general publication; for maintaining and distributing federal and state-released procedures; for maintaining all procedures manuals; for conducting the unemployment insurance quality appraisal; for training division personnel; for retaining and

disposing of records; for providing data processing liaison services; for preparing state and federal budgets; for operating the Cost Model Management System; for maintaining the Cost Information System; for controlling forms control; and for monitoring purchases, expenditures and repairs.

(5) Unemployment Insurance Field Audit Manual issued February 1984 and last revised January 11, 1985. This manual includes procedures for handling matters which cannot be handled directly or expediently by the central office tax branch, such as procedures: for locating employers; for conducting investigations of employers, and their payrolls and employment records; for determining an employer's status under the law; for assessing contributions and collecting delinquent contributions; for serving legal papers; for conducting property investigations; for auditing employer records; and for furnishing technical assistance to employers.

(6) Unemployment Insurance Director's Office Manual issued November 18, 1983, and last revised December 12, 1984. This manual includes procedures for operating the Fraud Investigations and Internal Security Unit such as procedures for: administering the unit; detecting fraud; prosecuting fraud cases; closing out fraud cases; preventing fraud; maintaining internal security; and conducting other investigations.

Section 2. Summary of Amendment. Unemployment Insurance Local Office Manual. (1) Chapter 1000, Introduction. Sections 1050 and 1060, strike entire chapter, dated 1-14-85, and substitute in lieu thereof entire chapter, dated 3-29-85, which updates procedures for protecting the confidentiality of claim information and processing requests for information from public officials. [Chapter 6000, Claims Investigation, Section 6207, strike pages 90 and 91, dated 12-11-84 and substitute in lieu thereof pages 90 and 91, dated 2-11-85 which update procedures for sending repayments of benefit overpayments from local offices to the Benefit Payment Control Section.]

(2) Chapter 2000, Initial Claims, Sections 2040 and 2060, strike pages 9, 10, 17 and 18, dated 8-16-83, and substitute in lieu thereof pages 9, 10, 17 and 18, dated 3-1-85, which update procedures for backdating effective dates of claims. Section 2010, strike pages 3 and 4, dated 10-19-84, and pages 4A and 4B, dated 11-9-84, and substitute in lieu thereof pages 3 through 4B, dated 4-3-85, which update procedures for processing claimants who provide no identification.

(3) Chapter 3000, Continued Claims, Sections 3040 and 3045, strike pages 1 and 2, dated 2-10-84; pages 5 and 6, dated 10-2-84; pages 7 and 8, dated 6-4-84; pages 9 and 10, dated 10-1-84; and pages 37 and 38, dated 1-19-84, and substitute in lieu thereof pages 1 and 2 and 5 through 10, dated 3-1-85; and pages 37 and 38, dated 3-22-85, which update procedures for conducting nonmonetary investigations for claimants who report late to claim benefits and for changing a claimant's telephone number, when appropriate. Section 3270, strike pages 37 and 38, dated 3-22-85, and substitute in lieu thereof page 37, dated 3-29-85, which deletes

procedures for processing requests for information from public officials.

(4) Chapter 4000, Video Operations, Sections 4000 through 4230, strike entire chapter, pages 1 through 40, various dates, and substitute in lieu thereof, entire chapter, pages 4000-4020 through 4220-4230, dated 3-1-85, which update procedures to reflect organizational changes and to reflect revisions in data entry programs.

(5) Chapter 5000, Interstate and Combined Wage Claims, Section 5670, strike page 90, dated 1-25-85, and substitute in lieu thereof pages 90 and 91, dated 3-13-85, which update procedures for video entry and forms disposition of combined wage claims.

(6) Chapter 6000, Claims Investigation, Sections 6092 and 6207 strike pages 62 and 63, dated 10-17-84; pages 90 and 91, dated 2-11-85; page 91A, dated 12-11-84; and pages 91A and 91B, dated 3-8-85, and substitute in lieu thereof pages 62 and 63, dated 3-4-85; pages 90 through 91B, dated 3-8-85; and pages 91A and 91B, dated 3-22-85, which update procedures for preserving the confidentiality of claimants involved in blanket fact-finding reports, for accepting cash repayments of benefit overpayments and for completing local office receipts for benefit overpayment repayments. Section 6050 and 6300 through 6310, strike pages 5 and 6, dated 1-15-85; pages 42 and 43, dated 10-17-84 and pages 100 through 105, dated 10-17-84, and substitute in lieu thereof pages 5 and 6 and 100 through 105, dated 4-2-85, and pages 42 and 43, dated 4-25-85, which update procedures for verifying legal alien status with the Immigration and Naturalization Service (INS), notifying INS of benefit denials based on alien status and issuing chargeability determinations as required.

(7) Chapter 8000, Appeals, Section 8006, strike pages 2 and 3, dated 4-19-84, and substitute in lieu thereof pages 2 and 3, dated 3-22-85, which update procedures for including the claimant's telephone number on requests for appeal.

Section 3. All documents incorporated by reference herein are on file for public inspection in the Office of the Commissioner for Employment Services, 275 East Main Street, Frankfort, Kentucky 40621 and in local unemployment insurance offices located throughout the state.

JAMES P. DANIELS, Commissioner  
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: June 14, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 22, 1985 at 9 a.m. in the 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 July 17, 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: Commissioner James P. Daniels

(1) Type and number of entities affected: Unemployment insurance benefit claimants; thousands per year.

(a) Direct and indirect costs or savings to those affected: None

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 increase to provide documentation as to identification.

(2) Effects on the promulgating administrative body: Minimal processing time increase.

(a) Direct and indirect costs or savings: Minimal, attributable to additional claim processing.

1. First year: Minimal

2. Continuing costs or savings: Minimal

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Minimal increase to verify alien status and notify INS of alien benefit denials.

(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: The amendment merely incorporates operational procedures by reference as required by KRS Chapter 13A.

Tiering:

Was tiering applied? No. (1) Procedures already in effect. (2) All claimants are treated equally under the law.

#### CABINET FOR HUMAN RESOURCES

Department for Employment Services

Division for Job Service and Special Programs  
(Proposed Amendment)

903 KAR 6:020. Weatherization assistance for low income persons.

RELATES TO: KRS 194.030(9)

PURSUANT TO: KRS 13A.100, 194.050(1)

NECESSITY AND FUNCTION: Chapter 42 USC 6861 authorizes the states to implement a weatherization program. 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 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 weatherization program in accordance with applicable federal laws and regulations.

Section 1. In order to facilitate the administration of the weatherization program as

authorized by 42 USC 6861 and as regulated in Title 10 CFR Part 440, the following CFR and operating manuals are adopted by reference:

(1) Title 10 Code of Federal Regulations (CFR), Part 440, as issued January 27, 1984, which authorizes states to carry out a program of weatherization assistance for low-income persons established by Chapter 42 United States Code (U.S.C.), 6861.

(2) 1983 Weatherization Manual issued September, 1983 and last revised March, 1985 [May 11, 1984], which is provided to subgrantees administering the weatherization program throughout the state and includes an introduction and purpose of the Weatherization Manual, a list of subgrantees and areas served, a copy of 903 KAR 2:010 and implementation procedures for: subgrantee application and contracting; subgrantee contract modification; subgrantee private sector subcontracting; subgrantee financial management; subgrantee program operation; program monitoring and training and technical assistance; and completion and distribution of administrative reports and forms.

(3) Weatherization Assistance Program Specifications and Installations Standards Manual issued October, 1983 and last revised May 25, 1984, which is provided to subgrantees administering the weatherization program throughout the state to establish a common set of general requirements, material standards and installation standards and includes procedures for all measures used in weatherizing a dwelling, such as reducing air infiltration, attic, floor, wall, water heater and pipe and duct insulation, heating system tune-up and installation of storm windows.

Section 2. Summary of Amendment.  
Weatherization Manual. (1) Chapter I. Introduction, Section 104. Distribution of Funds: strike page I-2 and substitute in lieu thereof page I-2 revised March, 1985, which updates the method for allocating funds to non-profit agencies operating a weatherization program.

(2) Chapter IV. Application and Contracting Procedures, Section 401. Allocation Formula: strike page IV-1 and substitute in lieu thereof Page IV-1 and IV-1a revised March, 1985, which updates the procedures for the non-profit agencies operating a weatherization program and which revises the performance award by increasing the average cost per home to a maximum of \$1600. [1983 Weatherization Manual, Chapter X, strike pages X-6 and X-7, undated, and facsimile of form WX-3, Weatherization Survey Sheet, dated 9-82 and substitute in lieu thereof pages X-6 through X-7f, dated 8-84, facsimile of form WX-3, Weatherization Survey Sheet dated 7-84, and facsimilers of WX-3 continuation sheets, pages 2 and 3, dated 8-84, which update procedures for completing form WX-3, Weatherization Survey Sheet.]

Section 3. All documents incorporated by reference herein are on file for public inspection in the Office of the Commissioner for Employment Services, 275 East Main Street, Frankfort, Kentucky 40621, and in local Community Action Agency offices located throughout the state.

JAMES P. DANIELS, Commissioner  
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: June 12, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 22, 1985 at 9 a.m. in the Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by July 17, 1985: Hughes Walker, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Commissioner James P. Daniels

(1) Type and number of entities affected: 24 local non-profit administrative agencies, (23 community action agencies, and 1 local government), are affected. With changing the formula, 14 agencies will receive an increase in funds while 10 will receive a decrease in funds. 3 of these will receive a substantial decrease.

(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: No additional reports would be needed.

(2) Effects on the promulgating administrative body: N/A

(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: N/A

(3) Assessment of anticipated effect on state and local revenues: N/A

(4) Assessment of alternative methods; reasons why alternatives were rejected: Seven methods were assessed and it was determined that the selected formula distributes the money to areas where the eligible units are greater and complements the department's policies. The previous formula combined information from three data sources, whereas the data supplied for this formula is from U.S. Census Bureau.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: Revised pages of the Weatherization Manual are attached.

(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: N/A

Tiering:

Was tiering applied? No. All recipients of weatherization assistance are treated equally.

#### CABINET FOR HUMAN RESOURCES Department for Social Insurance Division of Management and Development (Proposed Amendment)

904 KAR 2:200. Collections program.

RELATES TO: KRS 194.030(6)

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources is authorized by KRS Chapters 194 and 205 to operate public assistance programs, and is empowered by KRS 194.050 to promulgate regulations necessary for the administration of its programs. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Collections Program.

Section 1. Incorporation by Reference. The cabinet shall incorporate by reference materials used in the implementation of the collection 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 material is hereby incorporated by reference, effective on the date shown: Collections Branch Policy and Procedures Manual, effective June 1, 1985 [October 1, 1984]. The manual contains operational instructions, procedures, and forms used by the cabinet in the implementation of the collections program.

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: June 6, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 22, 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 July 17, 1985: Hughes Walker, General Counsel, Office of 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: Approximately 15,000 current or former recipients of AFDC, Medicaid, Food Stamps, and Child Support benefits; approximately 20-50 Medicaid 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: \*Collections program implementing material (form letters) is revised; there is no cost impact.

Tiering:

Was tiering applied? No. Not applicable of Collections Program regulations.

**CABINET FOR HUMAN RESOURCES  
Department for Social Services  
Division of Field Services  
(Proposed Amendment)**

905 KAR 1:150. "Baby Doe" regulation.

RELATES TO: KRS 199.011(6), 199.335

PURSUANT TO: KRS 194.050, 199.420

NECESSITY AND FUNCTION: P.L. 97-35, "Block Grants for Social Services-Title XX," authorizes grants to states for social services and P.L. 98-457, Child Abuse Amendments of 1984, requires states to have in place procedures or programs, or both, for accepting reports and taking necessary remedial action to protect disabled infants with life-threatening conditions [Section 504 of the "Rehabilitation Act of 1973" requires that federally assisted programs conform to 45 CFR Part 84]. KRS 194.050 authorizes the Cabinet for Human Resources to adopt such rules and regulations as are necessary to implement programs mandated by federal law, or to qualify for 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 required [reporting] procedures.

Section 1. Services and Treatment for Disabled Infants. The Secretary of the Cabinet for Human Resources hereby adopts by reference 45 CFR Part 1340 dated April 15, 1985, Child Abuse and Neglect Prevention and Treatment Program, which sets forth the criteria for the protection and care of disabled infants with life-threatening conditions. [Nondiscrimination on the Basis of Handicap, Procedures Relating to Health Care for Handicapped Infants. The Secretary of the Cabinet for Human Resources hereby adopts 45 CFR Part 84.55(c), "Nondiscrimination on the Basis of Handicap, Procedures Relating to Health Care for Handicapped Infants," issued in the Federal

Register, Volume 49, No. 8, January 12, 1984. 45 CFR Part 84.55(c), as above cited, establishes the policy for federally funded hospitals and other health care facilities whereby hospitals report to the state child protective agency suspected unlawful medical neglect of handicapped infants. Such] Reports of suspected medical neglect of disabled infants shall be made immediately to the Department for Social Services by use of the "Hotline" number which is 1-800-752-6200. 45 CFR Part 1340 [84.55(c)] may be reviewed during regular working hours at the Office of the Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky.

ANNA GRACE DAY, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: June 4, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 22, 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 July 17, 1985: Hughes Walker, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Margaret Hockensmith

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: Reports already required by state statute.

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: Policies already in place.

(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: Required by federal regulations.

(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. Statewide program.

**CABINET FOR HUMAN RESOURCES**  
**Department for Social Services**  
**Division of Children's Residential Services**  
**(Proposed Amendment)**

**905 KAR 7:030. Children's residential services facilities manuals.**

RELATES TO: KRS Chapters 202A and 208

PURSUANT TO: KRS 13A.210, 194.050

NECESSITY AND FUNCTION: P.L. 97-35, Subpart C, "Social Services Block Grant - Title XX" authorizes grants to states for the provision of social services. KRS 194.050 authorizes the Cabinet for Human Resources to adopt such rules and regulations as are necessary to implement programs mandated by federal law, or to qualify for 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 programs for the care and treatment of children who are delinquent, status offenders and mentally ill or emotionally disturbed. This regulation is tiered by facility based on type of child admitted, degree of security, and treatment program.

Section 1. Children's Residential Services Facilities Manuals. The Cabinet for Human Resources hereby adopts by reference as operating policies and procedures for the residential facilities, operated by the Department for Social Services, the following manuals: Northern Kentucky Treatment Center Policy and Procedure Manual revised through March 1, 1985 [October 1, 1984]; Lake Cumberland Boys' Camp Policy and Procedural Manual revised through May 11, 1984; Morehead Treatment Center Policy Manual dated 1983; Central Kentucky Treatment Center Policy Manual dated 1983; Green River Boys' Camp Policy and Procedures Manual revised through May 11, 1984; Woodsbend Boys' Camp Policies and Procedures revised through May 11, 1984; Cardinal Treatment Center Policy and Procedural Manual revised through December 31, [October 1], 1984; Rice-Audubon Policy and Procedural Manual revised through May 11, 1984; Lincoln Village Policy and Procedures Manual dated September 15, 1983; Re-Ed Treatment Program Policy/Procedural Manuals, revised through October 1, 1984; and Central Kentucky Re-Ed Center Policy and Procedural Manual, Lexington, revised through January 14, 1985 [October 1, 1984]. These manuals set forth the policies and procedures for the care and treatment of juveniles residing in the above listed residential facilities. The manuals may be reviewed during regular working hours at the Office of the Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky.

Section 2. Summary of Amendments. (1) In the Northern Kentucky Treatment Center Policy and Procedural Manual in the Administrative Section, strike Policy A-2, Organization, revised 9/1/83, and substitute in lieu thereof Policy A-2, Organization, revised 11/1/84, and Policy A-6, Role of Program Director, revised 11/1/84, which sets forth the organization of the Northern Kentucky Treatment Center and the responsibilities of the program director; strike

Organizational Chart dated 9/1/83 and substitute in lieu thereof Organizational Chart dated 9/25/84 which sets forth the organizational units of the program; strike Policy A-7, Role of Administrator, revised 1/4/84 and substitute in lieu thereof Policy A-7, Role of Administrator, revised 11/1/84 which sets forth the responsibilities of the program administrator; strike Policy A-8, Role of Unit Director, effective 6/1/83 and substitute in lieu thereof Policy A-8, Role of Unit Director, revised 11/1/84 which sets forth the responsibilities of the unit director; strike Policy A-11-A, Role of Registered Nurse, revised 1/4/84 and substitute in lieu thereof Policy A-11-A, Role of Registered Nurse, revised 11/1/84 which sets forth the duties assigned to registered nurses; strike Policy A-11-B, Role of Licensed Practical Nurse, revised 1/4/84 and substitute in lieu thereof Policy A-11-B, Role of Licensed Practical Nurse, revised 11/21/84 which sets forth the duties assigned to licensed practical nurses; strike Policy A-13, Role of Chaplain, revised 9/1/83 and substitute in lieu thereof Policy A-13, Role of Chaplain, revised 11/1/84; strike Policy A-15, Role of Transportation Officer, revised 9/1/83; strike Policy A-20, Role of Juvenile Counselor Supervisor, revised 6/1/83 and substitute in lieu thereof Policy A-20, Role of Team Leader, revised 11/1/84 and Policy A-20-a, Role of Shift Supervisor, effective 11/1/84 which delineate the responsibilities of the team leaders and shift supervisors; strike Policy A-21, Role of Clinical Coordinator, effective 6/1/83 and substitute in lieu thereof Policy A-21, Role of Clinical Coordinator, revised 11/1/84 which lists the responsibilities of clinical coordinators; strike Policy A-22, Role of Youth Facility Officer, revised 1/4/84 and substitute in lieu thereof Policy A-22, Role of Unit Counselors, revised 11/1/84 which sets forth the responsibilities of unit counselors; strike Policy A-29, Role of Weekend Duty Officer, revised 12/21/83; strike Policy A-32, Dietary Services, revised 9/1/83 and substitute in lieu thereof Policy A-32, Dietary Services, revised 11/1/84 which sets forth the procedures for assuring that every resident receives a balanced diet each day; insert Policy A-35-a, Transportation, revised 11/1/84 which sets forth the procedures to be followed in transporting residents; strike Policy A-38, Pets, dated 9/16/83 and substitute in lieu thereof Policy A-38, Pets, dated 3/1/85 which indicates that pets may not be used as a part of the treatment program; and insert Policy A-39, Ombudsperson's Role and Function, dated 3/1/85 which sets forth the role of the Ombudsperson. In the Treatment Program Section strike Policy TP-1, Admission, dated 4/11/83 and substitute in lieu thereof Policy TP-1, Admission, revised 2/1/85 which sets forth the criteria and procedures for admission of a child; strike Policy TP-5-A, Time Out, dated 11/1/84 and substitute in lieu thereof Policy TP-5-A, Time Out, revised 1/9/85 which sets forth the use and procedures for time out in the treatment program; strike Policy TP-5-C, Seclusion, dated 6/1/84 and substitute in lieu thereof Policy TP-5-C, Seclusion, dated 1/9/85 which sets forth the policies and procedures for the use of seclusion in the treatment program; strike Policy TP-5,



Discipline and Control, dated 9/1/83 and substitute in lieu thereof Policy TP-5, Discipline and Control, dated 1/30/85 which sets forth the policies and procedures relating to discipline and control: strike Policy TP-5-B, Quiet Time, dated 6/1/83 and substitute in lieu thereof Policy TP-5-B, Quiet Time, dated 1/30/85 which sets forth the policies and procedures for the use of quiet time in the treatment program: strike Policy TP-5-D, Physical Restraint, dated 6/20/83 and substitute in lieu thereof Policy TP-5-D, Physical Restraint, dated 1/30/85 which sets limits on the use of physical restraints: strike Policy TP-5-E, Mechanical Restraint, dated 9/1/83 and substitute in lieu thereof Policy TP-5-E, Mechanical Restraint, dated 2/6/85 which sets limits on the use of mechanical restraints: strike Policy TP-17, Vocational Services, dated 10/25/84 and substitute in lieu thereof Policy TP-17, Vocational Services, revised 10/31/84 which sets forth the components of the vocational program designed to address the vocational needs of residents: insert in numerical order Policy TP-7-C, Graduate Guidelines, dated 11/21/84 which sets forth guidelines for preparing the resident to return to the community. Insert in numerical order TP-11-A, Residents' Council, dated 3/1/85 which establishes a residents' council: strike Policy TP-12, Staff Responsibilities for Safety, dated 9/1/83 and substitute in lieu thereof Policy TP-12, Staff Responsibilities for Safety, dated 2/6/85 which requires staff to report any unsafe conditions and that appropriate corrective action be taken by appropriate staff: strike Policy TP-12-A, Contraband on Living Unit, dated 9/1/83 and substitute in lieu thereof Policy TP-12-A, Contraband on Living Unit, dated 2/6/85 which provides for search of all incoming residents and mail: strike Policy TP-12-B, Suicide Prevention, dated 9/1/83 and substitute in lieu thereof Policy TP-12-B, Suicide Prevention, dated 2/6/85 which requires staff to consider all suicide threats seriously and take necessary precautions: strike Policy TP-10, Individual Counseling, dated 9/1/83 and substitute in lieu thereof Policy TP-10, Individual Counseling, dated 2/6/85 which provides for the utilization of individual counseling in the treatment plan: strike Policy TP-9, Residents Stealing Property, dated 9/1/83 and substitute in lieu thereof Policy TP-9, Residents Stealing Property, dated 2/6/85 which sets forth guidelines for dealing with theft by residents: strike Policy TP-8, Property Destruction, dated 6/13/83 and insert in lieu thereof Policy TP-8, Property Destruction, dated 2/6/85 which sets forth action to be taken when a resident destroys property: strike Policy TP-13, Residential Expectations, dated 9/1/83 and the Residents' Handbook, and substitute in lieu thereof Policy TP-13, Residential Expectations, revised 12/12/84 and the Residents' Handbook which establishes procedures for advising residents of facility expectations. In the Personnel Section of the Manual strike Policy P-17, Staff Members Meals, revised 9/1/83 and substitute in lieu thereof Policy P-17, Staff Members Meals, revised 11/21/84 which sets forth the policy regarding staff meals. In the Records Section strike Records Outline and substitute in lieu thereof Records Outline dated 12/27/84 which

updates the records outline: insert at the end of the Records Section Policy R-10, Twenty-Four Hour Report, effective 10/10/84 which sets forth the requirement of a report by shift supervisors for each twenty-four hour period. In the Emergency Section strike Policy E-1, A.W.O.L., revised 9/1/83 and substitute in lieu thereof E-1, A.W.O.L., revised 10/24/84 which sets forth procedures to be followed when a resident goes A.W.O.L.

(2) In the Central Kentucky Re-Ed Center Policy Manual insert in numerical order Policy T-42, Resident's Physical Aggression Toward Staff, effective 11/9/84 which sets forth actions to be taken when residents are physically aggressive toward staff. In the Safety Section strike Policy S-13.1, Staff Documentation of Safety Orientation, effective 11/11/83 and substitute in lieu thereof Policy S-13.1, Staff Documentation of Safety Orientation and Policy and Procedures Manual, effective 3/1/85 which provides for documentation by staff that they have had orientation and reviewed the policy and procedures manual: strike Policy No. T-1, pages T-1.1 through T-1.3, Admissions Criteria-Referral and Admissions Procedures, dated 11/19/84 and substitute in lieu thereof Policy No. T-1, pages T-1.1 through T-1.3, Admissions Criteria-Referral and Admissions Procedures, revised 3/19/85 which sets forth the criteria to be used in admitting or referring a child. In the Administrative Section strike Policy No. A-32, pages A-32.1 and A-32.2, Nurse, Registered, Responsibilities and Duties, dated 12/83 and substitute in lieu thereof Policy No. A-32, pages A-32.1 and A-32.2, Nurse, Registered, Responsibilities and Duties, dated 11/19/84 which lists the duties and responsibilities of the registered nurse. In the Records Section strike Policy R-1, pages R-1.1 through R-1.4, Residential Records Standards, dated 11/18/83 and substitute in lieu thereof Policy R-1, pages R-1.1 through R-1.4, Residential Records Standards, dated 1/14/85 which sets forth the criteria for maintaining client records: strike Policy R-2, pages R-2.1 through R-2.7, Client Folders, dated 11/8/83 and substitute in lieu thereof Policy R-2, pages R-2.1 through R-2.7, Client Folders, dated 1/14/85 which gives instructions for setting up and maintaining client folders. In the Treatment Section strike Policy T-2, Initial Treatment Plan, dated 7/1/84 and substitute in lieu thereof Policy T-2, Initial Treatment Plan, dated 11/19/84 which states that an initial treatment plan must be developed prior to admission: strike Policy T-18, Treatment Plan: Guidelines for Developing Residents' Treatment Plan, dated 7/11/84 and substitute in lieu thereof Policy T-18, Treatment Plan: Guidelines for Developing Residents' Treatment Plan, dated 11/19/84 which requires that each resident have an individualized, comprehensive treatment planning meeting within thirty (30) calendar days after admission: strike Policy T-31, pages T-31.1 and T-31.2, Time Out and Seclusionary Time Out, dated 10/83 and substitute in lieu thereof Policy T-31, pages T-31.1 through T-31.3, Time Out and Seclusionary Time Out, dated 11/19/84 which stipulates the use of time out in the treatment program. In the Medical Section strike Policy M-3, pages M-3.1 and

M-3.2. Medical Information Flow, dated 7/25/84 and substitute in lieu thereof Policy M-3, pages M-3.1 and M-3.2. Medical Information Flow, dated 1/14/85 which sets forth policies and procedures for obtaining and retaining necessary medical information; strike Policy M-6, pages M-6.1 through M-6.3. Storage and Preparation of Medication, dated 7/25/84 and substitute in lieu thereof Policy M-6, pages M-6.1 through M-6.3. Storage and Preparation of Medication, dated 1/14/85 which requires that all medication be stored in a locked area; strike Policy M-7, pages M-7.1 through M-7.3. Residents Requiring Medical Attention-Minor Illness or Accident, dated 7/25/84 and substitute in lieu thereof Policy M-7, pages M-7.1 through M-7.3. Residents Requiring Medical Attention-Minor Illness or Accident, dated 1/14/85 which sets forth the procedures for handling minor illnesses or accidents; strike Policy M-8, Medical/Major Emergency and First Aid, dated 11/83 and substitute in lieu thereof Policy M-8, Medical/Major Emergency and First Aid, dated 1/14/85 which sets forth procedures for handling major medical emergencies.

[Section 2. Summary of Amendments. (1) In the Northern Kentucky Treatment Center Policy and Procedural Manual add a new section at the end of the manual for staff development and insert Provision for Staff Development and Training Services at Children's Treatment Service reviewed August 1, 1984, In-Service Training reviewed August 1, 1984, and Training Records revised April 30, 1984.]

[(2) In the Cardinal Treatment Center Policy and Procedural Manual following the section on Staff Development add a new section on Personnel which includes table of contents, personnel policies, orientation, employee code of conduct, probationary evaluation of all employees, scheduling and work assignments, facility over unit priorities, affirmative action plan, promotions, reclassifications, transfers and resignations, salary increases, leave, overtime, taking leave, pay days, timekeeping and time recording, disciplinary actions, grounds for expulsion, grievances, grievance committee, solicitation of employees, employee health program, benefits, liability insurance, staff injuries on duty, identification cards, keys, educational opportunities and staff documentation of Cardinal policy orientation revised August 11, 1984; strike from the treatment section Contraband Items on Living Unit, School or other areas dated October 21, 1983, and substitute in lieu thereof Contraband Items on Living Unit, School or other areas revised July 12, 1984; strike from the treatment section Treatment Modality - Phase System revised March 21, 1984, and substitute in lieu thereof Treatment Modality - Phase System revised June 23, 1984, which sets forth the criteria for carrying out of the phase system; insert following the Treatment Modality - Phase System, Progress Notation dated July 12, 1984; add a new section on Family Involvement following Juvenile Rights and insert visiting With Staff Members effective July 12, 1984, and Therapeutic Offgrounds Trips With Staff revised July 12, 1984, which sets forth the policies and procedures relating to off-site visits or trips by residents with staff; add at the end of the

section on Staff Development Provision for Staff Development and Training Services at Children's Treatment Services reviewed August 1, 1984, In-Service Training reviewed August 1, 1984, Training Program Evaluation effective May 24, 1984, and Training Records revised May 24, 1984, which establishes policies and procedures for staff development; in the section on Referral, Admission, and Discharge Procedures strike Admission Criteria dated June 29, 1983, and substitute in lieu thereof Admission Criteria revised July 12, 1984, which consolidates existing admission criteria; add at the beginning of the section on Juvenile Rights, policy number 601, Residents' Rights effective October, 1984, which sets forth the fundamental rights of residents; at the end of the Personnel section add policy number 1029, Media Contacts, effective October 1, 1984, which sets forth policies for dealing with news media.]

[(3) In the Re-ed Treatment Program Policy and Procedural Manual - Administrative and Safety Section strike pages beginning with Re-ed School of Kentucky to Table of contents, Chapter IV: Safety and substitute in lieu thereof Re-ed Treatment Program Policy and Procedures Manual Table of Contents dated October 1, 1984, Re-ed Treatment Program Historical Background dated October 1, 1984, Children's Residential Services Description reviewed June 1, 1984, Lines of Communication and Administrative Supervision reviewed April 27, 1984, Role of Program Director revised May 8, 1984, Establishing and Revising Policies/Procedures effective May 4, 1984, Executive Committee revised May 8, 1984, the Admissions Committee revised October 7, 1983, the Safety Committee reviewed January 13, 1984, Staff Development and Training Committee reviewed June 8, 1984, Role of Team Leader revised January 31, 1984, role of Re-ed Liaison reviewed January 21, 1984, role of Nurse revised January 31, 1984, Role of School Center Head reviewed May 8, 1984, Role of Juvenile Counselor revised January 31, 1984, role of Youth Facility Officer Senior revised May 4, 1984, role of Volunteer Coordinator reviewed May 8, 1984, Practicum Students revised June 15, 1984, Media Inquiries revised June 15, 1984, and Field Trips reviewed May 8, 1984, which renumber and reorder existing instructions; School Services reviewed May 8, 1984, which provide that all children receive appropriate education and Support Services reviewed April 1, 1984, which provides for services from Hazelwood ICF/MR; add a new section of Staff Development and insert Provision for Staff Development and Training Services at Children's Treatment Service reviewed August 1, 1984, In-Service Training reviewed August 1, 1984, and Training Records revised August 30, 1984, which set forth the policies and procedures for staff development.]

[(4) In the Central Kentucky Re-ed Center Policy and Procedures Manual strike page A-7.1, committee, functions and descriptions dated November 11, 1983, and substitute in lieu thereof page A-7.1, Committee, Functions and Descriptions revised August, 1984; strike page A-14.1, Care of Premises, Equipment, Vehicles revised September, 1983, and substitute in lieu thereof page A-14.1, Care of Premises, Equipment, Vehicles revised August, 1984; strike pages A-16.1 and A-16.2, Purchasing and Supplies revised September, 1983, and substitute in lieu



thereof pages A-16.1 and A-16.2, Purchasing, Ordering and Receiving revised July 25, 1984; strike pages A-19.1 and A-19.2, Program Director - Responsibilities and Duties effective December, 1983, and substitute in lieu thereof pages A-19.1 and A-19.2, Program Director - Responsibilities and Duties revised August, 1984; strike pages A-21.1 and A-21.2, Night Supervisor - Responsibilities and Duties effective November 22, 1983, and substitute in lieu thereof pages A-21.1 and A-21.2, Night supervisor - Responsibilities and Duties, revised August, 1984; strike page A-28.1, Night Teacher Counselor - Duties and Responsibilities, effective January, 1984, and substitute in lieu thereof page A-28.1, Night Teacher Counselor - Duties and Responsibilities reviewed July 25, 1984; strike pages A-29.1 and A-29.2, Residential Counselor - Duties and Responsibilities, effective January, 1984, and substitute in lieu thereof pages A-29.1 and A-29.2, Residential Counselor - Duties and Responsibilities reviewed July 25, 1984; strike page A-31.1, Specialty Program Counselor - Duties and Responsibilities effective December, 1983, and substitute in lieu thereof page A-31.1, Specialty Program Counselor - Responsibilities and Duties reviewed July 25, 1984; strike pages A-32.1 and A-32.2, Nurse, Registered - Duties and Responsibilities effective December, 1983, and substitute in lieu thereof pages A-32.1 and A-32.2, Nurse, Registered - Responsibilities and Duties, reviewed July 25, 1984; Strike A-35.1 and A-35.2, Teacher - Emotionally Disturbed/Behavioral Disorder Classroom effective December, 1983, and substitute in lieu thereof pages A-35.1 and A-35.2, Teacher - Emotionally Disturbed/Behavioral Disordered Classroom Reviewed July 25, 1984; add at the end of the section on Administration pages A-44.1 and A-44.2, Inventory Control/Method of Conducting Inventory effective August 15, 1984; strike page E-3.1, Bomb Threat effective November 11, 1983, and substitute in lieu thereof page E-3.1, Bomb Threat revised July, 1984; strike page E-12.1, Tornado Procedures effective November 11, 1983, and substitute in lieu thereof page E-12.1, Tornado Procedures revised August, 1984; strike pages M-1.1 and M-1.2 revised November, 1983, and substitute in lieu thereof pages M-1.1, M-1.2 and M-1.3, Parental Responsibilities for Medical Information and Documentation revised June 28, 1984; strike pages M-3.1 and M-3.2, Medical Information Flow revised January 16, 1984, and substitute in lieu thereof pages M-3.1 and M-3.2, Medical Information Flow reviewed July 25, 1984; strike page M-4.1, Medication Administration effective November 28, 1983, and substitute in lieu thereof pages M-4.1 and M-4.2, Medication Administration reviewed July 25, 1984; strike pages M-5.1, M-5.2, M-5.3, M-5.4, M-5.5, and M-5.6, Medical Documentation effective November, 1983, and substitute in lieu thereof pages M-5.1, M-5.2, M-5.3, M-5.4, M-5.5 and M-5.6, Medical Documentation reviewed July 25, 1984; strike pages M-6.1, M-6.2 and M-6.3, Storage and Preparation of medication, revised November, 1983, and substitute in lieu thereof pages M-6.1, M-6.2 and M-6.3, Storage and Preparation of medication reviewed July 25, 1984; strike pages M-7.1, M-7.2 and M-7.3,

Resident Requiring Medical Attention - Minor Illness or Accident revised November, 1983, and substitute in lieu thereof pages M-7.1, M-7.2, M-7.3, Resident Requiring Medical Attention - Minor Illness or Accident reviewed July 25, 1984; at the end of the section on Records add pages R-3.1 through R-3.5, Abbreviations effective July 20, 1984; strike page S-11.1, Tornado Procedures effective November 11, 1983, and substitute in lieu thereof page S-11.1, Tornado Procedures revised August, 1984; strike page S-12.1, Bomb Threat, effective November 11, 1983, and substitute in lieu thereof page S-12.1, Bomb Threat, revised August, 1984; strike pages S-14.1 and S-14.2, Staff Addresses and Phone Numbers effective November, 1983, and substitute in lieu thereof pages S-14.1 and S-14.2, Staff Addresses and Phone Numbers, effective August, 1984; strike pages T-1.1, T-1.2 and T-1.3, Admissions Criteria - Referral and Admissions Procedures revised October, 1983, and substitute in lieu thereof pages T-1.1, T-1.2, and T-1.3, Admissions Criteria - Referral and Admissions Procedures revised June 28, 1984; strike page T-2.1, Treatment Plan for Admission, effective October, 1983, and substitute in lieu thereof page T-2.1, Initial Treatment Plan, revised July 11, 1984; strike pages T-3.1, T-3.2, Parent Education Training/Parent Involvement revised October 7, 1983, and the form entitled Family Participation Contract dated April, 1983, and substitute in lieu thereof pages T-3.1, T-3.2, T-3.3, Parent Involvement/Parent Education Training revised June 28, 1984, and the form entitled Family Participation Contract revised June, 1984; strike pages T-7.1 and T-7.2, Residents' Bill of Rights effective October, 1983, and substitute in lieu thereof page T-7.1 and T-7.2, Residents' Bill of Rights revised June 18, 1984; strike pages T-14.1 and T-14.2, Principles for Working with ED/BD Children at Re-ed, effective November 11, 1983, and substitute in lieu thereof pages T-14.1 and T-14.2, Principles for Working with ED/BD Children at Re-ed, revised August, 1984; strike pages T-16.1, T-16.2 and T-16.3, Children's Daily Living Routines, revised December, 1983, and substitute in lieu thereof pages T-16.1, T-16.2, and T-16.3, Children's Daily Living Routines, revised July 17, 1984; strike page T-18.1, Treatment Plan: Guidelines for Developing Residents' Treatment Plan effective October, 1983, and substitute in lieu thereof page T-18.1, Treatment Plan: Guidelines for Developing Residents' Treatment Plan revised July 11, 1984; strike pages T-19.1 and T-19.2, Social Goals, effective November 11, 1983, and substitute in lieu thereof pages T-19.1 and T-19.2, Social Goals revised July 11, 1984; strike pages T-20.1, T-20.2 and T-20.3, Staffing/Meetings revised October, 1983, and substitute in lieu thereof pages T-20.1 and T-20.2, Monthly Review Meetings, Team Planning Meetings and Consultation Staffings, revised July, 1984; strike pages T-24.1, T-24.2, and T-24.3, Treatment Modalities: Activity Therapies effective October, 1983, and substitute in lieu thereof pages T-24.1, T-24.2 and T-24.3, Treatment Modalities: Activity Therapies, revised August, 1984; strike page T-25.1, Community Involvement - Child Centered Activities effective September 30, 1983, and substitute in lieu thereof page T-25.1,

Community Involvement - Child Centered Activities revised August, 1984; strike page T-26.1, Field Trips, effective June 1, 1981, and substitute in lieu thereof page T-26.1, Field Trips revised August, 1984; strike page S-6.1, Hazardous Areas on Grounds, effective September 22, 1980, and substitute in lieu thereof page S-6.1, Hazardous Areas on Grounds, revised October 1, 1984; strike page S-3.1, Principle Safety Regulations effective November 11, 1983, and substitute in lieu thereof page S-3.1, Principle Safety Regulations revised October 1, 1984; at the end of the section on Treatment add page T-41.1, Student Council effective June 19, 1984; in the section on Staff Development add in numerical sequence by policy number SD-001, Provision for Staff Development and Training Services at Children's Treatment Services reviewed August 1, 1984, SD-003, In-Service Training, reviewed August 1, 1984, SD-7, Children's Residential Staff Training Requirements effective August 15, 1984; and SD-013, Training Records, revised April 30, 1984; strike the Table of Contents in the Administration section and substitute in lieu thereof Table of Contents - Administration, dated October 1, 1984; strike the Index, Medical Policies and Procedures at the end of the Medical section and substitute in lieu thereof the Index, Medical Policies and Procedures dated October 1, 1984; strike the Table of Contents - Records and substitute in lieu thereof the Table of Contents - Records dated October 1, 1984; strike the Table of Contents - Staff Development, and substitute in lieu thereof the Table of Contents - Staff Development dated October 1, 1984; strike the Table of Contents - Treatment and substitute in lieu thereof Table of Contents - Treatment dated October 1, 1984; strike Central Kentucky Re-ed Center Index and substitute in lieu thereof Central Kentucky Re-ed Index dated October 1, 1984.]

ANNA GRACE DAY, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: May 30, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 22, 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 July 17, 1985: Hughes Walker, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Margaret Hockensmith

(1) Type and number of entities affected: Children admitted to the facilities.

(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: Revision of Policies and Procedures.

(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:

Tiering:

Was tiering applied? No. Affects specific facilities.

#### CABINET FOR HUMAN RESOURCES

Department for Social Services

Division of Children's Residential Services  
(Proposed Amendment)

905 KAR 7:060. Children's residential facilities capacities.

RELATES TO: KRS Chapter 208

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: P.L. 97-35 Subtitle C "Block Grants for Social Services - Title XX" authorizes grants to states for social services including staff development and training. KRS 208.400 mandates that the Cabinet for Human Resources manage and develop facilities necessary to provide an adequate and modern program of care, treatment and rehabilitation of children. The function of this regulation is to establish desired capacities for the residential facilities operated by the Department for Social Services for children.

Section 1. The Department for Social Services' Division of Children's Residential Services shall, in so far as possible, have as a goal facility capacities as follows:

(1) Central Kentucky Treatment Center, 47 [42];

(2) Green River Boys' Camp, 40 [32];

(3) Woodsbend Boys' Camp, 40 [33];

(4) Owensboro Treatment Center, 33;

(5) Morehead Treatment Center, 45;

(6) Rice-Audubon, 42 [37];

(7) Lincoln Village Treatment Center, 36; and

(8) Lake Cumberland Boys' Camp, 37 [32].

This increase in capacity is a temporary measure to assist with waiting lists.

ANNA GRACE DAY, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: June 3, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 22, 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 July 17, 1985: Hughes Walker, Office

of General Counsel, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, Kentucky 40621.

# REGULATORY IMPACT ANALYSIS

Agency Contact Person: Margaret Hockensmith

(1) Type and number of entities affected: Admit 30 additional delinquent children for residential treatment.

(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: N/A

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The major additional cost will be for food since existing facilities and staff will be used.

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: N/A

(4) Assessment of alternative methods; reasons why alternatives were rejected: The only alternative is to leave children in inadequate local facilities and the risk to the child is too great to let this continue.

(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. Each institution's capacity increased to the maximum beds available.

## CABINET FOR HUMAN RESOURCES

Department for Social Services

Division of Children's Residential Services

(Proposed Amendment)

905 KAR 7:080. Children's treatment services facility manual.

RELATES TO: KRS Chapters 202A and 208

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: P.L. 97-35, Subtitle C, "Block Grants for Social Services Title XX" authorizes grants to states for social services. KRS 194.050 authorizes the Cabinet for Human Resources 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 programs for the care and treatment of mentally ill and/or emotionally disturbed children by the Children's Treatment Service facility operated

by the Department for Social Services.

Section 1. Children's Treatment Service Facility Manuals. The Cabinet for Human Resources hereby adopts, by reference, as operating policies and procedures of the Children's Treatment Service, Lakeland Road, Louisville, Kentucky, operated by the Department for Social Services, the following manuals: Policy Manual revised through December 31, [October 1,] 1984; Therapeutic Milieu Manual revised through December 31, [October 10,] 1984; Psychology Procedural Manual [dated] revised through October 1, 1984; Nursing Manual revised through December 31, 1984 [dated February 10, 1983]; Staff Development/Volunteer Procedures Manual revised through December 31, [October 1,] 1984; Emergency Services Manual revised through December 31, [May 11,] 1984; Safety Rules and Practices revised through December 31, [October 1,] 1984; Pharmacy Manual revised through October 1, 1984; Medical Procedures Manual revised through December 31, 1984 [dated February 10, 1983]; The Living Unit Manual revised through December 31, [July 23,] 1984; and Social Services Manual dated February 10, 1983. These manuals set forth the policies and procedures used in the Children's Treatment Services program to provide care and treatment for juveniles residing in this facility. These manuals may be reviewed during regular working hours at the Office of the Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky; and Children's Treatment Service, Lakeland Road, Louisville, Kentucky.

Section 2. Summary of Amendments. (1) In the CTS Policy Manual strike pages 2 through 6. Bylaws of the Governing Body of CTS, revised January, 1984, and substitute in lieu thereof pages 2 through 6. Bylaws of the Governing Body of CTS, revised October, 1984, which establishes and sets forth the purpose, responsibilities, powers, officers and duties of the Governing Board of Children's Treatment Services; under Staff Development strike Policy SD-005, Health Examinations for New Employees, revised January 15, 1983, and substitute in lieu thereof Policy SD-005, Health Examinations for New Employees, revised August 1, 1984, which sets forth the requirements for health examinations of new employees; strike Policy QA-01 pages 95-96, Quality Assurance, revised January 27, 1984, and substitute in lieu thereof Policy QA-01 pages 95(a-h) and 96, Quality Assurance, revised 9/27/84 which sets forth the scope, administration, functions, organization, and procedures for the quality assurance program; strike Policy QA-02 pages 97-98, Utilization Review Plan, revised 1/27/84 and substitute in lieu thereof Policy QA-02 page 97, Utilization Review Plan, revised 9/17/84 which sets forth the policy for utilization review; strike Policy QA-03 page 99, Patient Care Monitoring, revised February, 1983, and substitute in lieu thereof Policy QA-03 page 99, Patient Care Monitoring, revised October, 1984, which sets forth the policy for patient care monitoring; strike TM-13 pages 165-166, Seclusion, revised April 1, 1984, and substitute in lieu thereof TM-13 pages 165-166, Seclusion, revised January 31, 1985, which sets forth the purpose of and procedure

for the use of seclusion; strike TM-14 pages 167-168. Physical and Mechanical Restraints, revised April, 1984, and substitute in lieu thereof TM-14 pages 167-168. Physical and Mechanical Restraints, reviewed January 31, 1985, which sets forth the purpose for the use of physical restraints; strike Policy No. PF-12 page 234. Infection Committee, revised October, 1982, and substitute in lieu thereof Policy No. PF-12 page 234. Infections Control Committee revised November, 1984.

(2) In the Living Unit Manual strike pages D-86-A and D-86-B. Seclusion, revised October, 1984, and substitute in lieu thereof pages D-86-A and D-86-B. Seclusion, reviewed January 31, 1985, which sets forth the use of seclusion in the treatment program; strike pages D-89-A and D-89-B. Physical and Mechanical Restraints, revised 10/84 and substitute in lieu thereof D-89-A and D-89-B dated January 31, 1985, which sets forth the use of these constraints in the treatment program; strike pages D-87, D-88 and D-89. Seclusion, dated October, 1984, and substitute in lieu thereof pages D-87, D-88, and D-89. Seclusion, dated January, 1985, which sets forth the policies and procedures for the use of seclusion in the treatment program; strike pages D-90, D-91, D-94 and D-95. Procedure for Instituting the Use of Physical and Mechanical Restraints, dated October, 1984, and substitute in lieu thereof pages D-90 and D-91. Procedure for Instituting the Use of Physical and Mechanical Restraints, dated January 31, 1985, and D-92, D-93 a, b, c, D-94 and D-95. Procedures for Applying Physical and Mechanical Restraints, revised 10/84 which sets forth the procedures for the use of restraints.

(3) In the Medical Procedural Manual strike pages B-75 and B-76. Seclusion, revised 10/84, and substitute in lieu thereof pages B-75 and B-76. Seclusion, reviewed January 31, 1985 which sets forth the purpose of and procedure for the use of seclusion; strike pages B-77 and B-78. Physical and Mechanical Restraints, revised 10/84, and substitute in lieu thereof pages B-77 and B-78. Physical and Mechanical Restraints, reviewed January 31, 1985, which sets forth the purpose for the use of physical restraints.

(4) In the Emergency Procedure Manual strike pages E-53, E-54 and E-55. Seclusion, revised 10/84, and substitute in lieu thereof pages E-53, E-54 and E-55. Seclusion, reviewed January, 1985, which sets forth the purpose of and procedures for the use of seclusion; strike pages E-56 through E-59. Procedure for Instituting the Use of Physical and Mechanical Restraints, revised 10/84, and substitute in lieu thereof E-56 through E-59. Procedure for Instituting the Use of Physical and Mechanical Restraints, revised January, 1985, which sets forth the methods of applying physical restraints; strike pages E-60 through E-65. Procedures for Applying Physical and Mechanical Restraints, revised June, 1984, and substitute in lieu thereof pages E-60 through E-64. Procedures for Applying Physical and Mechanical Restraints, which sets forth the methods of applying physical restraint.

(5) In the Therapeutic Milieu Procedure Manual strike the Index pages 1 and 2 and substitute in lieu thereof Index pages 1 and 2 and 3 dated 1/85 which update the contents of the manual; and insert in numerical order pages 13(a), (b),

(c) and (d) dated 11/16/84 which sets forth the procedures for using videotapes.

(6) In the Staff Development Procedural Manual strike Index page 1 and substitute in lieu thereof Index page 1 which updates the index for the manual.

(7) In the Emergency Services Procedural Manual strike Index page 1 and substitute in lieu thereof Index page 1 which updates the index for the manual.

(8) In the CTS Safety Rules and Practices Procedures strike Index pages 1 and 2 and substitute in lieu thereof Index pages 1 and 2 which updates the index for the manual. Insert page G-13(i). Mononucleosis, in proper numerical order.

(9) In the Living Unit Manual strike Index page 2 and substitute in lieu thereof Index page 2 which updates the index for the manual.

(10) In the Nursing Services Procedure Manual strike Index pages 2 and 3 and substitute in lieu thereof Index pages 2 and 3 which update the index for the manual. Insert page C-185. Infectious Mononucleosis, in numerical order.

(11) In the Therapeutic Milieu Procedural Manual insert behind page A-40 pages A-40(a), A-40(b) and A-49(c) dated November 1, 1984, which sets forth the policies and procedures for mental inquest petitions for Involuntary Commitments.

(12) In the CTS Staff Development and Volunteer Procedural Manual strike page J-11. SD-005 (CTS-QA-04). Health Examination for New Employees, revised 1/15/84 and substitute in lieu thereof Page J-11. SD-005 (CTS-QA-04). Health Examination for New Employees, revised 8/1/84 which sets forth the requirements for health examinations of new employees; insert Policy No. SD-007. CSH Librarians, revised 12/1/84 which permits staff to use Central State Hospital's libraries.

[Section 2. Summary of Amendments. (1) In the CTS Policy Manual strike page 101, Provision for Staff Development and Training Services at Children's Treatment Services, reviewed August 1, 1984, and substitute in lieu thereof page 101, Provision of Staff Development and Training Services at Children's Treatment Service, reviewed August 1, 1984, which changes authorization to the Department for Social Services; and strike pages 133 and 134, Patient Leave Status, revised January, 1983, and substitute in lieu thereof pages 133 and 134, Patient Leave Status, revised August 3, 1984, which limits Otherwise Absent for Treatment (OAT) to thirty (30) days, sets limits for absent without leave, and requires Executive Committee approval for OAT in excess of thirty (30) days.]

[(2) In the CTS Staff Development/Volunteer Procedures Manual strike page J2, Provision for Staff Development and Training at Children's Treatment Service, revised January 15, 1983, and substitute in lieu thereof page J2, Provision for Staff Development and Training at Children's Treatment Service, reviewed August 1, 1984, which changes authorization to Department for Social Services; strike page J4, In-Service Training, reviewed January 15, 1983, and substitute in lieu thereof page J4, In-Service Training, reviewed August 1, 1984, which adds training needs related to accreditation and/or

licensing standards; strike pages J41-J46, Training Program Evaluation, reviewed January 15, 1983, and substitute in lieu thereof pages J39-J43, Training Program Evaluation, revised April 30, 1984, which provides for an annual evaluation of the training program and attendance records on those receiving training.]

[(3) In the CTS Therapeutic Milieu Manual strike pages A134-A136(a), Treatment Team Process-Guidelines for Treatment Planning, revised October, 1982, and substitute in lieu thereof pages A134-A136(a), Treatment Team Process-Guidelines for Treatment Planning, revised April 23, 1984, which provides for a written comprehensive individual treatment plan for each resident; strike page A163, Discharge Agreement/Release, and substitute in lieu thereof page A163, Discharge Agreement/Release, dated September 29, 1984, which adds outpatient therapy to the release form.]

[(4) In the CTS Nursing Manual strike the nursing Services Procedural Index, pages 1-3 and substitute in lieu thereof Nursing Services Procedural Index, dated October 1, 1984, pages 1-4 which lists the contents of the nursing manual; strike the page entitled "Nursing Services Manual" and substitute in lieu thereof page entitled "Nursing Services Manual" dated August 1, 1984, which gives the table of contents for the Introduction selection of the manual; strike pages C1 and C2, Philosophy and Goals of the Nursing Department revised October, 1982, and substitute in lieu thereof pages C1 and C2, Philosophy and Goals of the Nursing Department revised March, 1984, which adds the organizational chart for the nursing department; strike page C6, Chief Nurse - Responsibilities and Duties, revised October, 1982, and substitute in lieu thereof pages C6 and C6(a), Director of Nursing - Responsibilities and Duties, revised March, 1984; page C6(b), Assistant Director of Nursing - Responsibilities and Duties dated March 26, 1984; and page C6(c), Nursing Supervisor Responsibilities and Duties, dated June, 1984, which set forth the duties and responsibilities of the Director, Assistant Director and Supervisor of Nursing; strike pages C7 and C8, Ward Nurse-Responsibilities and Duties, revised October, 1982, and substitute in lieu thereof pages C7 and C8, Nurse's Responsibilities and Duties, revised April, 1984, which set forth the duties and responsibilities of the nursing staff; strike page C147, Lice, revised January 3, 1980, and substitute in lieu thereof page C147, Pediculosis, (Capitis, Corporis, and Pubis) revised October 1, 1984, which defines the different types of lice and provides instruction for eliminating lice; and add at the end of the manual pages C178 through C184, roseola, impetigo, mumps, scabies, measles, athletes' foot, and hepatitis which define and provide instructions for treatment of the diseases.]

[(5) In the CTS Safety Rules and Practices Procedure Manual strike the page entitled "CTS Safety Rules and Practices Manual Index" and substitute in lieu thereof CTS Safety Rules and Practices Procedure Manual Index, dated October 1, 1984, which lists the contents of the safety manual; on page G4a, Severe Weather Emergency Evacuation Sites, revised April 2, 1984, add "Basement of Bingham Building" opposite "Shelter Cite;" insert after page G13, Prevention of

Spread of Infections, revised December 2, 1982, pages G13a through G13h, pediculosis, roseola, impetigo, mumps, scabies, measles, athletes' foot, and hepatitis which define and provide instructions for implementing these diseases.]

[(6) In the CTS Pharmacy Manual strike page F18, Nursing Personnel Authorized to Administer Medications, revised October, 1982, and substitute in lieu thereof page F18, Nursing Personnel Authorized to Administer Medications, revised April, 1984; strike page F19, Medication Hours, reviewed January, 1983, and substitute in lieu thereof page F19, Medication Distribution, revised April, 1984.]

ANNA GRACE DAY, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: May 30, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 22, 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 July 17, 1985: Hughes Walker, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Margaret Hockensmith

(1) Type and number of entities affected: Children admitted to the facilities.

(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: Revision of Policies and Procedures.

(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:

Tiering:

Was tiering applied? No. Affects specific facilities.

## PROPOSED REGULATIONS RECEIVED THROUGH JUNE 15

FINANCE AND ADMINISTRATION CABINET  
State Investment Commission

## 200 KAR 14:080. Repurchase agreement.

RELATES TO: KRS Chapters 41, 42

PURSUANT TO: KRS 42.525

NECESSITY AND FUNCTION: KRS 42.525 provides that the State Investment Commission shall prescribe rules for the operation of the state's investment program. This regulation establishes the general rules which shall apply to the employment of repurchase agreements as investment vehicles with commercial banks or savings and loan associations chartered by the Commonwealth of Kentucky or by an agency of the United States Government to do business in Kentucky, providing the main office is in Kentucky; or investment banking firms approved by the State Investment Commission at its open regular meetings.

Section 1. Definitions. For purposes of this regulation: (1) "Commission" means the State Investment Commission;

(2) "Office" means the Office for Investment and Debt Management;

(3) "Repurchase agreement" means an actual, conditional purchase of securities of the United States Treasury, any agency, instrumentality or corporation of the United States, or any other security receiving a full-faith and credit guarantee of the government of the United States, with an agreement to resell the securities to their original owner on a specific date in the future (at least seven (7) days into the future).

Section 2. General. The use of repurchase agreements as a vehicle by which to channel state investable funds into commercial banks and savings and loan associations provides distinct advantages to both parties. The banks and savings and loan associations do not have to post reserves against these funds in that they are not defined as deposits by their regulatory agencies. Secondly, they do not have to bear increased premiums for deposit insurance. The result is that the state may receive a higher yield for its investment. Further, repurchase agreements, in general, provide the maximum available yield to the state's portfolio of the alternatives statutorily available to the commission in managing short-term funds.

Section 3. Monies to be Invested. The commission shall invest all public funds as defined by KRS 446.010(31). The office shall execute all investments on behalf of the commission.

Section 4. Minimum Interest Rates. The commission shall not allow public funds to be invested in any repurchase agreement with a yield less than could be received on any directly purchased United States Treasury security of a comparable maturity.

Section 5. Acceptable Maturity of Investments.

Repurchase agreements controlled by the regulation shall have a maturity of no less than seven (7) calendar days, nor more than 180 days, without the authorization of the commission.

Section 6. Designation of Depositories. Any commercial bank or savings and loan association chartered by the Commonwealth of Kentucky or by the U.S. Government with its main office located in Kentucky shall be considered eligible to enter into repurchase agreement business (as defined in this regulation) with the state, provided the State Treasurer and the Secretary of the Finance and Administration Cabinet have jointly designated each individual institution as a depository. Any investment banking firm approved by the commission at an open meeting shall be considered eligible.

Section 7. Maximum Size of Repurchase Agreement per Institution. The office shall not enter into any repurchase agreement with a commercial bank or savings and loan association of more than \$25,000,000, provided, however, that no such agreement shall be an amount in excess of ten (10) percent of the institution's deposits or its capital structure, whichever is less.

Section 8. Payment for and Safekeeping Purchases. All transactions will be conducted on a payment-versus-delivery basis. In no event will any party allow state funds to be released until delivery of adequate, negotiable collateral has been verified. Securities purchased from commercial banks, savings and loan associations, or investment banks in a repurchase agreement shall be received, verified, and safekept by the state's general depository bank or its agent (subject to the approval of the commission).

Section 9. Eligible Securities. Any investment security issued or guaranteed by the United States Treasury; or any agency, corporation or instrumentality of the government of the United States will be considered eligible for repurchase agreements.

Section 10. Sufficiency of Securities Purchased. The securities purchased shall have a market value (including accrued interest) of not less than 100 percent of the face value of the repurchase agreement. The commission shall cause to have entered in the state's general depository banking contract, language requiring the general depository to review the sufficiency of collateral on all repurchase agreements, at least every seven (7) calendar days. Further, the commission shall demand additional securities be delivered immediately should market conditions cause the value of the securities purchased to drop below 100 percent of the face value of the repurchase agreement.

Section 11. Status of Parties. Both the commission and the commercial bank, savings and loan association, or investment bank shall be considered principals in all repurchase

agreements and never be considered to be acting as agents for third parties. All contractual obligations shall apply to and be binding on the commission and the specific financial institution with which the repurchase agreement is initially negotiated and settled.

Section 12. Default. The commission shall, in the case of default, or the suspicion of default, on the part of any institution with which it has entered into a repurchase agreement, immediately liquidate all securities delivered to it in the repurchase agreement. From the proceeds, the commission shall pay itself the full principal and accrued interest due as of the date of liquidation. Any remaining cash balances will be forwarded to the financial institution with which the repurchase agreement was originally executed.

Section 13. Contract. Formal agreement shall be signed by commercial banks, savings and loan associations, and investment banks desiring to enter into repurchase agreements with the state. Each commercial bank and savings and loan association must agree to and sign the state's repurchase agreement contract prior to executing a repurchase agreement with the state.

GORDON C. DUKE, Secretary

ADOPTED BY AGENCY: June 5, 1985

FILED WITH LRC: June 10, 1985 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 24, 1985, at 10 a.m., in Room 318 of the Capitol Annex Building. Those interested in attending this hearing shall contact: Executive Director, Office for Investment and Debt Management, Finance and Administration Cabinet, Capitol Annex, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT STATEMENT

The passage of these regulations governing the use of repurchase agreements will allow the State Investment Commission to be more efficient in maximizing the yield on the state's investments. Implementation of these regulations would not result in any new or increased expense to any state agency. The use of repurchase agreements, as governed by these regulations, will, however, result in additional investment income of at least \$2.0 million annually over prior investment alternatives. This additional income can be earned under these regulations without sacrificing the safety of the state's investments.

#### FINANCE AND ADMINISTRATION CABINET Board of Accountancy

##### 201 KAR 1:062. Certification standards.

RELATES TO: KRS 325.261, 325.265, 325.270, 325.280

PURSUANT TO: KRS 325.240

NECESSITY AND FUNCTION: To promulgate administrative regulations of the State Board of Accountancy of Kentucky. This regulation pertains to granting certificates.

Section 1. The board shall issue a certificate

as Certified Public Accountant to any person who meets the qualifications as set forth in KRS 325.261.

Section 2. (1) The educational requirements of KRS 325.261(3)(a) and (b) referring to a baccalaureate degree and/or masters degree "conferred by a college or university recognized by the board," is defined as a degree from an institution whose credits would be accorded full recognition upon transfer to the University of Kentucky or the University of Louisville. Evidence that the applicant possesses the educational qualifications prescribed herein shall consist of an official transcript(s) issued by the institution(s) granting the degree(s) claimed. Such transcripts shall be submitted with an application for examination, or an application for certificate by waiver of examination, and remain a part thereof.

(2) A major or concentration program in accounting is defined as a minimum of thirty (30) semester hours in accounting, business law, economics or finance, of which a minimum of twenty (20) semester hours must be in accounting subjects.

Section 3. (1) Effective September 1, 1985, in order to fulfill the experience requirements set forth in KRS 325.261, the applicant shall show, to the satisfaction of the board that the applicant has achieved a portfolio of experience obtained on assignments resulting in the issuance of a report on fairness of the presentation and/or preparation of financial statements in accordance with generally accepted accounting principles (GAAP) or other comprehensive bases of accounting.

(2) The demonstration of experience by an applicant for a certificate shall have as its objective that the applicant shall have obtained sufficient, diversified experience to enable the applicant to conduct an audit, review and/or a compilation of financial statements of an entity and report thereon with a minimum of supervision.

(3)(a) The experience described in KRS 325.261(3)(a) and (b) must be satisfied by at least one (1) year of full-time employment in a public accounting firm. The remaining year of the two (2) years of public accounting experience required in KRS 325.261(3)(a) may be satisfied by substantially equivalent experience which is defined to include two (2) years of experience or employment with internal audit agencies or groups conducting attest oriented functions, where the agency or group is independent of the entity which is the subject of the service and where third party reliance is an objective of the report.

(b) Full-time employment with a public accounting firm must include a minimum of 500 verifiable hours of participation in the examination of reports on the fairness of the presentation and/or preparation of reports on financial statements in accordance with GAAP or other comprehensive bases of accounting.

(4) Third-party reliance as used in KRS 325.261(3) means:

(a) Actual third party reliance, such as takes place with respect to the reader of financial statements upon which a report has been rendered by a public accountant registered in Kentucky or a certified public accountant licensed in any



state; or

(b) Financial audits performed by independent internal auditors reporting directly to the organization's board of directors, which is independent of management, where the purpose of the report is reliance by the board of directors on the fairness of the presentation of internally-generated financial statements in accordance with GAAP or other comprehensive bases of accounting.

(5) All experience required under KRS 325.261(3) shall consist of experience within activities generally performed by certified public accountants including financial audits, reviews, compilations, management audits, operational audits, compliance audits, management advisory services, tax return preparation and financial planning services. The minimum of 500 hours on assignments resulting in the issuance of reports referred to in subsection (3)(b) of this section shall be fulfilled from a combination of experience participating in financial audits, reviews and compilations only while in the employ of a public accountant as defined in KRS 325.220 or a certified public accountant licensed by any state.

Section 4. (1) As referred to in Section 3 of this regulation, the applicant shall show, to the satisfaction of the board, that the experience gained on assignments resulting in the issuance of a report on the fairness of the presentation of financial statements in accordance with GAAP or other comprehensive bases of accounting has included all of the following:

(a) Experience in applying a variety of procedures and techniques to the usual and customary financial transactions recorded in accounting records;

(b) Experience in the preparation of working papers covering the examination of the accounts usually found in accounting records;

(c) Experience in planning programs of work including the selection of procedures to be followed;

(d) Experience in the preparation of written explanations and comments on the findings of an examination and on the contents of accounting records; and

(e) Experience in reporting on and analysis of financial statements together with explanations and notes thereon.

(2) Experience of a quality satisfactory to the board, including participation in the examination of financial statements for third party reliance, as specified in KRS 325.261(3)(a) and (b) or application of the attest function using standards adopted by the American Institute of Certified Public Accountants, as specified in KRS 325.261(3)(e) and (f), shall be defined to include a portfolio of procedures that would indicate an appropriate variety of analytical procedures and techniques within the meaning of Section 3(1) of this regulation and may include the following which is neither all inclusive or exclusive:

(a) Review, testing and evaluation of internal control policies and procedures related to sales and revenue, costs and expenses, and payroll;

(b) Verification of accounts receivable;

(c) Review of inventory procedures and

verification of physical inventories;

(d) Review of reconciliation of client bank accounts;

(e) Testing inventory valuation and pricing;

(f) Testing cost and depreciation of fixed assets;

(g) Testing prepaid and intangible assets and deferred charges;

(h) Review and verification of accounts payable;

(i) Review of the adequacy of accrual and allowance provisions;

(j) Review or preparation of corporate tax provision;

(k) Search for unrecorded liabilities;

(l) Analysis and verification of changes in equity accounts or fund balances;

(m) Application of appropriate analytical review procedures to revenue and expenses;

(n) Testing of revenue and purchase cut-off;

(o) Review for significant subsequent events;

(p) Review of pertinent legal documents; and

(q) Evaluations of disclosures relating to commitments and contingencies.

An applicant who has not achieved a portfolio of experience of the variety and diversity set forth in the foregoing list shall bear the burden of demonstrating to the satisfaction of the board that the portfolio of experience submitted is of sufficient quality and diversity that it fulfills the entry requirements objective as set forth in Section 3(2) of this regulation.

(3) "Supervision," as used in KRS Chapter 325 and this regulation, means that there is a clear connection between the supervisor, who shall in all cases be a licensed certified public accountant of any state or a public accountant registered in this state, and the person being supervised in terms of planning, coordinating, guiding, inspecting, controlling and evaluating activities of the employee being supervised.

(4) In the case of field audit agents with the Internal Revenue Service, as referred to in KRS 325.261(3)(d), the Director of Examinations shall recommend to the board whether or not the applicant has met the requirements of the statute and subsections (1)(a) through (e) and (2)(a) through (q) of this regulation.

Section 5. (1) Any licensee who shall have been requested by an applicant to prepare and submit to the board an affidavit(s) verifying the applicant's experience and shall have refused to prepare and submit said affidavit(s) shall, when requested by the board, explain in writing or, when so requested by the board, explain in person, the basis for refusal to complete and submit said affidavit(s).

(2) Any licensee who shall have signed an affidavit of experience shall, when requested by the board, explain in writing or, when so requested by the board, explain in person, the information provided on the affidavit of experience.

(3) The board shall consider any false or misleading statement, made by the licensee, as to material matters in the verification of an applicant's experience to be a violation of KRS 325.340(1)(a).

(4) Inspection by the board, or its designated representative, of documentation relating to an applicant's fulfillment of the experience



requirements set forth in KRS 325.261(3) and this regulation may be made at the board's offices or, at the option of the board at a mutually agreeable location.

Section 6. (1) The experience, referred to in KRS 325.261(3)(a), (b), (d), (e), and (f) attained after receiving a baccalaureate degree shall be considered fulltime provided such employment is on a full-time basis and is for a period of at least ninety (90) consecutive calendar days. A minimum of one (1) year of the experience requirements must be obtained through full-time work.

(2) The experience requirements, referred to in KRS 325.261(3)(a) may be partially fulfilled by employment on a part-time basis. Any experience attained after high school graduation and before awarding of a baccalaureate degree shall be considered parttime. In the case of part-time work experience, one-half (1/2) hour credit will be given for each hour worked, such credit being limited to twenty (20) hours per week. Each applicant who relies on experience gained through part-time work shall cause to be filed over the signature of the certified public accountant or public accountant supervising such experience, a schedule of part-time hours worked by week, not to exceed forty (40) hours per week.

(3) Each applicant who relies in whole or in part on the experience described in KRS 325.261(3)(a), (b), (e) and (f), shall cause an affidavit(s) to be filed, in a form acceptable to the board, signed and sworn to by a certified public accountant licensed in any state or a public accountant as described in KRS 325.220, under whose supervision the applicant worked. Such affidavit(s) must include the dates and nature of the applicant's employment and that the type, quality and duration of the experience was sufficient to demonstrate competence as a certified public accountant; and that such experience is based on standards promulgated by the American Institute of Certified Public Accountants.

(4) Any applicant who applies for a certified public accountant certificate subsequent to September 1, 1985 and prior to July 1, 1986, may apply either under experience rules in effect on August 30, 1985 or under experience rules in effect on September 1, 1985. After July 1, 1986, all applicants must apply under experience rules effective July 1, 1985.

Section 7. 201 KAR 1:061 is hereby repealed.

JAMES T. AHLER, Executive Director

APPROVED BY AGENCY: May 21, 1985

FILED WITH LRC: June 10, 1985 at noon.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 31, 1985, at 10 a.m., EST, in the Administrative Offices of the board located at 332 W. Broadway, Suite 310, Louisville, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by July 26, 1985, of their desire to appear and testify at the hearing: James T. Ahler, Executive Director, Kentucky State Board of Accountancy, 332 W. Broadway, Suite 310, Louisville, Kentucky 40202.

## REGULATORY IMPACT ANALYSIS

Agency Contact Person: James T. Ahler, Executive Director

(1) Type and number of entities affected: The applicants for a Kentucky CPA certificate (approximately 300 persons per year) and persons with less than two (2) full years of public accounting experience.

(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: Documentation in support of applications for a CPA certificate will undergo greater scrutiny and verification.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The increased costs due to the new procedures for verifying experience are not expected to increase costs significantly.

2. Continuing costs or savings: See (2)(a)1

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: See (1)(b)

(3) Assessment of anticipated effect on state and local revenues: N/A

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternatives were not considered to be appropriate or effective.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A

(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: Entry into the public accounting profession will be enhanced through the partial acceptance of internal audit experience.

Tiering:

Was tiering applied? No. The impact of this regulation will affect all applicants equally.

## GENERAL GOVERNMENT CABINET Kentucky Board of Auctioneers

201 KAR 3:065. Maintaining a license while on active military duty.

RELATES TO: KRS 330.060(4)

PURSUANT TO: KRS 330.050(8)

NECESSITY AND FUNCTION: To comply with the Sailor and Soldier Relief Act and prevent unwarranted penalty to a person serving in the armed forces.

Section 1. Any individual holding a valid apprentice or principal Kentucky auctioneer license who enters the military service of the United States shall not be required to contribute to the Auctioneer Education Research and Recovery Fund or maintain his license during

the period that he is on active duty for said military service. Within sixty (60) days of such individual's honorable discharge from the service, he may request reinstatement of his license and said request shall be granted by the board.

ALECK GRIBBINS, Chairman

ADOPTED BY AGENCY: May 1, 1985

FILED WITH LRC: May 20, 1985 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 29, 1985 at 10 a.m. at the offices of the Kentucky Board of Auctioneers, 400 Sherburn Lane, Suite 343, Louisville, Kentucky 40207. However, this hearing will be cancelled unless interested persons notify, in writing, this office five (5) days prior to the above hearing date of their intention to attend. The person to contact would be: Barbara Schoen, Executive Secretary, Kentucky Board of Auctioneers, 400 Sherburn Lane, Suite 343, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Barbara Schoen

(1) Type and number of entities affected: Anyone entering the active military service.

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

1. First year: \$60 savings to licensee entering active service.

2. Continuing costs or savings: License and recovery fund fees annually while on active military duty for licensee.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: Must show proof of honorable discharge before relicensing by this Board.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Loss of license fee and recovery fund fee.

2. Continuing costs or savings: Loss of annual fees.

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: 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: N/A

(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. All applicants entering active military duty will be treated the same.

#### GENERAL GOVERNMENT CABINET Kentucky Board of Nursing

201 KAR 20:162. Procedures for disciplinary hearings.

RELATES TO: KRS 314.011, 314.031, 314.071(4), 314.091, 314.161, 314.991

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: To provide for the orderly conduct of hearings and to protect the due process rights of nurses and applicants.

Section 1. Purpose and Rule of Construction. The purpose of this regulation is to enable the board to conduct an orderly and reasonably expeditious search for the truth while ensuring that due process is afforded to the licensee or applicant. Accordingly, this regulation shall be liberally construed so as to aid that process.

Section 2. Composition of the Hearing Panel. (1) Disciplinary actions will be heard by a hearing panel consisting of two (2) members of the board and an assistant attorney general who will serve as the hearing officer.

(2) A hearing officer and one (1) member of the board may conduct a hearing for consideration of reinstatement of a revoked or suspended license and/or consideration of removal of a license from probationary status.

(3) A board member who has participated in the investigation of a disciplinary action or who has discussed the merits of an action with the agency staff or who has personal knowledge of the facts giving rise to a disciplinary action will not sit on a panel hearing that particular action.

(4) Staff members of the board, legal counsel for the board and a court stenographer will also be present for the hearing.

Section 3. Rights of the Licensee or Applicant. The licensee or applicant shall have the right to be present and to be heard by the hearing panel, to be represented by legal counsel, to present evidence, to cross examine witnesses presented by the board, and to make both opening and closing statements. The licensee or applicant shall also have the right to have subpoenas issued in accordance with 201 KAR 20:161.

Section 4. Prehearing Disclosure of Evidence. (1) By the board. The licensee or applicant shall have the right to inspect the investigative file relating to a disciplinary action either in person or by legal counsel. The names, addresses and phone numbers of witnesses expected to be called by the board will be made available. Copies of documentary evidence may be obtained upon the payment of a reasonable charge therefore, except documents protected from disclosure by state or federal law. Nothing in this section shall be construed as giving the licensee or applicant the right to examine or copy the personal notes, observations, or conclusions of the board's investigators nor shall it be construed as allowing access to the work product of legal counsel for the board. Further, appointment for the examination of an investigative file must be made upon reasonable notice, during regular office hours, and at a

time acceptable to the staff members involved in the investigation. The licensee or applicant shall also be permitted to examine any items of tangible evidence in the possession of the board.

(2) By the licensee or applicant. At least ten (10) days prior to the scheduled hearing date the licensee or applicant shall furnish to the investigator or legal counsel for the board copies of any documents which the licensee or applicant intends to introduce at the hearing, and a list of the names, addresses, and home and work telephone numbers of any witnesses to be presented to the hearing panel by the licensee or applicant. The licensee or applicant shall also produce for inspection any items of tangible evidence within its possession or control which it intends to introduce at the hearing.

(3) At least ten (10) days prior to the scheduled hearing date the licensee or applicant shall also file with the board a sworn (under oath) written response to the specific allegations contained in the notice of charges. Allegations not properly answered will be deemed admitted. The panel may for good cause permit the late filing of an answer.

(4) Sanctions for failure to comply with prehearing disclosure. Should a party fail to comply with this section the panel hearing the disciplinary action may refuse to allow into evidence such items or testimony as have not been disclosed, may continue the action to allow the opposing party a fair opportunity to meet the new evidence, or may make such other order as it deems appropriate. Sanctions will be applied by the hearing officer but may be overridden by the unanimous vote of the board member(s) of the panel.

(5) Continuing duty to disclose. After disclosure has been completed each party shall remain under an obligation to disclose any new or additional items of evidence or witnesses which may come to its attention. Such additional disclosure shall take place as soon as practicable. Failure to disclose may result in the exclusion of the new evidence or testimony from the hearing.

Section 5. Order of Proceeding. (1) The hearing officer will call the meeting to order and will identify the parties to the action and the persons present and will read the letter of notice and charges. The hearing panel will then determine whether the session is to be open or closed and will ask the parties to state for the record any objections or motions. The hearing officer will rule upon any objections or motions, subject to be overridden by the unanimous vote of the board members of the panel. Opening statements will then be made, with the attorney for the board proceeding first. Either side may waive its opening statement, but opening statements may not be reserved.

(2) The taking of proof will commence with the calling of witnesses on behalf of the board. Such witnesses will be examined first by the attorney for the board, then by the licensee or applicant or that person's attorney, and finally by members of the hearing panel. Rebuttal examination of witnesses will proceed in the same order. Documents or other items may be introduced into evidence as appropriate.

(3) Upon conclusion of the case for the board the licensee or applicant will call its witnesses. Such witnesses will be examined first by the licensee or applicant or that person's attorney, then by the attorney for the board, and finally by the members of the hearing panel. Rebuttal examination of those witnesses will proceed in the same order. Again, documents or other evidence may be introduced as appropriate.

(4) At the conclusion of the proof the parties will be afforded the opportunity to make a closing statement, with the attorney for the board always proceeding last. The hearing officer may impose reasonable limitations upon the time allowed for opening and closing statements.

(5) The hearing officer will also be responsible for enforcing the general rules of conduct and decorum and expediting the hearing by keeping the testimony and exhibits relevant to the case.

Section 6. Rules of Evidence. (1) The hearing panel shall not be bound by the technical rules of evidence. The hearing panel may receive any evidence which it considers to be reliable, including testimony which would be hearsay if presented in a court of law. Documentary evidence may be admitted in the form of copies or excerpts, and need be authenticated only to the extent that the panel is satisfied of its genuineness and accuracy. Tangible items may be received into evidence without the necessity of establishing a technical legal chain of custody so long as the board is satisfied that the item is what it is represented to be and that it is in substantially the same condition as it was at the time of the events under consideration.

(2) The panel retains the discretion to exclude any evidence which it considers to be unreliable, incompetent, irrelevant, immaterial or unduly repetitious. Rulings on objections to evidence will be made by the hearing officer but may be overridden by the unanimous vote of the board member(s) of the panel.

Section 7. Recommendation by the Hearing Panel. (1) Upon the conclusion of the hearing the panel will retire into closed session for purpose of deliberations. Each board member of the panel will have one (1) vote. In case of a tie vote, the tie will be broken by the hearing officer.

(2) At the conclusion of the panel's deliberations it will propose an order based upon the evidence presented. The hearing officer shall draft a proposed decision including findings of fact and conclusions of law consistent with the panel's deliberations as well as a recommended order to be submitted to the full board. A copy of the proposed decision will be sent to the licensee or applicant by certified mail and to all members of the board as well as the attorney for the board.

Section 8. Written Arguments or Exceptions to a Proposed Decision. The licensee or applicant will have twenty (20) days from the date the proposed decision is mailed to file with the board written arguments or exceptions to any portion of the proposed decision. The twenty (20) day period may be extended at the discretion of the board president in unusual

circumstances. The attorney for the board shall have ten (10) days from the expiration of the period allowed to the licensee or applicant to file responses on behalf of the board.

Section 9. Decision by the Board. The board, at the next scheduled regular meeting or as soon thereafter as may be arranged, will review the proposed decision and consider the evidence presented, and, after consideration of any written arguments or exceptions which have been presented, will make a final determination as follows:

- (1) Adopt the proposed decision as submitted, or
- (2) Modify the proposed decision as deemed necessary, or
- (3) Remand the case to the hearing panel for further evidence. The hearing panel will then schedule another hearing to obtain additional evidence. The board will then consider the findings of fact and recommendations from the original hearing and any additional hearing as well as additional written arguments or exceptions as the parties have presented and shall render its final decision in the case.

Section 10. Record to be Maintained. A transcript of the testimony taken during the hearing shall be kept by the board. A copy of that transcript will be available to the licensee or applicant from the court stenographer or, if the stenographer is unable to furnish a copy, from the board upon request and payment of the appropriate fee. A copy of the transcript of the hearing will be available to all board members. Any documents or exhibits introduced into evidence will be kept with the transcript.

Section 11. Continuances; Proceedings in Absentia. It is the policy of the board not to postpone cases which have been scheduled for hearings absent good cause. A request by a licensee or applicant for a continuance may be considered if communicated to the staff reasonably in advance of the scheduled hearing date and based upon good cause. The decision whether to grant a continuance will be made by the staff of the board. However, the burden is upon the licensee or applicant to be present at a scheduled hearing. Failure to appear at a scheduled hearing for which a continuance has not been granted in advance will be deemed a waiver of the right to appear and the hearing will be held as scheduled.

Section 12. Hearing Fee. If the order of the board is adverse to a licensee or applicant a hearing fee in an amount equal to the cost of stenographic services may be assessed against the licensee or applicant. The board in its discretion may waive all or part of the fee.

Section 13. Copy to be Provided to Licensee or Applicant. A copy of this regulation will be provided to the licensee or applicant prior to the hearing.

SHARON M. WEISENBECK, Executive Director  
 APPROVED BY AGENCY: April 13, 1985  
 FILED WITH LRC: June 12, 1985 at 10 a.m.  
 PUBLIC HEARING SCHEDULED: A public hearing on

this regulation will be held on July 23, 1985 at 9 a.m. EDT in Room 447 of the Board of Nursing office, Louisville, Kentucky. Those interested in attending this hearing shall notify in writing: William C. Shouse, Attorney, Board of Nursing, 4010 Dupont Circle, Suite 430, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: William C. Shouse

(1) Type and number of entities affected: This regulation will affect only licensees or applicants who come under investigation by the Board. During fiscal 1985-86 approximately 130 complaints were received and about 40 hearings were held.

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

1. First year: Part of the cost of stenographic services may be recovered under Section 12.

2. Continuing costs or savings: Same as above

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: Answer required by Section 4, paragraph (3).

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The reduction of hearing panels from three Board members to two will save the per diem cost of the third Board member. Prehearing disclosure of evidence will expedite the hearing process and result in some additional savings.

2. Continuing costs or savings: Same as above

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: 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: 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. Licensees who request reinstatement or removal from probation need appear before only a single member of the Board. Licensees being considered for disciplinary action must appear before two Board members.

#### TOURISM CABINET

Department of Fish and Wildlife Resources

301 KAR 2:210. Antlerless deer permits.

RELATES TO: KRS 150.010, 150.025, 150.105, 150.170, 150.175, 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

**NECESSITY AND FUNCTION:** This regulation pertains to the taking of antlerless deer during deer gun seasons where established county deer hunting seasons are inadequate to control localized agricultural damage caused by deer. Its purpose is to provide a means of alleviating localized agricultural damage until such time as it is appropriate to apply deer herd stabilization or reduction measures on a county wide basis. The function of this regulation is to prescribe the conditions and procedures under which antlerless deer may be taken for this purpose.

**Section 1. Antlerless Deer Permit Application, Issuance and Validity.** (1) Landowners or their agents may apply for antlerless permits by contacting their local conservation officer and completing an antlerless deer permit application form.

(2) Applications for permits to be issued in the current year must be submitted no later than September 30. Applications submitted after September 30 will be considered but permits will not be issued until the following year.

(3) The conservation officer will forward completed applications and his recommendations to the Division of Wildlife for consideration.

(4) The Division of Wildlife will determine the number of permits to be issued for any one (1) landholding through consideration of the extent of damage, the size of the landholding, the number of deer necessary to be removed to alleviate further damage, and the adequacy of the county deer season to address the problem. Permits will not be issued in instances where the county deer season is adequate to achieve the desired reduction in deer numbers.

(5) Permits may be issued only to a landowner or his agent.

(6) Landowners or their agents may transfer the permits they have been issued to persons of their choice.

(7) Permits are valid for use only on the landholding for which they were issued.

(8) Permits are valid only during the deer gun season of the year in which they were issued.

(9) Permits are not valid during the archery or special muzzleloading firearms seasons.

**Section 2. Requirements for Landowners or Their Agents to Whom Antlerless Deer Permits have been Issued.** (1) Landowners or their agents must complete all information on the antlerless deer permit, except the sex of the deer and the date taken, prior to transferring the permit to a hunter.

(2) Landowners or their agents must issue the carcass tag and check station portion of the permit to the hunter before the hunter goes afield to hunt and must retain the landowners portion of the completed and issued permit.

(3) Landowners or their agents must return all unused permits and the landowner copy of all issued permits to the Division of Wildlife within ten (10) days of the close of the deer gun season.

(4) Failure to comply with the requirements of this section, conviction for a deer regulation violation, or other abuse of the antlerless permit program shall be grounds for permit revocation and future ineligibility.

(5) Appeals of a revocation or a denial of

eligibility may be submitted in writing to the commissioner within sixty (60) days of any such action. Any adverse decision of the commissioner may be appealed to the commission in writing within sixty (60) days of the adverse decision of the commissioner and it shall be heard at the next regularly scheduled meeting.

**Section 3. Requirements for Hunters Taking Antlerless Deer Under an Antlerless Deer Permit.**

(1) Hunters must comply with all current deer season regulations, including the deer bag and possession limit, except that either sex deer may be taken.

(2) Before moving the carcass, hunters must complete the information on the carcass tag and check station portions of the antlerless deer permit and attach the carcass tag portion to the deer.

(3) Hunters must check their deer in accordance with deer gun and archery season regulations and, in addition, submit the check station portion of the antlerless deer permit to the check station operator.

(4) Hunters who take an antlered deer while in possession of an antlerless tag are not required to affix the antlerless carcass tag or submit the check station portion of the antlerless permit.

DON R. McCORMICK, Commissioner

G. WENDELL COMBS, Secretary

DR. ROBERT C. WEBB, Chairman

ADOPTED BY AGENCY: March 12, 1985

FILED WITH LRC: June 13, 1985 at 2 p.m.

**PUBLIC HEARING SCHEDULED:** A public hearing on this regulation will be held on July 23, 1985 at 7 p.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, 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 white-tailed deer hunting. An estimated 200 landowners will need local deer herd reduction in order to prevent future agricultural damage by deer and may avail themselves of the permits offered 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 by hunters using the antlerless permits. Indirect costs are determined by the hunter, depending on his level of participation.

1. First year: Persons participating in the deer 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): None

(b) Reporting and paperwork requirements:

Hunters will be required to check their deer at a check station and fill out a portion of their antlerless permit denoting specific information about the deer taken. Landowners will be required to fill out part of the antlerless permit denoting specific information about the hunter using the permit on his property.

(2) Effects on the promulgating administrative body: Requires time and effort in developing, publishing, reporting on, administering and enforcing the proposed regulation.

(a) Direct and indirect costs or savings: Primary costs are associated with promulgation, administration and enforcement of the regulation.

1. First year: The estimated department costs associated with establishing and administering the provisions of this regulation is \$11,800.

2. Continuing costs or savings: May increase by 10 percent per year.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Reporting of numbers of hunters and deer taken in order to evaluate the effectiveness of the program.

(3) Assessment of anticipated effect on state and local revenues: 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. Landowners can expect increased income due to decreased agricultural damage by deer.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Compensation to landowners and the destruction of deer are the two alternatives. Compensation was rejected because it does not offer a solution to the problem of agricultural damage by deer and may even encourage the problem to worsen. The destruction of deer by those other than hunters was rejected as being both more costly and contrary to the conservation ethic which is based on the wise use of renewable resources.

(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.

JUSTICE CABINET  
Department of State Police  
Services Division

502 KAR 35:010. Definitions.

RELATES TO: KRS 17.450, 17.460

PURSUANT TO: KRS 15A.160, 17.080, 17.450

NECESSITY AND FUNCTION: KRS 15A.160 and 17.080 provide that the Secretary of Justice may adopt such regulations that are necessary to properly administer the cabinet. KRS 17.450 establishes the Kentucky Missing Child Information Center. This regulation establishes the definitions to be used in the administration of the Kentucky Missing Child Information Center.

Section 1. As employed in 502 KAR 35:010 through 502 KAR 35:050, unless the context requires otherwise: (1) "Kentucky Missing Child Information Center" means a system including equipment, facilities, procedures, agreements and organizations thereof, for the collection, processing, and subsequent dissemination of information related to missing children.

(2) "Missing Child Information," hereafter referred to as MCI, is reported to and preserved in the Kentucky Missing Child Information Center. MCI shall be inclusive of, but not limited to all information as listed on the Kentucky Missing Persons Report Form.

(3) "Kentucky Missing Persons Report Form" means the form furnished to all requestors by the Kentucky State Police for the purpose of obtaining personal identifiers, characteristics, habits and actions for use in the entry of information in the Kentucky Missing Child Information Center.

(4) "Law enforcement agency" means a full-time governmental agency or any sub-unit thereof which is charged with the responsibility of the detection and prevention of crime, apprehension of criminals, the maintaining of law and order throughout the respective jurisdiction, to collect, classify and maintain information useful for the detection of crime and the identification, apprehension and conviction of criminals and to enforce laws within that respective governmental jurisdiction.

(5) "Child" means any person under eighteen (18) years of age or any persons certified or known to be mentally incompetent or disabled.

NORMA C. MILLER, Secretary

MORGAN T. ELKINS, Commissioner

APPROVED BY AGENCY: June 14, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on July 24, 1985, at 9 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:

(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:

- (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: N/A  
(3) Assessment of anticipated effect on state and local revenues: N/A

(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: N/A

(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: N/A

Tiering:

Was tiering applied? No. N/A

**JUSTICE CABINET**  
**Department of State Police**  
**Services Division**

**502 KAR 35:020. Capabilities of the Missing Child Information Center computer system.**

RELATES TO: KRS 17.450, 17.460

PURSUANT TO: KRS 15A.060, 17.080, 17.450

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 vested in the Justice Cabinet. KRS 17.450 establishes, in the Justice Cabinet, a Kentucky Missing Child Information Center. As defined in 502 KAR 35:010(1), the Kentucky Missing Child Information Center shall act as a central repository of and a clearing house for information with regard to those Kentucky related children believed to be missing. This regulation sets specific computer program standards and information submission guidelines for the Kentucky Missing Child Information Center.

Section 1. The Kentucky Missing Child Information Center shall maintain a system capable of accepting and initiating the capture, retention, and subsequent dissemination of information relating to missing children from Kentucky and missing children believed to be located in Kentucky.

Section 2. The Kentucky Missing Child Information Center shall be located within the Kentucky State Police for administrative purposes.

Section 3. The system shall be developed that

will at a minimum be capable of the retrieval of missing child information by name, description, date of birth, social security number, fingerprint class, body marks, known associates and the associate's locations. The system shall also be developed to insure the ability to provide statistical data associated with the Kentucky Missing Child Information Center.

NORMA C. MILLER, Secretary

MORGAN T. ELKINS, Commissioner

APPROVED BY AGENCY: June 14, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on July 24, 1985, at 9 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:

(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:

(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: N/A

(3) Assessment of anticipated effect on state and local revenues: N/A

(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: N/A

(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: N/A

Tiering:

Was tiering applied? No. N/A

**JUSTICE CABINET**  
**Department of State Police**  
**Services Division**

**502 KAR 35:030. Quality of information reported to the Kentucky Missing Child Information Center.**

RELATES TO: KRS 17.450, 17.460

PURSUANT TO: KRS 15A.060, 17.080, 17.450

NECESSITY AND FUNCTION: KRS 17.450(8) provides

that the Secretary of Justice may issue regulations in order to provide for the orderly receipt and/or retrieval of missing child information. This regulation establishes entry and retrieval of missing child information procedures.

Section 1. Only law enforcement agencies as defined in 502 KAR 35:010(4) shall be allowed to enter, change existing information or retrieve information from the files of the Missing Child Information Center. Initial entry or modification of existing missing child information shall only be accomplished by the submission of the Kentucky Missing Persons Report Form to the Missing Child Information Center. Each submitted Kentucky Missing Persons Report Form shall be as complete as possible and list the submitting law enforcement officer's name as well as the authorizing law enforcement agency.

Section 2. A parent or guardian may enter or retrieve missing child information directly to or from the Missing Child Information Center on his child when the law enforcement agency of jurisdiction has refused to enter or retrieve such missing child information. The parent or guardian of the missing child that has been denied service by a law enforcement agency may directly contact the Kentucky Missing Child Information Center for assistance in the initial entry, modification thereof, or retrieval of information relating to his or her missing child. The Missing Child Information Center shall immediately notify the State Police Post, which serves the area, to initiate an investigation on the missing child.

Section 3. Affidavit Certifying Non-Compliance with KRS 17.450 by a Law Enforcement Agency. The parent or guardian attesting that a law enforcement agency has not rendered the appropriate service as outlined in KRS 17.450 or KRS 17.460 shall be required to file a formal affidavit outlining the circumstances surrounding the failure of the law enforcement agency to provide service. Copies of said affidavit shall be forwarded to the chief administrative officer of the agency denying service in addition to the State Police Post which will conduct the investigation on the missing child.

## AFFIDAVIT

Comes \_\_\_\_\_, after being duly sworn and states for his/her affidavit as follows:

1. My name is \_\_\_\_\_ and I reside at \_\_\_\_\_.

2. I am the mother/father/guardian of \_\_\_\_\_, a child/mentally incompetent or disabled individual.

3. \_\_\_\_\_ has been missing since \_\_\_\_\_.

4. I requested that the \_\_\_\_\_ (police agency) \_\_\_\_\_ (address) enter my child into the Kentucky Missing Child Information Center Network on \_\_\_\_\_ (date). Officer \_\_\_\_\_ refused to do so because \_\_\_\_\_.

5. I request that the Kentucky State Police enter this information into this network immediately.

Subscribed and sworn to before me by \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 1985, at \_\_\_\_\_ City of \_\_\_\_\_, \_\_\_\_\_ County, Kentucky.

Notary Public - State at Large

My commission expires \_\_\_\_\_.

NORMA C. MILLER, Secretary  
MORGAN T. ELKINS, Commissioner

APPROVED BY AGENCY: June 14, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on July 24, 1985, at 9 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:

(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:

(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: N/A

(3) Assessment of anticipated effect on state and local revenues: N/A

(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: N/A

(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: N/A

Tiering:

Was tiering applied? No. N/A



JUSTICE CABINET  
Department of State Police  
Services Division

502 KAR 35:040. Reporting of missing children by law enforcement agencies.

RELATES TO: KRS 17.450, 17.460

PURSUANT TO: KRS 15A.160 17.080, 17.450, 17.460  
NECESSITY AND FUNCTION: KRS 17.450 mandates that the Justice Cabinet shall establish a Kentucky Missing Child Information Center which shall serve as the Central Repository of and clearing house for information about Kentucky related missing children. KRS 17.460 mandates that the law enforcement agencies receiving notification of a missing child shall report information relating to that missing person to the Missing Child Information Center in a timely nature. This regulation establishes procedures and time frames associated with the reporting of a missing child.

Section 1. As defined in 502 KAR 35:010(3), a Kentucky Missing Persons Report Form shall be initiated and completed immediately by a law enforcement agency upon receiving notification from a parent or guardian that a child is missing. If possible, a current photograph and a Child-I-Dent Form will be obtained from the parent, guardian, or, if approved by the parent or guardian, from the school of the missing child. The Kentucky Missing Persons Report Form shall either be completed by the responsible law enforcement agency or completed to the fullest extent possible with the information available and in all cases will be forwarded to the Missing Child Information Center no later than twenty-four (24) hours after notification by parent or guardian. In the event that the missing child is located prior to forwarding the report form, it is not necessary to forward that report form to the Missing Child Information Center.

Section 2. The law enforcement agency receiving the initial report of a missing child shall immediately enter into the Law Information Network of Kentucky and the National Crime Information Center computer criterion information related to the missing child.

Section 3. In the event that the reporting agency does not have direct terminal access to NCIC or is not participating in the regional LINK/NCIC Network, it shall be the responsibility of the reporting agency to enter criterion information through the nearest Kentucky State Police Post. It shall not be the responsibility of said post to assure the ongoing investigation of the missing child incident, that responsibility shall remain with the submitting agency.

Section 4. As soon as possible, but no later than twenty-four (24) hours after the entry of missing child information, the investigating law enforcement agency shall notify law enforcement agencies having concurrent jurisdiction via electronic or telecommunicative means. Receiving agencies shall promptly notify agency duty personnel of all information relating to a missing child incident.

Section 5. The Kentucky Missing Child Information Center shall issue flyers containing physical and situational descriptions of missing children when requested by a law enforcement agency or when determined by the Kentucky Missing Child Information Center. Minimum information required before a flyer may be issued from the Kentucky Missing Child Information Center, shall be: agency, case number, ORI, date missing, name, address, sex, race, date of birth, height, weight, hair color, the most recent photograph providing an adequate likeness, signature of parent or guardian, officer submitting report and agency authorization. It shall be the responsibility of the investigating agency to request that a flyer be issued and to submit to the Kentucky Missing Child Information Center all information needed. Flyers will be provided to all Kentucky law enforcement agencies as defined in 502 KAR 35:010(4) in addition to law enforcement agencies in geographical areas where there is reason to believe the missing child is proceeding to or in the process of being taken to.

Section 6. Cancellation of Missing Child Report. It shall be the responsibility of the law enforcement agency that found or returned the missing child to append the existing LINK/NCIC message by placing a locator message on the entry. It shall be the responsibility of the reporting agency upon notification and verification that the child has been found, to cancel missing child entries in LINK/NCIC. The Kentucky Missing Child Information Center may require information related to the finding or recovery of the missing child to better provide statistical information on missing children.

NORMA C. MILLER, Secretary

MORGAN T. ELKINS, Commissioner

APPROVED BY AGENCY: June 14, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on July 24, 1985, at 9 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:

(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:

(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: N/A
- (3) Assessment of anticipated effect on state and local revenues: N/A
- (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: N/A
- (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: N/A

Tiering:

Was tiering applied? No. N/A

**JUSTICE CABINET**  
**Department of State Police**  
**Services Division**

**502 KAR 35:050. Statistical analysis of information related to missing children.**

RELATES TO: KRS 17.450, 17.460  
PURSUANT TO: KRS 15A.160, 17.080, 17.450, 17.460

NECESSITY AND FUNCTION: KRS 17.080 provides that the Secretary of Justice may adopt such rules and regulations as are necessary to properly administer the cabinet. KRS 17.450 provides that the Secretary of Justice further issue regulations which will provide for the functioning of the Kentucky Missing Child Information Center. KRS 17.450 requires that the Kentucky Missing Child Information Center annually report statistical information with regard to the numbers of children missing from or believed missing in the Commonwealth of Kentucky. This regulation establishes rules and regulations with regard to the furnishing of said statistical data.

Section 1. Annual Report Required. On or before July 1 of each year, a written report shall be provided to the Secretary of Justice that will include statistical information with regard to missing children in the Commonwealth of Kentucky.

Section 2. Law Enforcement Agency Assistance Required. The Kentucky Missing Child Information Center may require additional assistance from all law enforcement agencies with regard to the development of the statistical data report as outlined in Section 1 of this regulation. Said assistance shall be inclusive of but not limited

to in-depth case analysis with regard to a specific missing child incident, overall trends within a given geographical or jurisdictional area, and an in-depth missing child recovery trend analysis as well as the agency's methodology for finding and returning missing children.

NORMA C. MILLER, Secretary  
MORGAN T. ELKINS, Commissioner

APPROVED BY AGENCY: June 14, 1985

FILED WITH LRC: June 14, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on July 24, 1985, at 9 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:
- (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:
- (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: N/A
- (3) Assessment of anticipated effect on state and local revenues: N/A
- (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: N/A
- (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: N/A

Tiering:

Was tiering applied? No. N/A

**ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE**

Minutes of the June 3-4, 1985 Meeting

The June meeting of the Administrative Regulation Review Subcommittee was held on Monday, June 3, 1985 at 2 p.m. and on Tuesday, June 4, 1985 at 10 a.m. in Room 103. Representative Bill Brinkley, Chairman, called the meeting to order, and the secretary called

the roll. On motion of Representative Meyer, seconded by Senator Quinlan, the minutes of the May 13-14, 1985 meeting were approved.

Present were:

Members: Representative Bill Brinkley, Chairman; Senators Pat McCuiston and Bill

Quinlan; Representatives James Bruce, Edward Holloway and Joe Meyer.

Guests: House Speaker Don Blandford; Gary S. Cox, Martha Robinson, Council on Higher Education; C. Joe Hutchison, Pam Johnson, Kentucky Retirement Systems; Richard L. Ross, Board of Pharmacy; Sarah M. Jackson, Board of Hairdressers & Cosmetologists & Board of Medical Licensure; C. William Schmidt, Board of Medical Licensure; Alma W. Baker, Kathleen Bellinger, Martin Glazer, Alta P. Haunsz, Mary Romelfanger, William C. Shouse, M. Pamela Troutman, Board of Nursing; Robert V. Bullock, Dave Nicholas, Kenneth Phillips, Board of Social Work, Bob Arnold, Mary Lewis Bradshaw, Carl Dills, Charles Prebble, Michael Stivers, Donnie Tipton, Tom Troth, J. D. Wolf, Department of Agriculture; Bill Graves, Don R. McCormick, John Phillips, George G. Roberts, Department of Fish and Wildlife; William S. Coakley, Martha L. Hall, Roger B. McCann, Hisham Saaed, Natural Resources and Environmental Protection Cabinet; Gary L. Bush, Roger D. Long, Major Bob Stallins, Kentucky State Police; Patricia Foley, G. C. Ethington, Jr., Sandra G. Pullen, Transportation Cabinet; Gary Bale, Don Fightmaster, Sam Jackson, Sidney Simandle, Department of Education; Eugene D. Attkisson, Department of Mines and Minerals; Barbara Coleman, Dudley J. Conner, Edward Crews, Richard Dooley, Ked R. Fitzpatrick, Ted Hanekamp, Cliff Howard, Greg Lawther, E. Edsel Moore, David Nichols, Joseph W. Skaggs, Barry Wainscott, M.D., Cabinet for Human Resources; Douglas V. Marshall, Fayette County Board of Education; R. Kent Riggs, National Southwire Al Co.

LRC Staff: Susan Wunderlich, Joe Hood, June Mabry, Donna Valencia, Chris Lilly, Ben Guess, Mike Schillhahn and Carla Arnold.

Press: Paul Long, State Journal

The Administrative Regulation Review Subcommittee met on June 3-4, 1985, and submits the following report:

The Subcommittee had no objections to the following regulations, but attached the following statements:

**General Government Cabinet: Board of Medical Licensure**

201 KAR 9:031 (Examinations.) The subcommittee recommends that the Interim Joint Committee on Business Organizations and Professions study the language used in the statute relating to the requirement of a single sitting for examination, and propose legislation during the next session to clarify the language.

**Justice Cabinet: Department of State Police: Services Division, Records Section**

502 KAR 30:060 (Dissemination of criminal history record information.) The subcommittee recommends that the Interim Joint Committee on Judiciary - Criminal study the language in KRS 17.160 and clarify if the use of the word "employer" could include current employers as well as potential employers for the purpose of checking current employees sexual criminal history records.

**Education and Humanities Cabinet: Department of Education: Office of Instruction: Teacher Certification**

704 KAR 20:320 (Beginning teacher internship program.) The subcommittee recommends that the Interim Joint Committee on Education review KRS 161.030 for possible recommendations to the 1986 General Assembly to clarify the requirement that a school principal serve on a beginning teacher internship committee. Section 3(2) of the regulation allows the principal to delegate attendance at such meeting to an assistant principal, whereas, the statute specifies the principal.

The Subcommittee determined that the following regulations, as technically amended, complied with the requirements of KRS Chapter 13A:

**General Government Cabinet: Board of Pharmacy**

201 KAR 2:010 (Schools approved by the board.) This regulation was technically amended to specify the accreditation standards and the list of schools approved by the board. This material was incorporated by reference.

201 KAR 2:020 (Examinations.) This regulation was technically amended to make it clear that an overall average of 75%, with certain exceptions, was the required minimum needed to qualify for a license.

201 KAR 2:095 (Dispensing responsibilities.) At the suggestion of the subcommittee, the agency amended this regulation by deleting the words "but not limited to." Responsibilities for which those regulated by the board may be held accountable must be specified and not exceed the statutory requirements.

**Board of Nursing**

201 KAR 20:070 (Licensure by examination.) This regulation was amended by deleting two regulations from the repealer section that the board did not want repealed at this time.

201 KAR 20:350 (Education facilities and resources for prelicensure registered nurse and practical nurse programs.) This regulation was amended to give examples of appropriate accreditation and evaluation standards.

**Board of Examiners of Social Work**

201 KAR 23:130 (Definition of field service office.) This regulation was amended to insure that there was no intent to limit the exemptions from licensure requirements provided by KRS 335.010(5) for church agencies, children's homes, and other philanthropic and non-profit field service offices. It was also amended to strike the words "but not limited to." Those regulated could be held responsible only for the specific requirements stated in the statute.

**Justice Cabinet: Department of State Police: Services Division, Records Section**

502 KAR 30:010 (Criminal history record information system.) The subcommittee and agency amended this regulation to clarify the definition of courts as criminal justice agencies.

**Transportation Cabinet: Department of Vehicle Regulation: Motor Vehicle Tax**

601 KAR 9:010 (Registration.) This regulation was amended to reflect appropriate statutes in the relates to line.

**Cabinet for Human Resources: Department for Health Services: Certificate of Need and Licensure**

902 KAR 20:016 (Hospitals operation and services.) The agency amended this regulation to clarify requirements for hospitals' tuberculosis testing.

902 KAR 20:086 (Intermediate care facilities for the mentally retarded and developmentally disabled.) This regulation was amended to clarify the requirements for intermediate care facilities' tuberculosis testing.

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

**Council on Higher Education: Public Educational Institutions**

13 KAR 2:020 (Guidelines for undergraduate admissions to the state-supported institutions of higher education in Kentucky.)

13 KAR 2:030 (Tuition schedule.)

**Finance and Administration Cabinet: Kentucky Retirement Systems: General Rules**

105 KAR 1:010 (Contributions and interest rates.)

**General Government Cabinet: Board of Pharmacy**

201 KAR 2:015 (Continuing education.)

201 KAR 2:100 (Security and control of drugs and prescriptions.) Representative Meyer questioned the requirement in Section 5 that a pharmacist or employer be held liable for failure to report that a pharmacist had committed fraud or deceit in procuring a license, or negligently acted "in a manner inconsistent with the practice of pharmacy or willfully repeatedly" violated the statutes regulating pharmacy. He felt that this required a legal judgment by layman of matters not within their competence. He also felt that reportable offenses should be limited to those barring specific relation to the practice of pharmacy. The board's representative stated that, in practice, that reportable offenses were so limited.

201 KAR 2:105 (Permits for drug manufacturers and wholesalers.)

**Board of Medical Licensure**

201 KAR 9:041 (Fee schedule.)

**Board of Hairdressers & Cosmetologists**

201 KAR 12:125 (Schools' student regulations.)

**Board of Nursing**

201 KAR 20:085 (Licensure periods.)

201 KAR 20:090 (Temporary work permit.)

201 KAR 20:095 (Inactive nurse licensure status.)

201 KAR 20:110 (Licensure by endorsement.)

201 KAR 20:161 (Investigation and disposition of complaints.)

201 KAR 20:200 (Definitions for mandatory continuing education.)

201 KAR 20:205 (Standards for continuing education offerings.)

201 KAR 20:215 (Contact hours.)

201 KAR 20:225 (Reinstatement of license.)

201 KAR 20:230 (Renewal of licenses.)

201 KAR 20:240 (Fees for applications and for services.)

201 KAR 20:250 (Definitions for registered and practical nurse prelicensure program of nursing.)

201 KAR 20:260 (Organization and administration standards for prelicensure programs of nursing.)

201 KAR 20:270 (Programs of nursing surveys.) Representative Meyer feels that this regulation exceeds the statutory authority in KRS 314.111 and, therefore, objects to the regulation.

201 KAR 20:280 (Standards for prelicensure registered nurse and practical nurse programs.) Representative Meyer feels that this regulation exceeds the statutory authority in KRS 314.111 and, therefore, objects to the regulation.

201 KAR 20:290 (Standards for prelicensure registered nurse and practical nurse extension programs.) Representative Meyer feels that this regulation exceeds the statutory authority in KRS 314.111 and, therefore, objects to the regulation.

201 KAR 20:300 (Standards for prelicensure experimental programs of nursing.) Representative Meyer feels that this regulation exceeds the statutory authority in KRS 314.111 and, therefore, objects to the regulation.

201 KAR 20:320 (Standards for curriculum of prelicensure registered nurse programs.)

201 KAR 20:330 (Standards for curriculum of prelicensure practical nurse programs.)

201 KAR 20:340 (Students in prelicensure registered nurse and practical nurse programs.)

201 KAR 20:360 (Evaluation of prelicensure registered nurse and practical nurse programs.)

**Board of Examiners of Social Work**

201 KAR 23:120 (Equivalency standard.) Representative Meyer questioned Section 2(3) relating to research course requirements for equivalency standards. He felt that the regulation simply stated general principles, and was unnecessary because it did not provide specific requirements. For example, "some kind of research" provided no guidance as to the specific research required.

**Tourism Cabinet: Department of Fish and Wildlife Resources: Game**

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

301 KAR 2:170 (Seasons for deer hunting.)

**Department of Agriculture: Amusement Rides**

302 KAR 16:020 (Operation of amusement rides or attractions.)

302 KAR 16:060 (Guideline handbook incorporated by reference.)

**Livestock Sanitation**

302 KAR 20:040 (Entry into Kentucky.)

302 KAR 20:065 (Sale and exhibition for Kentucky livestock only.)

302 KAR 20:070 (Stockyards.)

302 KAR 20:190 (Sero positive mares.)

**Pesticides**

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

**Kentucky Grain Insurance and Grain Dealers**

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

**Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Air Pollution**

401 KAR 50:015 (Documents incorporated by reference.)

401 KAR 50:016 (Policies incorporated by reference.)

401 KAR 57:035 (Equipment leaks.)  
401 KAR 57:040 (Equipment leaks of benzene.)  
401 KAR 59:019 (New gas turbines.)  
401 KAR 59:061 (New secondary brass and bronze production plants.)  
401 KAR 59:181 (New automobile and light-duty truck coating operations.)  
401 KAR 59:251 (New glass manufacturing plants.)  
401 KAR 59:285 (New metallic mineral processing plants.)  
401 KAR 61:165 (Existing primary aluminum reduction plants.)

**Justice Cabinet: Department of State Police: Services Division, Records Section**

502 KAR 30:020 (Arrest and disposition reporting.)  
502 KAR 30:030 (Audit of criminal history record information systems.)  
502 KAR 30:040 (Criminal history record information user agreement.)  
502 KAR 30:050 (Security of centralized criminal history record information.)  
502 KAR 30:070 (Inspection of criminal history record information by record subject.)

**Transportation Cabinet: Department of Vehicle Regulation: Motor Carriers**

601 KAR 1:025 (Transporting hazardous materials; permit.)  
**Motor Vehicle Tax**  
601 KAR 9:047 (Salvage vehicle registration.)  
**Department of Highways: Traffic**  
603 KAR 5:050 (Uniform traffic control devices.)

**Education and Humanities Cabinet: Department of Education: Office of Local Services: Pupil Transportation**

702 KAR 5:130 (Vehicles designed to carry fewer than ten passengers, standards for.)

**Public Protection and Regulation Cabinet:**

**Department of Mines and Minerals: Mining**  
805 KAR 5:020 (Installation and use of automated temporary roof support systems.)

**Cabinet for Human Resources: Department for Health Services: Communicable Diseases**

902 KAR 2:020 (Reportable diseases.)  
**Maternal and Child Health**  
902 KAR 4:050 (Kentucky family planning program.)

**Sanitation**

902 KAR 10:060 (Onsite sewage disposal.)

**Hospitalization of Mentally Ill and Mentally Retarded**

902 KAR 12:080 (Policies and procedures for mental health/mental retardation facilities.)

**Controlled Substances**

902 KAR 55:010 (Licensing of manufacturers and wholesalers.)

902 KAR 55:015 (Schedule I substances.)

902 KAR 55:020 (Schedule II substances.)

902 KAR 55:025 (Schedule III substances.)

902 KAR 55:030 (Schedule IV substances.)

902 KAR 55:035 (Schedule V substances.)

902 KAR 55:040 (Exempt over the counter preparations.)

902 KAR 55:045 (Exempt prescriptions preparations.)

902 KAR 55:060 (Requirements for distribution of small amounts of controlled substances without manufacturer's or wholesaler's licenses.)  
**Department for Social Insurance: Medical Assistance**

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

**Public Assistance**

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

904 KAR 2:150 (Incorporation by reference of materials relating to the AFDC Program.)

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

**Food Stamp Program**

904 KAR 3:045 (Coupon issuance procedures.)

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

The following regulations were deferred at the agency's request:

**Tourism Cabinet: Department of Fish and Wildlife Resources: Game**

301 KAR 2:045 (Upland game birds, furbearers and small game; seasons limits.)

**Transportation Cabinet: Department of Vehicle Regulation: Motor Carriers**

601 KAR 1:020 (Permit for hauling industrial materials; fee; bond.)

**Public Protection and Regulation Cabinet: Public Service Commission: Utilities**

807 KAR 5:001 (Rules of procedure.)

**Quarter Horse, Appaloosa, and Arabian Commission**

812 KAR 1:050 (Jockeys.)

**Housing, Buildings, and Construction: Kentucky Building Code**

815 KAR 7:010 (Administration and enforcement.)

815 KAR 7:020 (Building code.)

The Subcommittee had no objections to emergency regulations which had been filed.

The Subcommittee adjourned at 11 a.m. until July 8, 1985.

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## LOCATOR INDEX -- EFFECTIVE DATES

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

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13 KAR 2:030	1691	6-4-85	Amended	1628	6-4-85
101 KAR 1:070			201 KAR 20:215		
Amended	1787		Amended	1630	6-4-85
101 KAR 1:090			201 KAR 20:225		
Amended	1789		Amended	1631	6-4-85
105 KAR 1:010			201 KAR 20:230		
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Amended	1436	6-4-85	201 KAR 20:250	1695	6-4-85
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Amended	1612	6-4-85	201 KAR 20:270	1698	6-4-85
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201 KAR 2:105			201 KAR 20:350	1708	6-4-85
Amended	1616	6-4-85	201 KAR 20:360	1709	6-4-85
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201 KAR 12:125			Amended	1640	6-4-85
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201 KAR 20:010			Amended	1645	6-4-85
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201 KAR 20:011			Amended	1648	6-4-85
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201 KAR 20:012			Amended	1650	6-4-85
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201 KAR 20:040			401 KAR 6:310	1950	
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201 KAR 20:060			Amended	776	
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201 KAR 20:110			Amended	1459	6-4-85
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401 KAR 61:165			Amended	1781	6-4-85
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405 KAR 7:020			702 KAR 7:020		
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405 KAR 7:080			Amended	1161	3-12-85
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Amended	1831		704 KAR 3:335		
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Amended	1833		704 KAR 4:010		
405 KAR 16:050			Amended	1885	
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405 KAR 16:110			Amended	253	10-9-84
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405 KAR 16:170			Amended	1887	
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405 KAR 18:050			Amended	254	10-9-84
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603 KAR 5:096			Amended	1902	
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808 KAR 10:130			902 KAR 55:020		
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815 KAR 7:020			Reprint	1354	3-12-85
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905 KAR 7:030E	9	6-6-85
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201 KAR 1:062	84		Amended	70	
201 KAR 3:065	86		903 KAR 6:020		
201 KAR 20:162	87		Amended	72	
201 KAR 20:310			904 KAR 2:200		
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