Administrative Register of Kentucky

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

MEETING NOTICE: The next meeting of the Administrative Regulation Review Subcommittee is May 5 and 6, 1986. For information, call 502-564-8100, ext. 312.

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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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REGULATION REVIEW PROCEDURE

Filing and Publication

Administrative bodies shall file with the Regulations Compiler all proposed administrative regulations, including public hearing information (described below), the tiering statement required by KRS 13A.210, the regulatory impact analysis as required by KRS 13A.240, and the fiscal note required by KRS 13A.250.

All proposed administrative regulations received by the deadline required in KRS 13A.050, as well as the information required above, shall be published in the Administrative Register.

Following publication in the Administrative Register, all proposed administrative regulations shall be referred by the Legislative Research Commission to the appropriate committee or subcommittee for review.

Public Hearing

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.

Any person interested in attending the scheduled 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 place the letter of cancellation in the file of the original administrative regulation. If the hearing is held, the administrative body shall submit within fifteen (15) days following the hearing a statement of consideration summarizing the comments received at the hearing and the administrative body's responses to the comments.

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.

Review Procedure

If a proposed administrative regulation is amended as a result of the public hearing, the amended version shall be published in the next Administrative Register; and following publication shall be sent to the appropriate committee for review at its next meeting. If a proposed administrative regulation is not amended as a result of the hearing or if the hearing is cancelled, the regulation shall be sent to the appropriate committee for review at its next meeting. The administrative regulation shall be considered as adopted and in effect as of adjournment on the day the subcommittee meets.

EMERGENCY REGULATIONS NOW IN EFFECT

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

STATEMENT OF EMERGENCY

The Swan Lake Wildlife Management Area has only recently become the property of the Commonwealth, having previously been in private ownership. The time required by the promulgation process for an ordinary administrative regulation would either delay the department's opening the facility to the public or leave the area unprotected by regulation during the promulgation period. Intense public interest in utilizing the area and the need to regulate its use can best be satisfied in a timely manner by the immediate effectiveness of an emergency regulation. The emergency regulation will be replaced by an ordinary administrative regulation.

MARTHA LAYNE COLLINS, Governor
DON R. McCORMICK, Commissioner

TOURISM CABINET
Department of Fish and Wildlife Resources

301 KAR 4:050E. Swan Lake Wildlife Management Area restrictions.

RELATES TO: KRS 150.010, 150.015, 150.025, 150.300, 150.600, 219.370
PURSUANT TO: KRS 13A.350, 150.025
EFFECTIVE: March 28, 1986
NECESSITY AND FUNCTION: This regulation is necessary to prescribe appropriate use restrictions for the Swan Lake Wildlife Management Area. Its function is to prevent disturbance of wintering migratory waterfowl and to provide for the protection and maintenance of the property and its associated wildlife.

Section 1. Access. The Swan Lake Wildlife Management Area, except such portions as are designated wildlife observation areas, is closed to all public access, including by boat during periods of high water, from October 15 through March 15. Only authorized Department or U.S. Fish and Wildlife Service employees on official business shall enter the premises during this period.

Section 2. Hunting Restrictions. (1) Wild turkey. Turkey hunting is prohibited.
(2) Frogs. Firearms may not be used for hunting frogs.
(3) Waterfowl hunting is prohibited on the body of water known as Swan Lake.

Section 3. Dog Training. Dog training is prohibited.

Section 4. Camping Restrictions. (1) Location. Camping is restricted to designated areas.
(2) Length of time. No one shall camp on this management area for more than fourteen (14) consecutive days.
(3) Pets. All pets in the camping area must be leashed.
(4) Only primitive camping is permitted. Recreational vehicle camping is prohibited.

Section 5. Motor restrictions for the lakes located on the Swan Lake Wildlife Management Area in Ballard County are as follows. These lakes are closed October 15 to March 15, annually.
(1) Maximum 10 horsepower: Swan Lake
(2) Electric motors only
(a) Sandy Slough
(b) Long Pond
(c) Cross Slough
(d) Little Green Sea
(e) Burnt Pond
(f) Arrowhead Slough
(g) Deep Slough
(h) Beaver Dam Slough
(i) Cypress Slough
(j) Twin Pocket Slough

G. WENDELL COMBS, Secretary
DON R. McCORMICK, Commissioner
CHARLES E. PALMER, JR., Chairman
APPROVED BY AGENCY: March 27, 1986
FILED WITH LRC: March 28, 1986 at 1 p.m.

STATEMENT OF EMERGENCY

In order to continue to operate the Corrections Cabinet in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected agency policy must be revised as soon as possible to allow the cabinet to implement a systemwide inmate grievance procedure and to make significant alterations in the operation of the cabinet's Intensive Supervision Program. This emergency regulation will be replaced by the ordinary administrative regulation filed with the Legislative Research Commission on April 11, 1986 in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
GEORGE W. WILSON, Secretary

CORRECTIONS CABINET

501 KAR 6:020E. Corrections policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439
PURSUANT TO: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: April 14, 1986
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 April 14, [February 19,] 1986 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
1.2	News Media
1.6	Extraordinary Occurrence Reports [(Amended 2/19/86)]
1.11	Population Counts and Reporting Procedures
2.1	Inmate Canteen
3.1	Code of Ethics
3.2	Inclement Weather and Emergency Conditions Policy
3.3	Holding of Second Jobs by Bureau Employees
3.7	Employment of Relatives
3.10	Staff Clothing and Personal Appearance
3.12	Institutional Staff Housing
3.14	Corrections Cabinet Payroll Deduction Policy and Procedure
4.1	Attendance at Professional Meetings
4.2	Staff Training and Development
4.3	Firearms and Chemical Agents Training
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 Bedside Visits
9.5	Return of Escapees by Automobile
9.6	Contraband
9.7	Storage, Issue and Use of Weapons Including Chemical Agents
9.8	Search Policy
9.9	Transportation of Inmates
9.10	Security Inspections

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
11.2 Nutritional Adequacy of the Diet for Inmates
11.3 Special Diet Procedures
12.1 Resident Clothing
13.1 Pharmacy Policy and Formulary
13.2 Health Maintenance Services
13.3 Medical Alert System
13.4 Health Program Audits
14.2 Personal Hygiene Items
14.3 Marriage of Inmates [(Amended 2/19/86)]
14.4 Legal Services Program
14.6 Inmate Grievance Procedure (Added 4/14/86)
15.1 Hair and Grooming Standards
15.2 Offenses and Penalties
15.3 Meritorious Good Time
15.4 Governor's Meritorious Good Time Award
15.5 Restoration of Forfeited Good Time
15.6 Adjustment Procedures and Programs
16.1 General Inmate Visiting Procedure
16.2 Inmate Correspondence
16.3 Telephone Calls
17.1 Inmate Personal Property
17.2 Assessment Center Operations [(Amended 1/13/86)]
17.3 Controlled Intake of Inmates
18.4 Classification of the Inmate
18.5 Custody/Security Guidelines
18.6 Classification Document
18.7 Transfers
18.8 Guidelines for Transfers Between Institutions
18.9 Out-of-State Transfers
18.10 Pre-Parole Progress Reports
18.11 Kentucky Correctional Psychiatric Center Transfer Procedures
18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill
18.13 Population Categories
19.1 Government Services Projects
19.2 Community Services Projects
20.1 Study Release
20.6 Vocational Study Release
22.1 Privilege Trips
25.1 Gratuities
25.2 Public Official Notification of Release of an Inmate
25.3 Pre-Release
25.4 Inmate Furloughs
25.6 Community Center Program [(Amended 12/13/85)]
25.7 Expedient Release
25.8 Extended Furloughs
27.1 Supervision: Case Classification
27.2 Risk/Needs Administration
27.4 Supervision Plan: General
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
27.18 Absconder Procedures
27.19 Technical Violators
27.20 Intensive Supervision (Amended 4/14/86)
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

(2) The Kentucky State Reformatory Procedures Memorandum:

KSR 01-00-09 Public Information and News Media Relations
KSR 01-00-10 Entry Authorization for All Cameras and Tape Recorders Brought into the Institution
KSR 01-00-14 Extraordinary Occurrence Report
KSR 01-00-15 Cooperation and Coordination with Oldham County Court
KSR 01-00-18 Assistant Duty Officers
KSR 01-00-19 Personal Service Contract Personnel
KSR 01-00-20 Consent Decree Notification to Inmates
KSR 02-00-01 Inmate Canteen (Amended 2/19/86)
KSR 02-00-03 Screening Disbursements from Inmate Personal Accounts
KSR 02-00-11 Inmate Personal Accounts (Amended 2/19/86)
KSR 02-00-12 Institutional Funds and Issuance of Checks
KSR 03-00-01 Shift Assignment/Reassignment
KSR 03-00-02 Employee Dress and Personal Appearance
KSR 03-00-05 Intra-Agency Promotional Opportunity Announcements
KSR 03-00-06 Employee Time and Attendance
KSR 03-00-07 Travel Expense Reimbursement (Amended 2/19/86)
KSR 03-00-08 Employee Tuition Assistance Reimbursement
KSR 03-00-10 Workers' Compensation
KSR 03-00-11 Equal Employment Opportunity Complaints
KSR 03-00-12 Employee Greivance Procedure
KSR 03-00-14 Prohibited Employee Conduct, Disciplinary Actions, and Appeals Process
KSR 03-00-15 Affirmative Action Program
KSR 03-00-16 Confidentiality of Personnel Records
KSR 03-00-19 Establishment of Personnel Records and Employee Right to Challenge Information Contained Therein
KSR 03-00-20 Personnel Selection, Retention and Promotion
KSR 03-00-21 Equal Employment Opportunities for Institutional Job Assignments and Job Classification Promotions
KSR 03-00-23 Work Planning and Performance Review (WPPR) (Amended 2/19/86)
KSR 03-00-24 Inclement Weather and Employee Work Attendance
KSR 03-00-25 Medical Examination Requirements for New Employees
KSR 04-00-02 Staff Training and Development
KSR 05-00-02 Research Activities
KSR 05-00-03 Management Information Systems
KSR 06-00-01 Inmate Master File
KSR 06-00-02 Records Audit
KSR 06-00-03 Security of Inmate Records
KSR 07-00-02 Institutional Tower Room Regulations
KSR 07-00-03 Guidelines for Contractors
KSR 08-00-07 Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family

KSR 08-00-08 Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery, or Death of an Inmate (Amended 2/19/86)
KSR 08-00-09 Emergency Preparedness Training
KSR 09-00-04 Horizontal Gates/Box 1 Enter and Exit Procedure
KSR 09-00-05 Gate I Entrance and Exit Procedure
KSR 09-00-14 Use of Force
KSR 09-00-21 Crime Scene Camera
KSR 09-00-22 Collection, Preservation, and Identification of Physical Evidence
KSR 09-00-23 Drug Abuse Testing
KSR 09-00-25 Inmate Motor Vehicle Operator's License
KSR 10-00-02 Special Management Inmates - Operations, Rules and Regulations for Unit D
KSR 10-00-03 Special Needs Unit
KRS 10-00-04 Unit D Admission/Release Ticket
KSR 11-00-01 Meal Planning for the General Population (Amended 2/19/86)
KSR 11-00-02 Special Diets
KSR 11-00-03 Food Service Inspections
KSR 11-00-04 Dining Room Dress Code for Inmates
KSR 11-00-06 Health Standards/Regulations for Food Service Employees
KSR 11-00-07 Early Chow Line Passes for Medically Designated Inmates
KSR 12-00-01 Inmate Summer Dress Regulations
KSR 12-00-02 Sanitation and General Living Conditions
KSR 12-00-03 State Items Issued to Inmates
KSR 12-00-07 Regulations for Inmate Barbershop
KSR 13-00-01 Identification of Mentally Retarded Inmates
KSR 13-00-02 Regulations for Hospital Patients
KSR 13-00-03 Medication for Inmates Leaving Institution Grounds
KSR 13-00-04 Dental Care for Inmates (Amended 2/19/86)
KSR 13-00-05 Medical and Dental Sick Call
KSR 13-00-06 Services for Mentally Retarded Inmates
KSR 13-00-07 Referral of Inmates Considered to Have Severe Emotional Disturbances
KSR 13-00-08 Institutional Laboratory Procedures
KSR 13-00-09 Institutional Pharmacy Procedures (Amended 2/19/86)
KSR 13-00-10 Requirements for Medical Personnel
KSR 13-00-11 Preliminary Health Evaluation and Establishment of Inmate Medical Record (Amended 2/19/86)
KSR 13-00-12 Vision Care/Optometry Services
KSR 13-00-14 Periodic Health Examinations for Inmates
KSR 13-00-15 Medical Alert System (Amended 2/19/86)
KSR 13-00-16 Suicide Prevention and Intervention Program
KSR 14-00-01 Inmate Rights
KSR 14-00-02 A/C Center and Unit D Inmate Access to Legal Aide Services
KSR 14-00-04 Inmate Grievance Procedure
KSR 15-00-01 Operational Procedures and Rules and Regulations for Unit A, B, and C
KSR 15-00-02 Regulations Prohibiting Immate 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 - Adjustment Committee Procedures
KSR 16-00-01 Visiting Regulations
KSR 16-00-02 Inmate Correspondence and Mailroom Operations
KSR 16-00-03 Inmate Access to Telephones
KSR 17-00-01 Housing Unit Assignment
KSR 17-00-03 Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 17-00-04 Assessment/Classification Center Operations, Rules and Regulations
KSR 17-00-05 Dormitory 10 Operations
KSR 17-00-06 Identification Department Admissions and Discharge Procedures
KSR 17-00-07 Inmate Personal Property
KSR 18-00-01 Special Management Inmates - Unit D Classification
KSR 18-00-04 Returns from Other Institutions
KSR 18-00-05 Transfer of Residents to Kentucky Correctional Psychiatric Center
KSR 18-00-06 Classification
KSR 18-00-07 Special Notice Form
KSR 19-00-01 Inmate Work Incentives (Amended 2/19/86)
KSR 19-00-02 On-the-Job Training Program
KSR 19-00-03 Safety Inspections of Inmate Work Assignment Locations
KSR 20-00-01 Vocational School Referral and Release Process
KSR 20-00-03 Academic School Programs
KSR 20-00-04 Criteria for Participation in Jefferson Community College Program (Amended 2/19/86)
KSR 20-00-08 Integration of Vocational and Academic Education Programs
KSR 21-00-01 Legal Aide Office and Law Library Services and Supervision
KSR 21-00-02 Inmate Library Services
KSR 21-00-03 Library Services for Unit D
KSR 22-00-03 Inmate Organizations
KSR 23-00-02 Chaplain's Responsibility and Inmate Access to Religious Representatives
KSR 23-00-03 Religious Programming
KSR 25-00-01 Discharge of Residents to Hospital or Nursing Home
KSR 25-00-02 Violations of Law or Code of Conduct by Inmates on Parole Furlough
KSR 25-00-03 Pre-Parole Progress Report

(3) The Kentucky State Penitentiary Operations Memorandum:

KSP 000000-06 Administrative Regulations (Amended 2/19/86)
KSP 010000-04 Public Information and Media Communication (Amended 2/19/86)
KSP 020000-01 General Guidelines for KSP Employees
KSP 020000-02 Service Regulations, Attendance, Hours of Work, Accumulation and Use of Leave
KSP 020000-03 Work Planning and Performance Review (WPPR)
KSP 020000-04 Employee Disciplinary Procedure
KSP 020000-05 Proper Dress for Uniformed and Non-Uniformed Personnel
KSP 020000-06 Employee Grievance Procedure (Amended 2/19/86)
KSP 020000-07 Personnel Registers and Advertisements

KSP 020000-09	Maintenance, Confidentiality, and Informational Challenge of Material Contained in Personnel Files
KSP 020000-10	Overtime Policy
KSP 020000-15	Legal Assistance
KSP 020000-20	Equal Employment Opportunity Complaints
KSP 020000-23	Recruitment and Employment of Ex-Offenders
KSP 020000-24	Educational Assistance Program
KSP 020000-25	Mediation and Appeal Procedure for WPPR
KSP 020000-29	Promotional Opportunity Announcement Program
KSP 030000-01	Inventory Records and Control
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KSP 040000-02	Inmate Records Section
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KSP 050000-14	Searches of Inmates, Visitors, Staff, Vehicles, Cells and Area Shakedown and Preservation of Evidence
KSP 060000-01	Special Security Unit (Added 2/19/86)
KSP 060000-02	Operational Procedures for Disciplinary Segregation, Administrative Segregation, Administrative Control and Behavioral Control Units
KSP 060000-04	Operational Procedures for Special Management Inmates Assigned to Protective Custody (Amended 2/19/86)
KSP 060000-11	Criteria for Disciplinary Segregation and Incentive Time Reduction Program
KSP 060000-12	Maximum Protective Custody
KSP 070000-01	Hospital Services
KSP 070000-02	Sick Call
KSP 070000-03	Health Evaluations
KSP 070000-04	Consultations
KSP 070000-05	Emergency Medical Procedure
KSP 070000-13	Pharmacy Procedures
KSP 070000-14	Medical Records
KSP 070000-16	Psychiatric and Psychological Services
KSP 070000-17	Dental Services for Special Management Units
KSP 070000-19	Optometric Services
KSP 070000-20	Menu Preparation and Planning
KSP 070000-24	Food Service, General Sanitation, Safety, and Protection Standards and Requirements
KSP 070000-25	Food Service Inspections
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KSP 090000-03	Correctional Industries
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KSP 100000-03	Disposition of Unauthorized Property
KSP 100000-04	Inmate Grooming and Dress Code
KSP 100000-05	Procedures for Providing Clothing, Linens and Other Personal Items
KSP 100000-06	Mail
KSP 100000-07	Inmate Telephone Access
KSP 100000-08	Behavioral Counseling Record
KSP 100000-09	Due Process/Disciplinary Procedures
KSP 100000-11	Authorized and Unauthorized Property for Inmates
KSP 100000-14	Property Room: Clothing Storage and Inventory
KSP 100000-15	Uniform Standards for Fire Safety, Sanitation and Security of all Cells
KSP 100000-18	Inmate Grievance Committee Hearings
KSP 100000-20	Legal Services Program
KSP 100000-21	Photocopies for Non-Indigent Inmates with Special Court Deadlines
KSP 100000-22	Special Management Unit Legal Services Program
KSP 100000-24	Resident Legal Services Office Library
KSP 100000-25	WKFC Resident - Access to Kentucky State Penitentiary Legal Library
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KSP 120000-24	Muslim Services
KSP 120000-31	Extended Furloughs
KSP 120000-32	Discharge of Inmates by Shock Probation
KSP 130000-10	Execution Plan

(4) The Luther Luckett Correctional Complex Policies and Procedures:

LLCC 01-08-01	Institutional Legal Assistance
LLCC 01-09-01	Public Information and News Media Access
LLCC 01-12-01	Duty Officer Responsibilities
LLCC 02-01-02	Fiscal Management: Accounting Procedures
LLCC 02-01-03	Fiscal Management: Agency Funds
LLCC 02-01-04	Fiscal Management: Insurance
LLCC 02-03-01	Fiscal Management: Audits
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LLCC 03-06-01	Work Planning: Employee Evaluations and Evaluation Control
LLCC 03-08-01	Shift Transfers
LLCC 03-08-02	Rotation of Correctional Officers Between Central Security and Unit Management Staff
LLCC 03-09-01	Promotion Board
LLCC 03-10-01	Affirmative Action: EEO
LLCC 03-12-01	Confidentiality of Information Roles and Services of Consultants, Contract Personnel and Volunteers
LLCC 08-01-01	Offender Records
LLCC 08-04-01	Storage of Expunged Records
LLCC 10-03-09	Duties and Responsibilities of Building 1 and 2 Officer
LLCC 11-03-01	LLCC Population Categories
LLCC 11-07-01	Adjustment Procedures for Minor Rule Violations
LLCC 11-09-01	Rules and Regulations of the Unit
LLCC 11-13-01	Inmate Dress and Use of Access Areas
LLCC 11-15-01	Post-Parole Furloughs
LLCC 11-16-01	Restoration of Forfeited Good Time
LLCC 11-18-02	Use of Monitor Telephone
LLCC 11-19-01	Unit Shakedowns/Control of Excess Property
LLCC 11-20-01	Program Services for "Special Needs"/Mentally Ill Inmates
LLCC 12-01-01	Special Management Inmates
LLCC 12-04-01	Guidelines for (7E) PC Unit/General Living Conditions
LLCC 13-04-01	Food Service: Meals
LLCC 13-04-02	Food Service: Menu, Nutrition and Special Diets
LLCC 13-05-02	Medical Screening of Food Handlers
LLCC 13-06-01	Food Service: Inspections and Sanitation
LLCC 13-07-01	Food Service: Purchasing, Storage and Farm Products
LLCC 14-01-01	Sanitation, Living Condition Standards, and Cloting Issue
LLCC 14-05-01	Institutional Inspections
LLCC 15-01-01	Health Maintenance Services; Sick Call and Pill Call
LLCC 15-02-01	Mental Health/Psychological Services
LLCC 15-03-01	Pharmacy
LLCC 15-03-02	Use of Psychotropic Medications
LLCC 15-04-01	Dental Services
LLCC 15-05-02	Licensure and Training Standards
LLCC 15-06-02	Specialized Health Services
LLCC 15-06-03	Emergency Medical/Dental Care Services
LLCC 15-06-04	First Aid/CPR Training Program
LLCC 15-06-05	Suicide Prevention and Intervention Program
LLCC 15-07-01	Health Records
LLCC 15-08-01	Special Diets
LLCC 15-12-01	Special Needs Unit
LLCC 15-14-01	Informed Consent
LLCC 15-15-01	Medical Restraints
LLCC 15-16-01	Health Education/Special Health Programs
LLCC 16-01-01	Inmate Rights and Responsibilities
LLCC 16-02-01	Inmate Grievance Procedure (Amended 2/19/86)
LLCC 16-03-01	Inmate Legal Services
LLCC 17-01-01	Due Process/Disciplinary Procedure
LLCC 18-01-01	Inmate Correspondence
LLCC 18-02-01	Inmate Visiting
LLCC 18-02-03	Extended Visit and Furloughs
LLCC 18-02-04	Meritorious Visits (Added 2/19/86)
LLCC 18-03-03	Inmate Visiting (DSU/ASU)
LLCC 20-01-01	Personal Property Control
LLCC 20-02-01	Authorized Inmate Personal Property
LLCC 20-03-01	Unauthorized Items
LLCC 20-04-02	Inmate Canteen
LLCC 20-05-01	Inmate Control of Personal Funds
LLCC 20-05-02	Storage and Disposition of Monies Received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays
LLCC 20-06-01	Procedure for Sending Appliances to Outside Dealers for Repair
LLCC 21-02-01	Classification/Security Levels
LLCC 21-03-01	Classification Process
LLCC 22-01-01	OJT/Job Assignments
LLCC 23-01-01	Academic School
LLCC 26-01-01	Religious Services
LLCC 28-01-01	Privileged Trips
LLCC 28-03-01	Temporary Release/Community Center Release
LLCC 28-04-01	Pre-Parole Progress Report
LLCC 28-04-02	Parole Eligibility Dates

(5) The Northpoint Training Center Policies and Procedures:

NTC 01-05-01	Extraordinary Occurrence Reports
NTC 01-10-01	Legal Assistance for Staff
NTC 01-11-01	Political Activities of Merit Employees
NTC 01-15-01	Establishment of the Warden as Chief Executive Officer
NTC 01-17-01	Relationships with Public, Media and Other Agencies
NTC 02-01-02	Fiscal Management: Accounting Procedures
NTC 02-01-03	Fiscal Management: Checks
NTC 02-01-04	Fiscal Management: Insurance
NTC 02-03-01	Fiscal Management: Audits
NTC 02-08-01	Inmate Canteen
NTC 02-12-01	Inmate Personal Accounts
NTC 03-01-01	Employee Dress Code
NTC 03-02-01	General Guidelines for NTC Employees
NTC 03-03-01	Staff Members Suspected of Being Under the Influence of Intoxicants
NTC 03-04-01	Shift Assignments and Transfers
NTC 03-05-01	Work Planning and Performance Review
NTC 03-06-01	Worker's Compensation
NTC 03-07-01	Merit System Registers and Placement of Advertisements
NTC 03-08-02	Employee Identification Cards
NTC 03-09-01	Maintenance, Confidentiality and Challenge of Information Contained in Employee Personnel File
NTC 03-10-01	Employment of Ex-Offenders
NTC 03-13-01	Travel Reimbursement for Official Business and Professional Meetings
NTC 03-14-01	Selection, Retention, Promotion, and Lateral Transfer of Merit System Employees
NTC 03-14-02	Promotional Opportunities
NTC 03-15-01	Time and Attendance; Accumulation and Use of Accrued Time
NTC 03-15-02	Sick Leave Abuse
NTC 03-15-03	Inclement Weather and Emergency Conditions
NTC 03-16-01	EEO - Affirmative Action
NTC 03-17-01	Employee Grievance Procedure
NTC 03-17-02	Review Committee
NTC 03-18-01	Educational Assistance Program
NTC 03-19-01	Holding of Second Jobs by Employees
NTC 04-01-01	Training and Staff Development

NTC 06-01-01	Offender Records
NTC 06-01-02	Records - Release of Information
NTC 06-01-03	Taking Offender Record Folders onto the Yard
NTC 08-05-01	Duties of Fire Safety Officer
NTC 08-05-02	Fire Procedures
NTC 08-05-03	Fire Prevention
NTC 08-05-04	Storage of Flammables and Dangerous Chemicals and Their Use
NTC 08-05-05	Control of Flammables, Toxic, Caustic, and Other Hazardous Chemicals and Janitorial Supplies
NTC 10-01-01	Special Management Inmates (Amended 2/19/86)
NTC 10-01-02	Legal Aide Visits for Special Management Inmates
NTC 11-03-01	Food Services: General Guidelines
NTC 11-04-01	Food Service: Meals
NTC 11-04-02	Menu, Nutrition and Special Diets
NTC 11-05-02	Medical Screening of Food Handlers
NTC 11-06-01	Inspections and Sanitation
NTC 11-07-01	Purchasing, Storage and Farm Products
NTC 12-01-01	Institutional Inspections
NTC 12-02-01	Personal Hygiene for Inmates; Clothing and Linens
NTC 12-02-02	Personal Hygiene Items
NTC 13-01-01	Emergency Medical Care Plan
NTC 13-01-02	Emergency and Specialized Health Services
NTC 13-02-01	Administration and Authority for Health Services
NTC 13-03-01	Sick Call and Pill Call
NTC 13-04-01	Pharmacy
NTC 13-05-01	Dental Services
NTC 13-06-01	Licensure and Training Standards
NTC 13-07-01	Provisions for Health Care Delivery
NTC 13-08-01	Medical and Dental Records
NTC 13-09-01	Special Diets
NTC 13-11-01	Inmate Health Screening and Evaluation
NTC 13-12-01	Disabled and Infirm Inmates
NTC 13-13-01	Medical Alert System
NTC 13-14-01	Management of Chemically Dependent Inmates
NTC 13-15-01	Health Education for Inmates
NTC 13-16-01	Continuity of Health Care
NTC 13-17-01	Inmates Assigned to Health Services
NTC 13-19-01	Psychological Services
NTC 13-19-02	Mentally Retarded Inmates
NTC 13-19-03	Suicide Prevention and Intervention Program
NTC 14-01-01	Legal Services Program
NTC 14-02-01	Inmate Grievance Procedure
NTC 14-03-01	Inmate Rights and Responsibilities
NTC 15-01-01	Restoration of Forfeited Good Time
NTC 15-02-01	Due Process/Disciplinary Procedures
NTC 15-02-02	Extra Duty Assignments
NTC 15-03-01	Rules for Inmates Assigned to Outside Detail
NTC 15-03-02	Rules and Regulations for Dormitories
NTC 15-04-01	Inmate Identification
NTC 16-01-01	Mail Regulations (Amended 2/19/86)
NTC 16-02-01	Visiting (Amended 2/19/86)
NTC 16-02-02	Extended and Special Visits
NTC 16-02-03	Honor Dorm Visiting (Amended 2/19/86)
NTC 16-03-01	Inmate Furloughs
NTC 16-05-01	Telephone Use and Control
NTC 17-01-01	Personal Property Control
NTC 17-01-02	Authorized Inmate Personal Property
NTC 17-01-03	Unauthorized Inmate Property
NTC 17-01-04	Disposition of Unauthorized Property
NTC 17-03-01	Assessment/Orientation (Amended 2/19/86)
NTC 18-01-01	Pre-Parole Progress Report
NTC 18-01-02	Parole Eligibility Dates
NTC 18-02-01	Classification
NTC 18-05-01	Transfers to Other Institutions
NTC 18-05-02	Transfer of Inmates to Kentucky Correctional Psychiatric Center
NTC 19-01-01	Inmate Work Program (Amended 2/19/86)
NTC 20-01-01	Academic School Program
NTC 21-01-01	Library Services
NTC 22-03-01	Conducting Inmate Organizational Meetings and Programs
NTC 23-01-01	Religious Services
NTC 23-03-01	Marriage of Inmates
NTC 24-04-01	Honor Status
NTC 24-05-01	Unit Management
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
NTC 25-03-01	Inmate Release Procedure
NTC 26-01-02	Certification of Volunteers and Guests

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

KCIW 01-06-01	Legal Assistance for Corrections Staff
KCIW 01-08-01	News Media Access
KCIW 02-01-01	Comprehensive Insurance Coverage
KCIW 02-02-01	Fiscal Management: Audits
KCIW 02-02-03	Fiscal Management: Checks
KCIW 02-03-01	Inventory Control of Non-Expendable Personal Property
KCIW 02-03-03	Criteria for Selection of Bidders and Vendors
KCIW 02-04-01	Accounting Procedures
KCIW 02-05-01	Inmate Canteen/Staff Canteen
KCIW 02-07-01	Release of C.E.T.A. Money Earned
KCIW 03-01-01	Travel Expense Reimbursement
KCIW 03-02-01	General Orders for all Staff
KCIW 03-03-01	Employee Grievance Procedure
KCIW 03-05-01	Employee Personnel File
KCIW 03-06-01	Affirmative Action EEO and the Equal Employment Opportunity Complaint Procedure
KCIW 03-08-01	Employee Performance Evaluations
KCIW 03-09-01	Payroll and Personnel Manning Records
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
KCIW 06-01-02	Transfers to Community Centers and the Minimum Security Unit
KCIW 06-01-03	Storage of Expunged Records
KCIW 10-01-01	Special Management Unit: General Operation and Regulations
KCIW 10-01-02	Special Management Unit Programs, Placement and Review
KCIW 11-01-01	Food Service Operation Inspections
KCIW 11-01-02	Budgeting, Accounting, and Purchasing Procedures for Food Products
KCIW 11-02-01	Menu Preparation/Special Diets

KCIW 11-03-01	General Guidelines for Food Service Operations Manager
KCIW 11-03-02	General Guidelines for Food Service Workers
KCIW 11-04-01	Health Standards, Regulations for Food Service Employees
KCIW 12-01-01	Control of Pests and Vermin
KCIW 12-02-01	Laundry Facilities/Clothing Issuance
KCIW 12-02-03	Donated Items
KCIW 12-04-01	Sanitation and General Living Conditions
KCIW 13-01-01	Provision of Medical and Dental Care
KCIW 13-01-02	Preliminary Health Screening and Appraisal
KCIW 13-01-03	Use of Pharmaceutical Products
KCIW 13-03-01	Emergency Care
KCIW 13-03-02	Infirmary Care and Outside Services
KCIW 13-03-03	Outside Hospital Security
KCIW 13-04-01	Medical Alert System
KCIW 13-04-02	Psychiatric/Psychological Services
KCIW 13-06-01	Informed Consent
KCIW 13-07-01	Detoxification and Alcohol or Chemical Dependency Guidelines
KCIW 13-08-01	Medical Exams for New Employees
KCIW 14-01-02	Inmate Rights
KCIW 14-02-01	Access to Attorneys and Designated Counsel Substitutes
KCIW 14-03-01	Inmates Are Not Subject to Discrimination Based on Race, Religion, National Origin, Sex, Handicap, or Political Beliefs
KCIW 14-04-01	Inmate Grievance Procedure
KCIW 15-01-01	Offenses and Penalties
KCIW 15-01-02	Adjustment Committee Procedures and Programs
KCIW 15-03-01	Inmate Rule Book
KCIW 15-04-01	Incentive Levels System
KCIW 16-01-01	Inmate Correspondence
KCIW 16-01-02	Inmate Mail Distribution
KCIW 16-01-03	Staff Mail
KCIW 16-02-01	Inmate Access to Telephone
KCIW 16-02-02	Intra-Institution Phone Calls
KCIW 16-03-01	Inmate Visiting Regulations
KCIW 16-03-02	Unauthorized Items for Picnic Lunches, Food Packages and Regular Packages
KCIW 16-04-01	Inmate Indigent Fund
KCIW 16-05-01	Vendor Packages, Appliance Orders and Drug Store Orders
KCIW 17-01-01	Assessment Center Operation and Reception Programs
KCIW 17-01-02	Assessment/Classification Center Operations, Rules and Regulations
KCIW 17-01-03	Assessment and Classification Unit Property Guidelines
KCIW 17-02-01	Identification Department Admissions
KCIW 17-03-01	Notifying Inmates Families of Admission and Procedures for Mail and Visiting
KCIW 17-05-01	Inmate Personal Property
KCIW 18-01-02	Institution Housing Assignments
KCIW 18-02-01	Classification Procedures
KCIW 18-05-01	Special Needs Inmates
KCIW 18-06-01	Status Codes
KCIW 19-01-01	Inmate Work/Program Assignments
KCIW 19-03-01	Landscape and Maintenance Work Details
KCIW 20-01-01	Education Programs
KCIW 20-01-03	Vocational Education: Curriculum Flexible Schedule, up-grade programs and release preparation program
KCIW 20-01-04	Entry - Exit Vocational School
KCIW 20-01-05	Vocational Programs: Approved, assessed and contain guidelines for vocational records
KCIW 20-01-06	Vocational Education: Staffing patterns/requirements
KCIW 20-01-07	Vocational Counselor
KCIW 20-01-08	Vocational Education: Community Resources and the integration with academic progress
KCIW 20-01-09	Vocational Education: Support Equipment
KCIW 20-01-10	Control of Flammable, Hazardous, Toxic and Caustic Materials in the Vocational Area
KCIW 22-01-04	Inmate Club Activities
KCIW 23-01-01	Religious Services
KCIW 25-01-01	Pre-Parole Progress Report
KCIW 25-02-01	Temporary Release/Community Center
KCIW 25-02-02	Furloughs
KCIW 25-03-01	Escorted Leave into the Community

(7) The Food Service Manual, Offender Records Manual, Classification Manual and Livestock Procedures 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 - None
Stock Procedural Manual - None
Food Services Manual - None
Classification Manual - None

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: April 14, 1986
FILED WITH LRC: April 14, 1986 at 3 p.m.

Statement of Emergency

In order to continue to operate the Department of State Police in accordance with KRS Chapter 16, the Department of State Police needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner nor will the Department be able to apply current agency policy in its recruitment process. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
MORGAN T. ELKINS, Commissioner

JUSTICE CABINET
Department of State Police

502 KAR 45:010E. Definitions.

RELATES TO: KRS 16.040, 16.050
PURSUANT TO: KRS 16.050, 16.080
EFFECTIVE: March 17, 1986
NECESSITY AND FUNCTION: KRS 16.040 and 16.050 provide that the Commissioner of the Kentucky State Police and the State Police Personnel Board may adopt such regulations as necessary to assure appointment of qualified officers to the department. This regulation establishes the definitions to be utilized in the administrative regulations concerning the selection process.

Section 1. As employed in these regulations, unless the context requires otherwise, the following words and phrases have the following

meanings:
(1) "Department" means the Department of State Police.
(2) "Commissioner" means the Commissioner of the Department of State Police.
(3) "Board" means the State Police Personnel Board.
(4) "Officer" means any member of the Department of State Police who possesses the powers of a peace officer.
(5) "Cadet trooper" means any officer employee of the Department of State Police from the time of appointment until successful completion of the course of training at the State Police Academy and the taking of the oath of office.
(6) "Register" means the official list of persons eligible for appointment to the position of cadet trooper placed in rank order according to approved guidelines.
(7) "Appointment" means selection of a person from the register to be employed as a cadet trooper.
(8) "Candidate" means an applicant for employment who has successfully completed all phases of the selection process and whose name is placed on the register from which appointments will be made.
(9) "Applicant" means a person who has filled out an application for employment as a cadet trooper with the agency.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 17, 1986 at 3 p.m.

Statement of Emergency

In order to continue to operate the Department of State Police in accordance with KRS Chapter 16, the Department of State Police needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner nor will the Department be able to apply current agency policy in its recruitment process. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
MORGAN T. ELKINS, Commissioner

JUSTICE CABINET
Department of State Police

502 KAR 45:020E. Qualifications.

RELATES TO: KRS 16.040, 16.050
PURSUANT TO: KRS 16.050, 16.080
EFFECTIVE: March 17, 1986
NECESSITY AND FUNCTION. KRS 16.040 and 16.050 provide that the Commissioner of the Department of State Police and the State Police Personnel Board may establish minimum physical requirements and conduct such tests and examinations as necessary to assure the fitness of applicants for employment as officers. This regulation establishes certain qualifications required of applicants.

Section 1. Each applicant shall possess a valid Kentucky motor vehicle operator's license against which no more than five (5) penalty points have been assessed by the Division of Driver's Licensing.

Section 2. Each applicant with prior military service in the armed forces of the United States shall have been honorably discharged. General discharges under honorable conditions shall not be acceptable.

Section 3. The commissioner shall review any prior experience in police administration or law enforcement of any applicant desiring to substitute such experience for the educational requirements and determine if the prior experience will be deemed sufficient to waive the requirement.

Section 4. Each applicant shall meet the following physical requirements:
(1) Each applicant shall be at least five (5) feet six (6) inches in height, with weight proportional to height according to tables promulgated by the commissioner.
(2) Each applicant shall have at least 20/50 vision in each eye without corrective lens, correctable to 20/20 in each eye with corrective lens, with no color-blindness and a normal field of vision.
(3) Each applicant must be in good health with no speech defect or marked deformity.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 17, 1986 at 3 p.m.

Statement of Emergency

In order to continue to operate the Department of State Police in accordance with KRS Chapter 16, the Department of State Police needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner nor will the Department be able to apply current agency policy in its recruitment process. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
MORGAN T. ELKINS, Commissioner

JUSTICE CABINET
Department of State Police

502 KAR 45:030E. Disqualifications.

RELATES TO: KRS 16.040, 16.050
PURSUANT TO: KRS 16.050, 16.080
EFFECTIVE: March 17, 1986
NECESSITY AND FUNCTION: KRS 16.040 and 16.050 direct the Commissioner of the Department of State Police and the State Police Personnel Board to assure the fitness of candidates for employment. This regulation outlines circumstances which will result in the disqualification of an applicant.

Section 1. The commissioner may refuse to examine an applicant or, after examination, disqualify such applicant or remove his name from the register, or refuse to certify a candidate on the register, or remove such

persons already appointed if:
(1) It is found that he does not meet any one of the qualifications established by the position;
(2) He is so disabled as to be unfit for the performance of the duties of the position;
(3) He has made a false statement of material fact in his application;
(4) He has used or attempted to use political pressure to secure an advantage in any phase of the selection process;
(5) He has directly or indirectly obtained information regarding any examination to which, as an applicant, he was not entitled;
(6) He has failed to submit his application correctly or within the prescribed time limits;
(7) He has taken part in the compilation, administration, or correction of the selection process for which he is an applicant;
(8) He has previously been dismissed from a position in the state service or with any law enforcement agency for cause or has resigned while charges for dismissal for cause were pending;
(9) He has been convicted of a felony, a job related misdemeanor, or any crime of moral turpitude for which a jail sentence may be imposed;
(10) He is addicted to the use of drugs, narcotics, or other intoxicants or is an habitual user of any of them;
(11) He has used or attempted to use coercion or bribery to secure an advantage in any phase of the selection process; or
(12) He has more than five (5) driver demerit points against his operator's license at the time of application or at any time subsequent thereto and prior to appointment.

Section 2. A disqualified applicant shall be promptly notified of such action by certified letter, return receipt, sent to the address given on the application.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 17, 1986 at 3 p.m.

Statement of Emergency

In order to continue to operate the Department of State Police in accordance with KRS Chapter 16, the Department of State Police needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner nor will the Department be able to apply current agency policy in its recruitment process. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
MORGAN T. ELKINS, Commissioner

JUSTICE CABINET
Department of State Police

502 KAR 45:040E. Application.

RELATES TO: KRS 16.050
PURSUANT TO: KRS 16.050, 16.080
EFFECTIVE: March 17, 1986

NECESSITY AND FUNCTION: KRS 16.040 and 16.050 provide that the Commissioner of the Kentucky State Police and the State Police Personnel Board may adopt such regulations as necessary to assure appointment of qualified officers to the department. This regulation outlines the application contents.

Section 1. Applications shall be made on forms prescribed by the commissioner and provided by the department. All applications shall be filed on or prior to the closing date specified in the notice. Applications shall be completed in the applicant's own handwriting. The truth of the information given in the application shall be certified by the applicant's oath and signature and the application shall be signed and sworn to before a person authorized to administer oaths by the laws of Kentucky.

Section 2. The following documents shall be submitted with the application:
(1) A certified copy of the applicant's certificate of birth;
(2) An official transcript of high school and college classes showing grades received, credits or units earned and degrees conferred;
(3) A copy of Separation from Service, Form DD 214, if applicable; and
(4) Such other documents as required by the commissioner.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 17, 1986 at 3 p.m.

Statement of Emergency

In order to continue to operate the Department of State Police in accordance with KRS Chapter 16, the Department of State Police needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner nor will the Department be able to apply current agency policy in its recruitment process. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
MORGAN T. ELKINS, Commissioner

JUSTICE CABINET
Department of State Police

502 KAR 45:050E. Physical examination.

RELATES TO: KRS 16.040
PURSUANT TO: KRS 16.080
EFFECTIVE: March 17, 1986
NECESSITY AND FUNCTION. KRS 16.040 provides that the Commissioner of the Department of State Police may establish minimum physical requirements and conduct such tests and examinations as necessary to assure the fitness of applicants for employment as officers. This regulation outlines the physical requirements and the physical examination requirement.

Section 1. (1) Each applicant shall be required to submit to a physical examination by a qualified, licensed physician retained by the

department for that purpose as a part of the selection process.

(2) The department may, if deemed necessary by the commissioner, allow the appicant to be examined by a physician of the applicant's choice at his own expense. If a physician other than one retained by the department performs the examination, he shall be required to fill out and sign the department's physical examination forms.

Section 2. The following guidelines are to be used to determine if the applicant is in good health:

(1) Nose, throat, and speech. Chronic catarrh, sinus trouble, deviated septum, or chronically infected or enlarged tonsils shall be deemed cause for rejection. Deformities of the mouth or lips and speech impediments, including stammering and stuttering, shall be deemed cause for rejection.

(2) Teeth. All teeth shall be in good repair. Dentures or artificial replacements are acceptable.

(3) Ears. Hearing shall be normal in both ears; an average loss of thirty (30) decibels or more in either ear at the 500, 1000, 2000 or 3000 Hertz level as shown by audiometer test shall be deemed cause for rejection.

(4) Thyroid. Goiter or improperly functioning thyroid shall be deemed cause for rejection.

(5) Chest. Respiration shall be full, easy and regular; respiration shall be clear and distinct over both lungs.

(6) Heart. The action of the heart shall be uniform, free and steady, with regular rhythm; the heart shall be free from organic diseases. Blood pressure shall be within the limits of 135/80 and 110/74.

(7) Genitalia. Hydrocele or large varicorele, deformity of testicles, tumor formation, epidymites and venereal disease shall be deemed cause for rejection.

(8) Rectum. Hemorrhoids, fissure, fistula and pilonial cyst shall be deemed cause for rejection.

(9) Trunk and extremities. Poor posture, curvature of the spine, deformed chest, bow legs, knock knees, weak ankles, flat feet, deformed toes, shortening of long bones, enlarged or poorly functioning joints, amputated fingers or toes, varicose veins, paralysis or defective gait shall be deemed cause for rejection.

(10) Organic diseases. Family history of any hereditary disease, history of dizziness, epilepsy, confinement for mental illness in any institution, stomach ulcer, kidney disease, albuminuria or glycosuria, anemia, or skin disease shall be deemed cause for rejection.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 17, 1986 at 3 p.m.

Statement of Emergency

In order to continue to operate the Department of State Police in accordance with KRS Chapter 16, the Department of State Police needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner nor will the Department be able to apply current agency policy in its recruitment process. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
MORGAN T. ELKINS, Commissioner

JUSTICE CABINET
Department of State Police

502 KAR 45:060E. Written examination.

RELATES TO: KRS 16.050
PURSUANT TO: KRS 16.050
EFFECTIVE: March 17, 1986
NECESSITY AND FUNCTION: KRS 16.050 requires the State Police Personnel Board to establish open competitive examination of applicants for employment as officers. This regulation describes the written examination.

Section 1. Examinations shall be in written form and practical in nature. They shall be designed and constructed to reveal the capacity of the applicant for employment as a sworn officer of the department.

Section 2. Examinations shall be administered at such times and places as designated by the commissioner. The commissioner may direct that examinations be conducted regionally if he finds regional examinations to be convenient and practicable.

Section 3. Applicants may take the examination only one (1) time for each eligibility register established.

Section 4. Appicants who submit an incomplete or inaccurate application shall not be allowed to take the examination.

Section 5. Applicants who fail to meet the educational, citizenship and residency, operator's license, age, honorable discharge, or height and weight qualifications or who fail the physical examination shall not be allowed to take the written examination.

Section 6. Examinations shall be rated impartially and each examinee shall be notified as to whether he passed or failed to pass the examination. Examinees shall be advised of the score they attained on the examination upon individual request. A score of fifty (50) percent shall be the minimum passing score on the examination. All passing scores shall be accorded equal weight.

Section 7. All applicants shall be accorded uniform and equal treatment in all phases of the examination procedure.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 17, 1986 at 3 p.m.

Statement of Emergency

In order to continue to operate the Department of State Police in accordance with KRS Chapter

16, the Department of State Police needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner nor will the Department be able to apply current agency policy in its recruitment process. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
MORGAN T. ELKINS, Commissioner

JUSTICE CABINET
Department of State Police

502 KAR 45:070E. Vision examination.

RELATES TO: KRS 16.040
PURSUANT TO: KRS 16.080
EFFECTIVE: March 17, 1986
NECESSITY AND FUNCTION. KRS 16.040 provides that the Commissioner of the Department of State Police may establish minimum physical requirements and conduct such tests and examinations as necessary to assure the fitness of applicants for employment as officers. This regulation describes the vision examination.

Section 1. Each applicant who receives a passing score on the written examination shall be given a vision test. Each applicant shall have at least 20/50 vision in each eye without corrective lens, correctable to 20/20 in each eye with corrective lens, with no color-blindness and a normal field of vision.

Section 2. If an applicant fails to meet the vision qualifications, his application will be held inactive until the applicant submits a certification from a licensed optometrist or ophthalmologist that his vision does meet the required standard.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 17, 1986 at 3 p.m.

Statement of Emergency

In order to continue to operate the Department of State Police in accordance with KRS Chapter 16, the Department of State Police needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner nor will the Department be able to apply current agency policy in its recruitment process. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
MORGAN T. ELKINS, Commissioner

JUSTICE CABINET
Department of State Police

502 KAR 45:080E. Oral interview.

RELATES TO: KRS 16.050
PURSUANT TO: KRS 16.050
EFFECTIVE: March 17, 1986

NECESSITY AND FUNCTION: KRS 16.050 requires the State Police Personnel Board to establish open competitive examination of applicants for employment as officers. This regulation describes the oral interview component of the examination.

Section 1. (1) Each applicant having the statutory qualifications and who passes the written and vision examinations shall be interviewed by an oral interview panel appointed by the commissioner.

(2) Each oral interview panel shall consist of three (3) members. Two (2) members shall be either active or retired officers of the department and the third member shall be a civilian. All members shall be familiar with the equal employment opportunity provision of Chapter 344 of the Kentucky Revised Statutes.

(3) The commissioner shall appoint one (1) or more panels as needed. Whenever practicable, all applicants who qualify for the oral interview shall be interviewed by the same panel.

(4) A member of the panel shall disclose each instance in which he knows an applicant personally and that applicant shall be interviewed by another panel or the member who knows the applicant shall be replaced by an alternate for that particular interview, whichever is more practical under the circumstances.

Section 2. (1) Each interview shall be structured in such a manner that all applicants are asked the same questions and rated in the same manner.

(2) Each applicant interviewed will be scored in each of five (5) categories by each panel member. The categories are: general appearance; motiviation; aptitude; self-appraisal; and, communication skills. For each category, each panel member shall score the applicant either minus one (-1), indicating a negative reaction by the panel member; plus one (+1), indicating a positive reaction, or zero (0), indicating a neutral reaction. All the scores for each category by each panel member are added together, giving an overall score that could range from minus fifteen (-15) to plus fifteen (+15). This score is used to determine the order in which applicants are considered by the board. The board may determine a minimum score below which an application shall not be approved. This determination shall be based upon the needs of the department, the positions available, and the number of applicants for such positions.

(3) The score sheets submitted by the members of the oral interview panel shall be retained in the applicant's file and shall be confidential. Applicants shall be notified of their overall score on the oral interview upon request and presentation of proper identification. Applicants shall not be allowed to see the score sheets submitted by the individual members of the oral interview panel.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 17, 1986 at 3 p.m.

Statement of Emergency

In order to continue to operate the Department of State Police in accordance with KRS Chapter 16, the Department of State Police needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner nor will the Department be able to apply current agency policy in its recruitment process. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
MORGAN T. ELKINS, Commissioner

JUSTICE CABINET
Department of State Police

502 KAR 45:090E. Background investigations.

RELATES TO: KRS 16.040, 16.050
PURSUANT TO: KRS 16.050, 16.080
EFFECTIVE: March 17, 1986
NECESSITY AND FUNCTION. KRS 16.040 and 16.050 direct the Commissioner of the Department of State Police and the State Police Personnel Board to assure the fitness of candidates for employment. This regulation describes the background investigation undertaken on candidates.

Section 1. All applicants who successfully complete the oral interview shall be investigated to ensure that each officer hired is of good moral character and in order to verify the truthfulness of information submitted in the application. Each applicant shall be advised that his background will be investigated. The applicant shall consent to such an investigation and shall sign a form specifically indicating his consent and authorizing the department of have access to any records on file concerning the applicant. Failure to consent to a background investigation shall eliminate an applicant from consideration for employment.

Section 2. Background investigations shall be conducted by officers selected by the commissioner. Special training shall be given those officers chosen. All investigations shall be conducted according to the investigative guide formulated by the commissioner and designed to ensure that all such investigations are conducted in an impartial and uniform manner. Applicants who have lived in another state shall be investigated by the appropriate law enforcement agency in that state, at the request of the commissioner. No applicant shall be considered for employment until the background investigation is completed. Reports of all background investigations shall remain confidential and shall be filed in headquarters.

Section 3. A background investigator shall not have the discretion to terminate an applicant except in the following instances:
(1) Intentional falsification of information on the application; or
(2) Discovery of a conviction of an offense classified under the laws of Kentucky as a felony if the offender was tried as an adult and if the offender has not been pardoned.

Section 4. The officer conducting the background investigation may make a recommendation to the board as to whether the applicant should be approved for employment or not. If the background investigator recommends that the applicant not be approved for employment, such recommendation shall be substantiated in the report of investigation by articulable fact. The board may give such weight to the recommendation as they in their discretion decide.

Section 5. All reports of background investigations shall be confidential. Information obtained as a result of a background investigation shall not be disseminated. Reports of background investigations shall be filed at Kentucky State Police Headquarters in a secure file to which only the commissioner shall have access. No such report shall be filed locally and no copy of such report shall be made.

Section 6. The background investigation report shall provide the basis for a determination by the board as to whether the applicant is of good moral character. After the report has been reviewed by the board, the report shall be filed as provided for in Section 5 of this regulation.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 17, 1986 at 3 p.m.

Statement of Emergency

In order to continue to operate the Department of State Police in accordance with KRS Chapter 16, the Department of State Police needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner nor will the Department be able to apply current agency policy in its recruitment process. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
MORGAN T. ELKINS, Commissioner

JUSTICE CABINET
Department of State Police

502 KAR 45:100E. Psychological assessment.

RELATES TO: KRS 16.040, 16.050
PURSUANT TO: KRS 16.050, 16.080
EFFECTIVE: March 17, 1986
NECESSITY AND FUNCTION. KRS 16.040 and 16.050 direct the Commissioner of the Department of State Police and the State Police Personnel Board to assure the fitness of candidates for employment. This regulation describes the psychological assessment required of candidates.

Section 1. All applicants who successfully complete the oral interview shall submit to a psychological assessment by a qualified, licensed psychologist retained by the departament for that purpose. The applicant shall consent to such assessment and must sign a form specifically indicating his consent. Failure to consent to a psychological assessment

shall eliminate an applicant for consideration from employment.

Section 2. All reports of psychological assessment shall be confidential. No copies of such reports shall be made or disseminated.

Section 3. The psychological assessment shall provide a basis for determination by the board as to whether the applicant is psychologically fit to be employed by the department.

Section 4. After the report has been reviewed by the board, the report shall then be filed at Kentucky State Police Headquarters in a secure file to which only the commissioner or his authorized designee shall have access.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 17, 1986 at 3 p.m.

Statement of Emergency

In order to continue to operate the Department of State Police in accordance with KRS Chapter 16, the Department of State Police needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner nor will the Department be able to apply current agency policy in its recruitment process. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
MORGAN T. ELKINS, Commissioner

JUSTICE CABINET
Department of State Police

502 KAR 45:110E. Register.

RELATES TO: KRS 16.050
PURSUANT TO: KRS 16.050
EFFECTIVE: March 17, 1986
NECESSITY AND FUNCTION: KRS 16.050 requires the State Police Personnel Board to establish a list of persons eligible for employment as officers of the department. The lists are to be based on the results of the competitive exams. This regulation describes the register.

Section 1. The commissioner shall establish and maintain a register of the names of applicants eligible for appointment to the position of cadet trooper. The commissioner, in his discretion, shall determine, based upon the needs of the department, projected attrition, authorized strength levels, and numbers of applicants, the date of establishment of the register and the number of appointments to be made from the register.

Section 2. The register shall expire automatically at the end of one (1) year from the time of its establishment unless the time period is extended or shortened by action of the commissioner.

Section 3. (1) Applicants who have passed all phases of the examination process shall be presented to the board for action according to the score received on the oral interview.

(2) All applicants receiving the highest score on the oral interview shall be presented to the board in alphabetical order. The board may: approve an applicant for employment, in which case the applicant's name shall be placed upon the register in the manner described in this regulation; disapprove an applicant for employment, in which case the applicant may not be allowed to again apply until the register for which he initially applied has expired or if it will expire prior to the completion of action by the department and the board upon the subsequent application; or the board may defer action on an application for a period not to exceed three (3) years, during which time the application shall remain active unless the applicant expressly withdraws the application.

(3) Applicants who are approved by the board for employment shall be placed on the register. All applicants who received the same scores on the oral interviews shall be ranked together with those applicants having the highest scores being ranked first. Candidates shall be ordered within their rank as determined by lot. Those candidates who are entitled to receive the statutory veterans' preference shall be placed first within their ranking.

Section 4. The commissioner may, on receipt of authoritative information, remove the name of a candidate from a register:

(1) For any of the reasons found in those regulations relating to disqualification of applicants;

(2) If the candidate cannot be located by postal authorities;

(3) If the candidate responds that he no longer desires consideration for a position;

(4) If the candidate declines an offer of appointment;

(5) If it is shown that the candidate is not qualified or is unsuitable for appointment;

(6) If the candidate accepts an appointment and fails to present himself for duty without giving a satisfactory reason for his failure to appear; or

(7) If the candidate indicates he is not available or does not wish to be considered for employment.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 17, 1986 at 3 p.m.

Statement of Emergency

In order to continue to operate the Department of State Police in accordance with KRS Chapter 16, the Department of State Police needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner nor will the Department be able to apply current agency policy in its recruitment process. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
MORGAN T. ELKINS, Commissioner

JUSTICE CABINET
Department of State Police

502 KAR 45:120E. Appointment.

RELATES TO: KRS 16.050
PURSUANT TO: KRS 16.050, 16.080
EFFECTIVE: March 17, 1986
NECESSITY AND FUNCTION. KRS 16.050 authorizes the Commissioner of the Department of State Police to appoint such persons as officers as necessary for the efficient administration of the department. KRS 16.050 directs appointments to vacancies to be made from lists of eligibles. This regulation outlines the method of appointment.

Section 1. The commissioner, in his discretion, shall determine, based on the needs of the department, projected attrition, and authorized strength levels, the number of candidates to be appointed to the position of cadet trooper.

Section 2. The commissioner shall appoint candidates to the rank of cadet trooper from the register in the order they are listed. If there are insufficient candidates in the first rank, he will proceed to the second rank and continue until there are sufficient numbers of appointments to fill the vacancies.

Section 3. The commissioner shall notify appointees of the time and place to report for duty by certified mail. The commissioner may require that the appointee acknowledge the appointment and indicate acceptance on a form provided by the department.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 17, 1986 at 3 p.m.

Statement of Emergency

In order to continue to operate the Department of State Police in accordance with KRS Chapter 16, the Department of State Police needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner nor will the Department be able to apply current agency policy in its recruitment process. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
MORGAN T. ELKINS, Commissioner

JUSTICE CABINET
Department of State Police

502 KAR 45:130E. Appeals.

RELATES TO: KRS 16.050
PURSUANT TO: KRS 16.050
EFFECTIVE: March 17, 1986
NECESSITY AND FUNCTION. KRS 16.050 directs that the State Police Personnel Board shall hear appeals from applicants in the selection procedure. This regulation outlines the procedures for such appeals.

Section 1. The board shall hear appeals from applicants who have been disqualified, disapproved, or whose names have been removed from the register.

Section 2. Whenever an applicant is disapproved or a candidate's name is removed from the register, the commissioner shall notify the applicant of the action and the reasons therefore, together with his right of appeal.

Section 3. An appeal is instituted by sending a letter to the commissioner which sets forth in detail the substance of the appeal. The board may grant a hearing or deny the appeal summarily. At any such hearing, the board shall not be bound by rules of order, evidence, or procedure except such as it may itself establish. The commissioner shall advise the applicant by registered mail of the board's decision. If a hearing is granted, the board shall set the date and the commissioner shall, by registered mail, give the applicant notice of the time, date and place of the hearing at least fourteen (14) days prior thereto.

Section 4. A candidate's name shall be restored to the register upon presentation of reasons satisfactory to the board or in accordance with the decision of the board upon appeal.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 17, 1986 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 because agency policy will not be accurately reflected in a timely manner. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

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

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

904 KAR 2:190E. Incorporation by reference of materials relating to the Refugee Assistance Program.

RELATES TO: KRS 194.030(6)
PURSUANT TO: KRS 194.050
EFFECTIVE: April 8, 1986
NECESSITY AND FUNCTION: The Cabinet for Human Resources is authorized by KRS 194.050 to administer programs to qualify for the receipt of federal funds providing cash and medical assistance to eligible Kentucky residents. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Refugee Assistance Program.

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

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

(1) Federal regulations at 45 CFR Parts 400-401, which set forth the federal requirements and guidelines for the administration of the Refugee Assistance Program, effective April 1, 1986 [May 1, 1984];

(2) Federal Office of Refugee Resettlement action transmittals which set forth the federal requirements and guidelines for the administration of the Refugee Assistance Program, as follows: ORR-AT-80-5, 80-6, 80-7, 81-1, 82-3, 83-1, 83-2, 83-6, 83-6A, and 84-2, effective October 1, 1984; and

(3) Memorandum dated March 1, 1984 to State Agency Administrators of Refugee Resettlement Program and Cuban/Haitian Entrant Program, which set forth program goals, standards, and priorities in the Refugee Assistance Program, effective May 16, 1984.

Section 3. All documents included by reference herein may be reviewed during normal working hours at the Division of Mangement and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

MIKE ROBINSON, Deputy Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 2, 1986
FILED WITH LRC: April 8, 1986 at 10 a.m.

AS AMENDED

KENTUCKY AGRICULTURAL EXPERIMENT STATION
Division of Regulatory Services
(As Amended)

12 KAR 4:140. Monetary penalties.

RELATES TO: KRS 250.396(1), (2)
PURSUANT TO: KRS 250.421
EFFECTIVE: April 17, 1986
NECESSITY AND FUNCTION: To prescribe the specific method of calculating the monetary penalties required by the fertilizer law.

Section 1. Penalties for deficiencies in Total Nitrogen (N), Available Phosphoric Acid (P_2O_5), soluble potash (K_2O), and index value shall be calculated from the following schedule:

Number of Investigational Allowances Below Guarantee	Penalty Schedule
≤ 2	Equal to the monetary value of the deficiency
> 2 ≤ 3	Two (2) times the monetary value of the deficiency
> 3	Three (3) times the monetary value of the deficiency

Section 2. Minimum standards and overages of primary nutrients are allowed to reduce penalties calculated in Section 1 of this regulation for fertilizer with index values equal to or greater than ninety-seven (97) percent on the basis of the following schedule:

Number of Investigational Allowances Below Guarantee	Penalty Adjustments
No more than one (1) deficiency that is less than or equal to two (2) investigational allowances	Penalty adjusted to zero
No more than one (1) deficiency that is greater than two (2) but less than three (3) investigational allowances	Value of overages may adjust up to 100% of the value of the deficiencies
[No more than] Two (2) deficiencies that are [greater than two (2) but] less than three (3) investigational allowances; or, no more than one (1) deficiency that is equal to or greater than three (3) but less than four (4) investigational allowances	Value of overages may adjust up to 75% of the value of the deficiencies

[Section 2. Overages of individual primary nutrients are allowed to reduce the penalty calculated in Section 1 of this regulation a maximum of seventy-five (75) percent when the following conditions apply:]

[(1) The Index Value is equal to or exceeds ninety-seven (97) percent; and,]

[(2) Only one (1) primary nutrient is deficient beyond one (1) investigational allowance.]

[The value of an overage is determined by multiplying the unit value by the number of units the found analysis exceeds the guarantee. If two (2) nutrients exceed their guarantee then the total value of the overage is the sum of the two (2). The maximum adjustment for overage that is allowed is found by multiplying 0.75 by the penalty calculated in Section 1 of this regulation.]

Section 3. When a fertilizer is subject to a penalty from both a primary nutrient deficiency and an index value deficiency, only the larger penalty shall apply; however, in no case shall the penalty exceed the total value of the fertilizer.

Section 4. Penalties for deficiencies in secondary and minor elements and for excess chlorine in tobacco fertilizer shall be calculated from the following schedule.

(1) Deficiencies.

Number of Investigational Allowances Below Guarantee	Penalty Schedule
≤ 2	Equal to [Two (2) times] the monetary value of the deficiency
> 2	Two (2) [Three (3)] times the monetary value of the deficiency

(2) Excess Chlorine in tobacco fertilizers. The investigational allowance for maximum chlorine shall be five-tenths (0.5) percent

Number of Investigational Allowances Above Maximum Chlorine Guarantee	Penalty Schedule
≤ 2	Equal to the difference in [Two (2) times] the soluble potash (for tobacco) unit value and the non-tobacco soluble potash unit value
> 2	Two (2) [Three (3)] times the difference in the soluble potash (for tobacco) unit value and the non-tobacco soluble potash unit value

Section 5. Any penalty assessed under Section 1 of this regulation shall be added to any penalty assessed under Section 4 of this regulation and the total shall be paid by the registrant to the consumer of the lot of fertilizer represented by the sample within three (3) months after the date of notice from the director, receipts taken therefore and promptly forwarded to the director. If said consumer cannot be found, the amount of the penalty payments shall be paid to the Kentucky Agricultural Experiment Station within three (3) months after the date of the notice from the director to the registrant and set aside for purchase of equipment for the sampling, handling, analyzing and reporting of results of analyses of official samples and for the education of the Kentucky fertilizer industry on the newest methods in manufacturing blended fertilizers. If the lot of fertilizer is on hand at a retail location the penalty payments assessed under this section shall be used to reduce the retail price of the fertilizer if it is to be relabeled and sold.

Section 6. In no case shall the total of the penalties assessed under this regulation exceed the retail value of the fertilizer.

CHARLES E. BARNHART, Director
APPROVED BY AGENCY: January 13, 1986
FILED WITH LRC: January 16, 1986 at 1 p.m.

PROPOSED AMENDMENTS

FINANCE AND ADMINISTRATION CABINET
Department of Finance
Board of Hairdressers and Cosmetologists
(Proposed Amendment)

201 KAR 12:110. School license.

RELATES TO: KRS 317A.060, 317A.090
PURSUANT TO: KRS 317A.050, 317A.060
NECESSITY AND FUNCTION: Each school owner must submit an application to operate a school of cosmetology, furnish proof of financial responsibility, meeting all city, county, and state zoning, building, and plumbing codes.

Section 1. Each person, firm or corporation applying for a license to operate a school of cosmetology must submit an application provided by the board.

Section 2. Each individual owner, or one (1) partner, in the instance of a partnership, or one (1) corporate officer in the instance of a corporation, must submit a financial statement indicating financial assets in the amount of $10,000 for twenty (20) students enrolled and $1,000 for each additional student enrolled.

Section 3. A person having any interest in operating a school must submit a minimum of two (2) character references, proposed copy of student contract indicating all financial charges to enrolling students, and term of lease for location, if applicable.

Section 4. Application for license to operate a school of cosmetology must be accompanied by an architect's or draftsman's plan of proposed premises drawn to scale, showing the arrangements of the classroom, clinic area, mannequin area, dispensary, reception area,

shampoo area, office and any other area of the school, entrance and exits, and placement of equipment.

Section 5. A license to operate a cosmetology school carries the approval of this board and is valid only for the location and person, firm, or corporation named on application and license issued by the board. A school of cosmetology license is never transferable from one location to another or from one person, firm or corporation to another.

Section 6. The owners, firm or corporation operating a school of cosmetology must notify the board in writing twenty (20) days prior to selling, transferring, or changing of ownership and management of a school. Prospective ownership must meet all qualifications of owning a school and have the approval of the board.

Section 7. Following approval of the application to operate a school of cosmetology by the board, the site shall be inspected by a quorum of the board or by at least one (1) member of the board and the board administrator. A final inspection of the premises shall be conducted by the members of the board prior to issuing of license. All schools must comply with city, county, and state zoning laws, plumbing and building codes.

Section 8. Any cosmetology school owner, manager, or instructor who misrepresents facts to the board, to the students, or to the general public concerning any information regarding the school or any student enrolled therein, or in any way violates regulations adopted by this board, will be served notice to show cause before this board, why the school's license and the instructor's license should not be revoked.

Section 9. Any person, establishment, firm or corporation which accepts, directly or indirectly, compensation for teaching persons any branch or subjects of cosmetology as defined in KRS 317A.010 shall be classified as a school and will be required to comply with all the provisions of law and the rules and regulations of this board.

Section 10. The board will not license a correspondence school, nor will the board license any school of cosmetology in an establishment that teaches any other trade, profession or business, excluding vocational training schools.

Section 11. No person who is an owner, partner, stockholder, corporate officer or who has any financial or other interest in the management and control of the school, shall be enrolled in said school as a student.

Section 12. No school of cosmetology shall permit or require students to be in attendance at school more than forty (40) hours in any one (1) week.

Section 13. Any school of cosmetology desiring night classes must, by proper application, be granted permission from the board to operate such classes. Under no condition shall the school operate past 10 p.m. local time.

Section 14.(1) It shall be considered a conflict of interest and therefore impermissible for a member of the board or for an employee of the board to apply for a new school license or to apply for any existing school license under KRS 317A.090 and this regulation. If any member of the board or any employee of the board desires to apply for a new school license or for any existing school license, said board member or employee of the board must submit a letter of resignation to the board no later than thirty (30) days prior to submitting an application for a school license.

(2) The board may choose not to consider any application for a school license submitted by a relative of a member of the board, by a relative of a board employee or by any person with whom a member of the board or a board employee shares a significant financial interest. Failure to make full disclosure to the board as to the exact nature of the relationship between the board member or employee of the board and the applicant may result in denial of approval of licensure.

(3) The provisions of this section shall apply only to applications for licenses approved or filed, licenses issued, or actions of a person serving as a member of the board or as a board employee after the effective date of this regulation.

CARROLL ROBERTS, Administrator
APPROVED BY AGENCY: April 1, 1986
FILED WITH LRC: April 10, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled for May 23, 1986, at 2 p.m. The hearing will be held at 314 West Second Street, Frankfort, Kentucky. Contact Carroll Roberts, Administrator.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carroll Roberts, Administrator
(1) Type and number of entities affected: None
(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: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: None
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(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:

Tiering:
Was tiering applied? No. Tiering was not applied as it was not necessary.

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

301 KAR 1:015. Boats and outboard motors; size limits.

RELATES TO: KRS 150.025, 150.090, 150.620, 150.625
PURSUANT TO: KRS 13A.350, 150.025
NECESSITY AND FUNCTION: It is necessary to regulate the size of outboard motors and boats on state-owned lakes to minimize the conflict with the primary purposes of the lakes which are the perpetuation of fish or game populations and the associated sports. This amendment is necessary to regulate boating on the Swan Lake Wildlife Management Area [increase the motor size on Greenbo Lake].

Section 1. No boat will be permitted on any of the herein named lakes with a centerline exceeding eighteen (18) feet six (6) inches in length as measured on deck or from bow to stern, except canoes which have no length limit and float boats which may have pontoons and decking no longer than twenty-two (22) feet. On Lake Malone and Lake Beshear only float boats can have pontoons and decking up to thirty (30) feet in length.

Section 2. No houseboats of any description will be permitted on any of the herein named lakes.

Section 3. No motor of any type is permitted on the following lakes:
(1) Lake Chumley, Lincoln County;
(2) Dennie Gooch Lake, Pulaski County;
(3) Martin County Lake, Martin County; and
(4) Kingdom Come Lake, Harlan County.

Section 4. Electric motors only may be used on the following lakes:
(1) Carter Caves Lake, Carter County;
(2) Spurlington Lake, Taylor County;
(3) Marion County Lake, Marion County;
[(4) Elliott County Sportsmen's Lake, Elliott County;]
(4) [(5)] Lake Washburn, Ohio County;
(5) [(6)] Bert Combs Lake, Clay County;
(6) [(7)] McNeely Lake, Jefferson County;
(7) [(8)] Lake Mauzy, Union County;
(8) [(9)] Carpenter Lake and Kingfisher Lakes, Daviess County;
(9) [(10)] Metcalfe County Lake, Metcalfe County; and
(10) [(11)] Briggs Lake, Logan County.

Section 5. Electric motors only may be used on the following lakes located in Ballard County. These lakes are closed 15 October to 15 March, annually:
(1) Big Turner;
(2) Little Turner;
(3) Shelby;
(4) Mitchell;
(5) Happy Hollow;
(6) Burnt Slough; and
(7) Butler.

Section 6. Motor restrictions for the lakes located on the Swan Lake Wildlife Management Area in Ballard County are as follows. These lakes are closed October 15 to March 15, annually.
(1) Maximum 10 horsepower: Swan Lake.
(2) Electric motors only:
(a) Sandy Slough.
(b) Long Pond.
(c) Cross Slough.
(d) Little Green Sea.
(e) Burnt Pond.
(f) Arrowhead Slough.
(g) Deep Slough.
(h) Beaver Dam Slough.
(i) Cypress Slough.
(j) Twin Pockets Slough.

Section 7. [6.] No motor larger than ten (10) hp. (inboard or outboard) may be used on the following state-owned lakes; however, slow speeds which cause no disturbance or interference with fishing must be exercised at:
(1) Shanty Hollow Lake, Warren County;
(2) Bullock Pen Lake, Grant County;
(3) Lake Boltz, Grant County;
(4) Falmouth Lake, Pendleton County;
(5) Elmer Davis Lake, Owen County;
(6) Beaver Creek Lake, Anderson County,
(7) Herb Smith Lake, Harlan County;
(8) Corinth Lake, Grant County; and
(9) Wilgreen Lake, Madison County,
(10) Greenbo Lake, Greenup County.

Section 8. [7.] No boat motor larger than 150 hp. may be used, and all boat motors used must have an underwater exhaust on the following state-owned lakes:
(1) Guist Creek Lake, Shelby County;
(2) Lake Malone, Todd, Muhlenberg and Logan Counties; and
(3) Lake Beshear, Christian and Caldwell Counties.

Section 9. [8.] Boat motors of any size may be used on Pan Bowl Lake, Breathitt County; however, boat speed is limited to idle speed only for the entire lake.

Section 10. [9.] All officers and agents of the Department of Fish and Wildlife Resources shall have full authority to enforce the provisions of this regulation. Failure to comply with the rules and specifications set forth in this regulation shall constitute grounds for revocation of the rights and privileges of any person to admittance to and to the use of these public waters.

G. WENDELL COMBS, Secretary
DON R. McCORMICK, Commissioner
CHARLES E. PALMER, JR., Chairman
APPROVED BY AGENCY: March 27, 1986
FILED WITH LRC: March 27, 1986 at 1 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 21, 1986 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: Peter W. Pfeiffer, Director, Division of Fisheries, 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 1,500 anglers.
(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: No significant costs or savings.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None available.
(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. The amendment is not tiered, but the complete regulation is.

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

301 KAR 2:040. Upland game shooting preserves.

RELATES TO: KRS 150.010, 150.025, 150.170, 150.175, 150.180, 150.240, 150.330, 150.630
PURSUANT TO: KRS 13A.350, 150.025
NECESSITY AND FUNCTION: This regulation pertains to shooting preserves for upland game birds and ungulate animals. This regulation is necessary to insure that detrimental exotic game species are not introduced or interfere with the Department's present or future experimental game bird releases. It also insures some uniformity of upland and big game shooting preserve operating procedures. The function of this regulation is to protect native wildlife and uniformity in upland and big game shooting preserve operating procedures. This amendment is necessary to regulate commercial fox-hound training enclosures and to preserve the sport of fox hunting.

Section 1. Hunting Seasons. (1) Pheasants - September 1 through May 15 inclusive.
(2) Chukar and other exotic partridges - September 1 through May 15 inclusive.
(3) Ducks - September 1 through May 15 inclusive.
(4) Bobwhite quail and/or coturnix quail - September 1 through May 15 inclusive.
(5) Ungulate species - September 1 through May 15 inclusive.
(6) Other game - conform with statewide regulations.

Section 2. Upland Game Birds. (1) Permits and applications. A shooting preserve permit renewable annually on July 1, shall be required for the operation of any public or private shooting preserve for upland game birds. Applications for shooting preserve permits shall be made on standard forms supplied by the Department of Fish and Wildlife Resources. All applications for commercial shooting preserve permits shall be signed by all persons having a financial interest in the preserve. All applications for private shooting preserve permits shall be signed by the president, treasurer and secretary of the organization and a list of the members shall accompany the application. The applicant for a preserve permit shall produce evidence that he is the owner or a bona fide lessee of record of the land where he proposes to establish a shooting preserve. No shooting preserve permit shall be issued to any private association which intends to limit shooting privileges to associate members and which has less than 150 members.
(2) Grounds for permit refusal and suspension. The department may refuse to issue a permit in any area where substantial evidence indicates that the establishment of a shooting preserve would be detrimental to stocking and experimental programs conducted by the department. In no event shall a shooting preserve permit be issued for an area which lies within five (5) miles of an established release point for birds stocked by the department. The department shall suspend the permit provided for herein permanently or temporarily, when they have received substantial evidence that the operator or employee of a commercial shooting preserve, or any associate member of a private shooting preserve, has failed to comply with any provisions of these regulations, or any applicable law or regulation dealing with conservation of wildlife. If the violation or failure to comply occurs during the closed season, the suspension, temporary or permanent, shall be made to apply during the open season. In the case of subsequent violations, the department may suspend the permit for a period of time, or revoke it permanently, at its discretion.
(3) Nonresident license. Preserve operators desiring to sell nonresident shooting preserve licenses must furnish the Department of Fish and Wildlife Resources, Frankfort, Kentucky 40601, with a surety bond in the amount of $500. At the end of each month from September through May, inclusive, the preserve operator shall submit to the department all money received from the sale of nonresident shooting preserve licenses.
(4) Shooting preserve size requirements and posting. Shooting preserves for upland game birds shall have no minimum acreage requirements, but shall consist of not more than 1,000 acres in one (1) block. Under no circumstances shall the department issue permits for shooting preserves in excess of 1,500 acres in any one (1) county.
(5) The entire boundary of each licensed shooting preserve shall be marked with signs of a type prescribed by the Department of Fish and Wildlife Resources. Signs shall be not more than 400 feet apart and all boundaries not bordered by a natural stream or road shall be bounded by

a minimum of a single wire four (4) feet above the ground level. The applicant shall bear the entire cost of posting and bounding.

(6) Operating rules and reporting requirements:

(a) No person shall hunt or attempt to hunt, in any manner, or carry a gun on any licensed upland game shooting preserve without first registering and checking in with the owner, operator or keeper of the game preserve.

(b) No resident or nonresident shall hunt on a shooting preserve without a current resident or nonresident Kentucky hunting license.

(c) Bid dogs or beagles may be trained throughout the year on a licensed shooting preserve provided that the party doing the training possesses a valid Kentucky resident or nonresident license (except as exempted by KRS 150.170(3),(5) and (6)). Field trials may be held throughout the year on a licensed shooting preserve. Residents or nonresidents attending and participating in field trials as authorized by permit from the department may so attend and participate without obtaining a Kentucky hunting license so long as game is not taken. Residents or nonresidents attending or participating in field trials that are not authorized by permit from the department, may so attend and participate if they possess a valid Kentucky resident or nonresident hunting license.

(d) All game birds or waterfowl except Bobwhite quail and/or Coturnix quail killed on the shooting preserves shall be tagged before leaving the preserve. Bobwhite quail and/or Coturnix quail shall be banded prior to their release. Such tags or bands shall remain on the the leg of the given species until prepared for cooking. Tags and bands shall be supplied the operator at cost by the Department of Fish and Wildlife Resources. Properly tagged birds killed on a shooting preserve may be processed or transported throughout the state by the shooter during the open season and properly tagged birds may be possessed in a frozen food locker.

(e) Mallards and black ducks may be taken on a licensed shooting preserve provided a right hind toe is clipped.

(f) At the end of each month from September through May, inclusive, the preserve operator shall submit to the Department of Fish and Wildlife Resources the names, addresses and hunting license numbers of all hunters.

(g) Preserve operators must obtain and retain for one (1) fiscal year (July 1 - June 30 of the following year) a receipt showing evidence of purchase of upland game bird eggs or birds. The receipt shall show the number of eggs or birds purchased by species.

Section 3. Ungulate Animals. (1) Any person holding a commercial shooting preserve permit may release for shooting purposes on his licensed area and under stipulated conditions, ungulates (hoofed animals) legally acquired and approved by the commissioner.

(2) Size requirements. The shooting area for ungulates shall be a single body of and not less than 300 acres or more than 1,000 acres and shall be so fenced as to enclose and contain all released animals, and exclude all hoofed wildlife of the state from becoming a part of the enterprise.

(3) Records and reporting. The permittee shall keep a record of the number of each species released and the number killed. Records shall also be kept of the names, addresses, hunting license numbers and game killed by species by each hunter. At the end of each month from September through May, inclusive, the preserve operator shall submit these records to the Department of Fish and Wildlife Resources.

(4) License and transporting requirements. Each person taking game or hunting on such area shall have in his possession a current resident or nonresident Kentucky hunting license, or special license for nonresidents for purpose of hunting on licensed hunting preserves. Game taken on such areas may be possessed and transported only when accompanied by a bill of sale showing the date, commercial hunting permit number and name and address of taker.

Section 4. Commercial Fox-Hound Training Enclosures. (1) Permits and applications. Owners/operators of commercial fox-hound training enclosures who wish year-round fox chasing to be authorized as field trials, thereby exempting participants from hunting license requirements, must obtain a commercial fox-hound training enclosure permit renewable annually on January 1. Applications shall be made on standard forms supplied by the department and signed by all persons having a financial interest in the enclosure. The applicant shall produce evidence that he is the owner/operator of record of the enclosure. The fee for the permit shall be $250 and shall be issued in the name of the owner/operator. In the event that ownership or management changes, the new owner/operator must purchase a new permit.

(2) Grounds for permit refusal and suspension. The department may refuse to issue a permit when substantial evidence indicates that the activities within that enclosure will lead to the capture and/or killing of foxes by hounds or if the owner/operator fails to meet any stipulations of this regulation. The department may suspend the permit permanently or temporarily when it has received substantial evidence that the owner/operator has failed to comply with any provisions of KRS Chapter 150 or any regulations promulgated thereunder. 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.

(3) Operating rules. To qualify for a permit the area must be at least 200 acres and shall be fenced to enclose foxes. The area must not be divided by interior fences which limit or restrict the range of foxes to an area less than 200 acres. Two (2) or more enclosures under the same ownership or management, each being at least 200 acres and sharing a common fence may be licensed under the same permit. The owner/operator must assure the availability of proper food, water, and shelter from inclement weather for all foxes within any enclosure. The owner/operator must also assure the availability of natural or man-made dens, boxes or hollow logs which serve as effective retreats to allow the fox to escape capture by hounds. Such structures must be distributed throughout the enclosure, available at a rate not less than one (1) per fifty (50) acres, and of sufficient number to hold all foxes within that enclosure at any one time. No activity which would

intentionally allow for the injury or death of foxes resulting from the capture or pursuit by dogs is permitted. Fox chasing on permitted areas is considered an authorized field trial provided no foxes are captured or killed. This regulation does not prohibit the taking of wildlife within an enclosure under applicable regulations and license requirements. Owners/operators must allow for the inspection of their facilities by the department at any time.

(4) Purchase and transport of foxes. Owners/operators must comply with commercial pet and propagation permit requirements. It is illegal to purchase, barter, or trade live wild foxes taken in Kentucky at any time. Live foxes which were born in captivity may be purchased from licensed commercial propagators for release into fox-hound training enclosures. Foxes obtained legally from out of state may be transported into Kentucky provided the purchaser first obtains required transportation permits and health certificates. Owners/operators may capture live foxes from the wild for the purpose of release into commercial fox-hound training enclosures provided such foxes are taken during the fox taking season.

(5) Holding facilities. Owners/operators who house foxes for release into a field enclosure must provide a cage which meets or exceeds the following specifications: eight (8) feet long by four (4) feet wide by six (6) feet high with a shelf eighteen (18) inches wide, three (3) feet high and four (4) feet long. An enclosed den box capable of housing a pair of foxes must also be provided. No more than one (1) pair of foxes or a pair and their young which are less than one (1) year old may be held per cage.

DON R. McCORMICK, Commissioner
G. WENDELL COMBS, Secretary
CHARLES E. PALMER, JR., Chairman
APPROVED BY AGENCY: April 10, 1986
FILED WITH LRC: April 10, 1986 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 22, 1986 at 9 a.m. in the Commission Room, Department of Fish and Wildlife Resources, #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 ten fox-hound training enclosures are expected to qualify and apply for a commercial fox-hound training enclosure permit in Kentucky. Approximately 2,000 fox-hunters either resident or non-residents of Kentucky are expected to use these areas.

(a) Direct and indirect costs or savings to those affected: Fox-hunters can expect to pay an average of $5.00 per dog per day to hunt in commercial fox-hound training enclosures. Owners/operators of commercial fox-hound training enclosures are required to purchase a $250 operators permit and a $30 commercial pet and propagation permit each renewable annually. Annual area maintenance costs for owners/operators will vary. Participants in these hunts will be exempted from the purchase of a resident or non-resident hunting license.

1. First year: The cost to fox hunters using commercial fox-hound training enclosures will vary from area to area.

2. Continuing costs or savings: None other than cost previously mentioned.

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

(b) Reporting and paperwork requirements: Application for or renewal of the permit for commercial fox-hound training enclosures must be requested by the owners/operators.

(2) Effects on the promulgating administrative body: Requires time and effort in developing and publishing the proposed regulation and the development and issuance of permits.

(a) Direct and indirect costs or savings: Cost includes developing and publishing the regulation and printing and issuing permits.

1. First year: The estimated cost of establishing and advertising this regulation is $500. The estimated cost of developing, printing and issuing the permits is $300.

2. Continuing costs or savings: The estimated annual cost associated with issuing permits is $200.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: It will be necessary to review applications and issue permits as they are requested.

(3) Assessment of anticipated effect on state and local revenues: The operation of these areas can be expected to contribute to the local economy because of the purchases made by both Kentucky resident and non-resident fox hunting patrons.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative was to require all patrons of commercial fox-hound training enclosures to purchase a valid Kentucky hunting license. To allow the year-round field trial training of fox-hounds on these areas a permit fee assessed to the owners/operators was chosen rather than a hunting license requirement of the patrons.

(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. This type of regulation does not appear to be adaptable to the tiering process since it is specific to small game hunters and trappers.

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

301 KAR 2:045. 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
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 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.

Section 1. Hunting and Trapping Seasons. (1) Squirrel (gray and fox): third Saturday in August through October 31, and third Thursday in November through December 31.
(2) Rabbits: Third Thursday in November through the third Sunday in February [16].
(3) Quail: Third Thursday in November through the third Sunday in February [16].
(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, gray fox, red fox, raccoon, weasels and striped 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 foot-hold [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) Special beaver trapping season: February 15 through the last day of February using foot-hold traps of size number 3 and larger, Conibear-type traps with jaw spread eight (8) inches or larger and non-locking snares. Only water sets are permitted.
(8) [(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.
(9) [(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.
(10) [(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
G. WENDELL COMBS, Secretary
CHARLES E. PALMER, JR., Chairman
APPROVED BY AGENCY: April 10, 1986
FILED WITH LRC: April 10, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 21, 1986 at 9 a.m. in the Commission Room, Department of Fish and Wildlife Resources, #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 340,000 small game hunters and 7,000 trappers are expected to participate in the hunting and trapping seasons proposed by this regulation.

(a) Direct and indirect costs or savings to those affected: Direct costs involve the purchase of a state hunting license and/or a state trapping license. Indirect costs are determined by the individual, depending upon his level of participation.

1. First year: Persons participating in the hunting or trapping seasons proposed by this regulation would be required to possess a valid hunting license ($7.50 for residents) or a valid trapping license ($11.50 resident, $6.00 resident landowner/tenant), respectively.

2. Continuing costs or savings: Same as first year.

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: Requires time and effort in developing, publishing, reporting on, and enforcing the proposed regulation.

(a) Direct and indirect costs or savings: Primary costs are associated with enforcing the regulation.

1. First year: The estimated cost associated with establishing and carrying out the provisions of this regulation is $900,000.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: Approximately 340,000 small game hunters may be expected to expend money for equipment, transportation, food and lodging. The average annual expenditure for these items by Kentucky small game hunters is $96.98 according to the 1980 National Hunting and Fishing Survey. The average season expenditure for Kentucky trappers during the 1981-82 trapping season was $209.32. State and local revenues can be expected to be positively affected due to necessary expenditures by small game hunters and trappers for the required licenses and due to taxes levied upon items purchased.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The only available alternative to regulated hunting is closure of the season. This alternative was rejected as contrary to the conservation ethic which is based upon the wise use of renewable resources and the fact that small game and furbearer populations are at levels which can sustain a regulated harvest by sportsmen.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

Tiering:
Was tiering applied? No. This type of regulation does not appear to be adaptable to the tiering process since it is specific to small game hunters and trappers.

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

301 KAR 2:047. Specified areas; seasons, limits for birds and small game.

RELATES TO: KRS 150.010, 150.025, 150.170, 150.175, 150.176, 150.330, 150.340, 150.360, 150.370

PURSUANT TO: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: This regulation pertains to the hunting seasons, bag and possession limits for upland game birds and animals on specified wildlife management areas and refuges. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of upland game birds and animals within reasonable limits based upon an adequate supply. This amendment is necessary because of changes in season dates and the opening or closure of certain wildlife management areas to hunting.

Section 1. All statewide and specified area regulations, seasons, bag and possession limits apply to the following wildlife management areas and refuges unless exceptions are listed herein.

Section 2. The following wildlife management areas are closed to all hunting at all times except for deer and turkey hunting as authorized by other applicable regulations:

(1) That portion of Grayson Wildlife Management Area east of the Little Sandy River and Bruin Creek portions of Grayson Lake.

[(2) That portion of Mill Creek Wildlife Management Area west of State Route 290.]

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

Section 3. Exceptions to Statewide Small Game Hunting Regulations for Wildlife Management Areas and Refuges. (1) West Kentucky Wildlife Management Area located in McCracken County.

(a) Quail: November 1 through January 31 on Tracts 2, 3, 6 and 7.

(b) Rabbit: November 1 through January 31 on Tracts 2, 3, 6 and 7. December 22 through 31 on Tract 5 and January 1 through 10 on Tract 4.

(c) Squirrel (gray and fox): From opening of statewide season through October 31 on Tracts 1, 2, 3, 4, 5 and 6. November 1 through December 31 on Tract 6 only.

(d) Raccoon and opossum: [November 21 through January 31 on] Tracts 1 through 6 only.

(e) All hunters and dog trainers must check in and out daily at the designated check station.

(f) All tracts designated by numbers followed by the letter "A" are closed to gun hunting.

(g) Weapon restrictions: No rifles, or ball or slug ammunition of any type shall be permitted for taking small game on this area.

(h) [Dog training:] Dog training is closed

March 15 through August 31 excepting permitted field trials. [permitted on all tracts September 1 through April 30 only. Night training is permitted on Tracts 1 through 6 November 21 through January 31 only.]

(i) Tract 6 is closed to vehicular traffic March 1 through April 16.

(2) Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties. Areas open to hunting for the following species are located north of the state line to Barkley Canal, except that no hunting is allowed in developed public use areas, safety zones and posted areas unless otherwise noted.

(a) Squirrel (gray and fox): From opening of statewide season through September 30; December 1 [November 30] through January 31; and October 1 [2] through November 11 only by legally licensed and equipped deer archery hunters.

(b) Quail: December 1 [November 30] through the last day of February.

(c) Rabbit: December 1 [November 30] through the last day of February.

(d) Raccoon and opossum: Tuesday, Friday and Saturday nights only during the period December 1 [November 30] through January 31. Daily bag limit one (1) person per night. Raccoon and opossum hunters must check in and out nightly at designated check station. Harvest report cards must be displayed in vehicle windshield while hunting and submitted at the check station upon completion of each night's hunt. Season will be closed in some hunt areas on dates listed in the LBL Hunting Guide.

(e) Field [Raccoon field] trials: September 1 through October and November 30 through March 31. Scheduled basis only. Written requests must be received by Land Between the Lakes at least ten (10) days prior to the proposed hunt date. Approval must be obtained from Land Between the Lakes and the Department of Fish and Wildlife Resources District Supervisor. Field trials must be recognized club hunts and each participant must be on a club roster for that hunt.

(f) Fox chasing: From sunset to sunrise; third Saturday in August through October 1 south of Highway 68 to state line.

(g) Gray fox [and coyote] taking: Daylight hours only; gun and archery on December 1 [November 30] through January 31 [February]. [October 2 through November 11 only by legally licensed and equipped deer archery hunters. Coyotes may be taken during any quota deer hunt by legally licensed and equipped quota deer hunters.]

(h) Woodchuck [and coyote]: [Hunting during] Daylight hours only. March 15 through March 31. All harvested animals must be removed from the area. October 1 [2] through November 11 and December 13 [14] through December 31 only by legally licensed and equipped deer archery hunters. Gun hunting is prohibited in Hunt Area 8 and in that portion of Hunt Area 9 designated as the ORV area.

(i) Coyote: Daylight hours only by legally licensed hunters during any open season with weapons specified for that season.

(j) [(i)] Bird dog, [and] beagle and raccoon hound training season: During the entire month of October [in Hunt Area 8 only]. Bird dogs and beagles in Hunt Area 8 only. Raccoon hounds in Hunt Area 9 only.

(k) [(j)] All dogs[, while hunting,] must wear a collar bearing the owner's name, address, and telephone number. Dogs may not be used for hunting October 1 [2] through November 11, except in authorized field trials and designated dog training Hunt Areas.

(l) [(k)] Trapping for furbearers:

1. Only those persons who are selected by a drawing are permitted to trap furbearers on Land Between the Lakes.

2. Authorized trappers may trap in assigned areas only and must report their harvest in accordance with Land Between the Lakes instructions.

3. Trapping season: December 28 [22] through January 11 [December 29] for all furbearers.

4. Trapping devices: [Land sets are restricted to] No. 3 or smaller foot-hold [smooth-jawed leghold] traps[, No. 220 or smaller Conibear-type traps,] and live traps are permitted [or snares]. The jaws of No. 1 1/2 and larger foot-hold [leghold] traps used on land must be offset three-sixteenths (3/16) inch or be of the soft catch-type trap. Water sets are restricted to No. 3 or smaller foot-hold [smooth-jawed leghold] traps, No. 330 or smaller Conibear-type traps, and snares.

5. Weapons restrictions: The use of crossbows, center-fire rifles, center-fire handguns, and shotguns with slugs or shot larger than BBs is prohibited for the taking of all species listed in this subsection except that woodchucks [and coyotes] may be taken with center-fire rifles during the specified spring season.

(3) Reelfoot National Wildlife Refuge located in Fulton County.

(a) Squirrel (gray and fox): Fourth Saturday in August through October 15 only in areas designated by signs as open to public hunting.

(b) Raccoon: Four (4) consecutive nights beginning on the last Wednesday in September and four (4) consecutive nights beginning on the first Wednesday in October on the Long Point Refuge unit, with hunting allowed only during the hours of 7:30 p.m. to 12:00 midnight. No bag or possession limits.

(c) Hunters are required to check in and out at designated check stations.

(d) No other hunting is permitted except as authorized by other applicable regulations.

(4) Ballard County Wildlife Management Area located in Ballard County.

(a) Areas designated by signs are closed to hunting. [Squirrel (gray and fox): From opening of statewide season through October 14 on the whole management area except for designated areas that will be closed.]

(b) [All statewide hunting seasons, bag and possession limits apply only to] The wooded area south of Terrell Landing Road and designated by signs reading "Wildlife Management Area for Public Hunting" is open in conjunction with statewide seasons.

(5) Central Kentucky Wildlife Management Area located in Madison County.

[(a) Squirrel (gray and fox): From opening of statewide season through October 14.]

(a) [(b)] This area is closed to all hunting except dove [(see statewide dove regulation)] and squirrel.

(b) Dog training is closed March 15 through August 31 excepting permitted field trials.

[(c) Trapping, with the authorization of the area manager, is permitted.]

[(d) Dog training and scheduled field trials are permitted.]

(6) Curtis Gates Lloyd Wildlife and Recreation Area located in Grant County. [Areas closed to

hunting are designated by refuge signs. All statewide hunting seasons apply to remainder of the area.]

(a) Areas closed to hunting are designated by refuge signs.

(b) Dog training is closed March 15 through August 31 excepting permitted field trials.

(7) Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties. Hunters on this area are restricted to pioneer weapons only. These include muzzle-loading rifles, muzzle-loading pistols, muzzle-loading shotguns, longbows and crossbows. Muzzle-loading shotguns for taking squirrels, quail, grouse and rabbits must not use shot larger than No. 2 in size.

(8) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties. There will be no hunting on Mondays or Tuesdays except when Monday or Tuesday is a federal holiday or as follows: December 22-23 and 29-30 [23, 24, 30, and 31, then hunting will be permitted]. There will be no hunting on December 25 and January 1.

(a) Seasons, bag and possession limits:

1. Squirrel (gray and fox): August 16 [17] through September 26 [27], November 26 [27] through December 12 [13], December 13 [14] through 31 on selected areas[; January 2 through 31].

2. Quail: November 26 [27] through December 12 [13], December 13 [14] through 31 on selected areas; January 2 through February 28.

3. Rabbit: November 26 [27] through December 12 [13], December 13 [14] through 31 on selected areas; January 2 through February 28; bag limit five (5); possession limit ten (10).

4. Raccoon, gray fox and opossum: Taking with gun and/or dogs, November 26 [27] through December 12 [13], December 13 [14] through 31 on selected areas. January 2 through 31; limit one (1) per person.

5. [Gray fox,] Coyote and woodchuck: May 3 [4] through August 15 [16] and during any other authorized hunt.

6. Red fox: November 26 [27] through December 12 [13], December 13 [14] through 31 on selected areas. January 2 through 31.

(b) Permission must be obtained for each hunt at building #6645 and hunters must stay within their assigned area. A hunting permit costing fifteen (15) dollars is required [and is good for all species hunting for the season].

(c) All hunters between the ages of twelve (12) and eighteen (18) must possess a valid hunter safety certificate.

(9) Clay Wildlife Management Area located in Nicholas County.

(a) Quail and rabbit: November 1 through January 31.

(b) Grouse: October 1 [15] through January 15 [31].

(c) All hunters and dog trainers must check in and out daily at the designated check station.

(d) Dog training is closed March 15 through August 31. [Closed to the training of all dogs March 1 through July 31.]

(10) Pine Mountain Wildlife Management Area located in Letcher County is closed to training of all dogs March 15 [1] through August 31 [July 31].

(11) Redbird Wildlife Management Area located in Leslie and Clay Counties and Dewey Lake Wildlife Management Area in Floyd County.

(a) Squirrel (gray and fox): Open September 1 through September 30 and December 8 through December 31 only. [, grouse, quail, raccoon, and rabbit hunting and trapping for furbearers are permitted from the third Thursday in November through December 4.]

(b) Grouse, quail, raccoon, and rabbit hunting and trapping for furbearers: December 8 through December 31 only. [Firearms: Only shotguns incapable of holding more then three (3) shells are permitted.]

(c) Dog training: December 8 through December 31 only. [This area is closed to all other hunting except deer and turkey as authorized by other applicable regulations.]

(d) Firearms: Shotguns only.

(e) Closed to all other hunting except deer and turkey as authorized by other applicable regulations.

(12) Beaver Creek Wildlife Management Area located in McCreary and Pulaski Counties; Mill Creek Wildlife Management Area located in Jackson County; Cane Creek Wildlife Management Area located in Laurel County; Paintsville Lake Wildlife Management Area located in Johnson and Morgan Counties; and all private inholdings within these areas.

(a) Grouse: October 1 through January 15 only. [Squirrel (gray and fox), grouse, quail, raccoon, and rabbit hunting and trapping for furbearers are permitted from the third Thursday in November through December 4.]

(b) Quail and rabbit: November 1 through January 31 only. [Firearms: Only shotguns incapable of holding more than three (3) shells are permitted.]

(c) [This area is] Closed to all other hunting except deer, waterfowl and turkey as authorized by other applicable regulations.

(d) Dog training: These areas closed to all dog training.

[(13) Dewey Lake Wildlife Management Area located in Floyd County.]

[(a) Squirrel (gray and fox), grouse, quail, raccoon and rabbit hunting and trapping for furbearers are permitted the third Thursday in November through December 8.]

[(b) Only shotguns incapable of holding more than three (3) shells are permitted.]

[(c) This area is closed to all other hunting except deer and turkey as authorized by other applicable regulations.]

(13) [(14)] Fort Knox Wildlife Management Area located in Hardin, Bullitt and Meade Counties is closed to grouse hunting.

(14) [(15)] Pennyrile Forest Wildlife Management Area located in Christian County is closed to grouse hunting.

(15) [(16)] Higginson-Henry Wildlife Management Area located in Union County.

(a) Quail and rabbit: November 1 through January 31 only.

(b) [Grouse:] No grouse hunting is permitted.

(c) Dog training is closed March 15 through August 31 excepting permitted field trials. [Closed to the training of all dogs March 1 through July 31.]

(d) All hunters and dog trainers must check in and out daily at the designated check station.

(16) [(17)] Yellowbank Wildlife Management Area located in Breckinridge County.

(a) Quail and rabbit: November 1 through January 31 only.

(b) No grouse hunting is permitted.

(c) [(b)] All hunters and dog trainers must check in and out daily at the designated check station.

(d) [(c)] Dog training is closed March 15 through August 31. [Closed to the training of all dogs March 1 through July 31.]

(17) Kleber Wildlife Management Area located in Owen and Franklin Counties.

(a) Quail and rabbit: November 1 through January 31.

(b) All hunters and dog trainers must check in and out daily at the designated check station.

(c) Dog training is closed March 15 through August 31.

(18) Swan Lake Wildlife Management Area located in Ballard County.

(a) Areas designated by signs are closed to hunting.

(b) Closed to all dog training.

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

[(a) Squirrel (gray and fox), grouse, quail, raccoon and rabbit hunting and trapping for furbearers are permitted from the third Thursday in November through December 4.]

[(b) Firearms: Only shotguns incapable of holding more than three (3) shells are permitted.]

[(c) This area is closed to all other hunting except deer and turkey as authorized by other applicable regulations.]

(19) Westvaco Public Hunting Areas. Persons hunting on Westvaco Public Hunting Areas must possess a valid Westvaco Hunting Permit.

[(19) Mill Creek Wildlife Management Area located in Jackson County is closed to the training of all dogs February 1 through October 21.]

[(20) Paintsville Wildlife Management Area located in Johnson and Morgan Counties.]

[(a) Squirrel (gray and fox), grouse, quail, raccoon and rabbit hunting and trapping for furbearers are permitted from the third Thursday in November through December 4.]

[(b) Only shotguns incapable of holding more than three (3) shells are permitted.]

[(c) This area is closed to all other hunting except deer, turkey and waterfowl as authorized by other applicable regulations.]

DON R. McCORMICK, Commissioner
G. WENDELL COMBS, Secretary
CHARLES E. PALMER, JR., Chairman

APPROVED BY AGENCY: April 10, 1986

FILED WITH LRC: April 10, 1986 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 21, 1986 at 9 a.m. in the Commission Room, Department of Fish and Wildlife Resources, #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 340,000 small game hunters and 7,000 trappers are expected to participate in the 1986-87 statewide hunting and trapping seasons. About 6,800 of these can be expected to avail themselves of the opportunity to participate in seasons on the special areas designated in this regulation.

(a) Direct and indirect costs or savings to those affected: Direct costs involve the purchase of a state hunting license and/or a state trapping license. Indirect costs are determined by the individual, depending upon his level of participation.

1. First year: Persons participating in the hunting or trapping seasons proposed by this regulation would be required to possess a valid hunting license ($7.50 for residents) or a valid trapping license ($11.50 resident, $6.00 resident landowner/tenant), respectively. A $15 hunting permit is required by Fort Campbell authorities.

2. Continuing costs or savings: Same as first year.

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

(b) Reporting and paperwork requirements: Hunters are required to check in and/or out at some of the management areas specified in this regulation.

(2) Effects on the promulgating administrative body: Requires time and effort in developing, publishing, reporting on, and enforcing the proposed regulation.

(a) Direct and indirect costs or savings: Primary costs are associated with enforcing the regulation.

1. First year: The estimated cost associated with establishing and carrying out the provisions of this regulation is $2,500.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: Approximately 6,800 small game hunters and 140 trappers may be expected to expend money for equipment, transportation, food and lodging. The average annual expenditure for these items by Kentucky small game hunters is $96.98 according to the 1980 National Hunting and Fishing Survey. The average season expenditure for Kentucky trappers during the 1981-82 trapping season was $209.32. State and local revenues can be expected to be positively affected due to necessary expenditures by small game hunters and trappers for the required licenses and due to taxes levied upon items purchased.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The only available alternative to regulated hunting is closure of the season. This alternative was rejected as contrary to the conservation ethic which is based upon the wise use of renewable resources and the fact that small game and furbearer populations are at levels which can sustain a regulated harvest by sportsmen.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

Tiering:
Was tiering applied? No. This type of regulation

does not appear to be adaptable to the tiering process since it is specific to small game hunters and trappers.

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

301 KAR 2:170. Seasons for deer hunting.

RELATES TO: KRS 150.010, 150.025, 150.170, 150.176, 150.180, 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 deer gun and archery seasons in specified counties and on wildlife management areas (WMA). This regulation is necessary to set deer hunting season dates, to specify the counties and management areas open to deer hunting, to prescribe the methods by which deer may be legally taken, and to prescribe procedures by which handicapped persons may apply for exemptions from conventional hunting methods requirements. The function of this regulation is to provide for the prudent taking of deer within reasonable limits, and to insure a permanent and continuing supply of deer to furnish sport and recreation for present and future residents of the state. This amendment is necessary to adjust for date changes in the deer seasons and allow the taking of wild hogs in deer season.

Section 1. Deer Gun Seasons, Zones, Dates, and Legal Deer. Deer hunting is permitted in the following zones on the dates listed, except as specified in subsection (7) of this section and Section 4 of this regulation.

(1) Zone No. 1: Open to antlered deer gun hunting for ten (10) consecutive days beginning the second Saturday in November. On the last three (3) days of the hunt, either sex deer may be taken. Counties in this zone are: Caldwell, Christian, Crittenden, Hancock, Henry, Hopkins, Livingston, Logan, Muhlenburg, Ohio, Todd, Trimble, and Webster. [Open to either sex deer hunting for ten (10) consecutive days beginning the second Saturday in November. Zone 1 is described as follows: The area between Mammoth Cave National Park boundary and the following roads: In Hart County from the Edmonson County line, east on State Route (SR) 728 to SR 88. East on Forestville Road, south to Logsdon Valley Cemetery Road, south to the Green River, east on Williams Road, east on SR 218, then south on I-65; in Barren County, I-65 south to the Edmonson County line; in Edmonson County, 31W from the Barren County line west to SR 259, northwest to 728, then east to the Hart County line.]

(2) Zone No. 2: Open to antlered deer gun hunting for ten (10) consecutive days beginning the second Saturday in November. On the last two (2) days of the hunt, either sex deer may be taken. Counties in this zone are: Ballard, Bracken, Breckinridge, Boone, Butler, Carlisle, Carroll, Gallatin, Oldham, Pendleton, and Robertson. [Boone, Carroll, Christian, Franklin, Gallatin, Henry, Hopkins, Livingston, Logan, Oldham, Owen, Todd, and Trimble.]

(3) Zone No. 3: Open to antlered deer gun hunting for ten (10) consecutive days beginning the second Saturday in November. On the last day of the hunt, either sex deer may be taken. Counties in this zone are: Allen, Anderson, Franklin, Grant, Graves, Harrison, Henderson, Hickman, Larue, McLean, Meade, Nelson, Owen, Scott, Shelby, Spencer, Union, and Washington. [Anderson, Ballard, Bracken, Breckinridge, Butler, Caldwell, Carlisle, that portion of Casey north of the following roads: from the Lincoln County line west on SR 78 to SR 49 and west on SR 49 to the Marion County line, Crittenden, Grant, Hancock, Harrison, Larue, McLean, Marion, Meade, Muhlenburg, Nelson, Ohio, Pendleton, Robertson, Scott, Shelby, Spencer, Washington, and Webster.]

(4) Zone No. 4: Open to antlered deer gun hunting for ten (10) consecutive days beginning the second Saturday in November. Counties in this zone are: Adair, Barren, Boyle, Bullitt, Campbell, Calloway, Casey, Cumberland, Edmonson, Fulton, Grayson, Green, Hardin, Jefferson, Lyon, McCracken, Marion, Mason, Mercer, Metcalfe, Taylor, Trigg, Warren, and Woodford. [Allen, Boyle, Bullitt, Calloway, Campbell, Casey (except that portion included in Zone 3), Edmonson (except that portion included in Zone 1), Fulton, Graves, Grayson, Hardin, Henderson, Hickman, McCracken, Mason, Mercer, Trigg, Union, and Woodford.]

(5) Zone No. 5: Open to antlered deer gun hunting for five (5) consecutive days beginning the second Saturday in November. Counties in this zone are: Bath, Boyd, Carter, Clark, Daviess, Elliott, Fleming, Greenup, Hart, Kenton, Lawrence, McCreary, Menifee, Monroe, Morgan, Nicholas, Pulaski, Rowan, Russell, Simpson, and Wayne. [Adair, Barren (except that portion included in Zone 1), Bath, Boyd, Carter, Clark, Cumberland, Daviess, Elliott, Fleming, Green, Greenup, Hart (except that portion included in Zone 1), Jefferson, Kenton, Lawrence, Lyon, McCreary, Menifee, Metcalfe, Monroe, Morgan, Nicholas, Pulaski, Rowan, Russell, Simpson, Taylor, Warren and Wayne.

(6) Zone No. 6: Open to antlered deer gun hunting for three (3) consecutive days beginning the second Saturday in November. Counties in this zone are: Bell, Bourbon, Breathitt, Clinton, Fayette, Floyd, Garrard, Harlan, Jackson (except that portion included in zone 7), Jessamine, Johnson, Knott, Laurel (except that portion included in zone 7), Lee, Leslie, Lewis, Lincoln, Madison, Magoffin, Marshall, Martin, Montgomery, Owsley, Pike, Powell, Rockcastle, Whitley, and Wolfe. [Bell, Bourbon, Breathitt, Clinton, Estill, Fayette, Floyd, Garrard, Harlan, Jackson (except that portion included in Zone 7), Jessamine, Johnson, Knott, Laurel, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Marshall, Martin, Montgomery, Owsley, Perry, Pike, Powell, Rockcastle, Whitley, and Wolfe.]

(7) Zone No. 7: Counties, wildlife management areas, and parks closed to all deer hunting:

(a) Counties in this zone are Clay, Estill, that portion of Jackson south of SR 30, Knox, and that portion of Laurel east of SR 30 and SR 229, Letcher, and Perry. [Clay, that portion of Jackson south of SR 30, and Knox.]

(b) Wildlife management areas: Ballard WMA in Ballard County (except that portion south of Terrell Landing Road), Cane Creek WMA in Laurel County, Central Kentucky WMA in Madison County, Clay WMA in Nicholas County, that portion of Grayson Lake WMA in Carter and Elliott Counties

east of the Little Sandy River and the Bruin Creek portions of Grayson Lake, Mill Creek WMA in Jackson County, Paintsville Lake WMA in Johnson and Morgan Counties, and Robinson Forest WMA in Breathitt, Perry, and Knott Counties, and Swan Lake WMA in Ballard County.

(c) Deer hunting is prohibited within the boundaries of all national parks.

Section 2. Deer Archery Season, Zones, Dates, and Legal Deer. Zones 1, 2, 3, and 4 are open to either sex archery deer hunting during specified periods as follows, except as specified in Section 4 of this regulation. Zones 5 and 6 are open to antlered deer only archery hunting except as specified in Section 4 of this regulation.

(1) Archery season (longbows and compound bows): October 1 through December 31.

(2) Crossbow season: November 18 [9] through 27 and during gun and special muzzle-loading seasons [29] only.

(3) Archery and crossbow hunting during gun seasons: During gun and special muzzle-loading seasons, archery and crossbow hunters must abide by the gun or special muzzle-loading seasons regulations in effect for the county or WMA in which they are hunting as specified in Sections 1, 3, 4, and 7 of this regulation. Hunters may not possess both archery equipment and firearms while deer hunting during gun and special muzzle-loading [muzzle-loader] seasons.

Section 3. Special Muzzle-loading Gun Season, Zones, Dates, and Legal Deer. Zones 1, 2, 3, and 4 as specified in Section 1 of this regulation, are open to muzzle-loading gun deer hunting during the specified period as follows, except as specified in Section 4 of this regulation.

(1) Special muzzle-loading gun season: December 6 and 7 [November 19 and 20].

(2) Permitted firearms: Only those muzzle-loading firearms specified in Section 8(1) of this regulation are permitted. Hunters may not possess breech-loading rifles or handguns while deer hunting during this period.

(3) Legal deer: Antlered deer only as specified in Section 5(1) of this regulation.

Section 4. Exceptions to Deer Hunting Regulations on Wildlife Management Areas. All deer gun and archery regulations apply unless otherwise specified herein. Deer hunting will be permitted only on the dates listed in this section. Except as otherwise specified below, all gun hunters must check in and out at the area check station and archery hunters need not check in but must check out if a deer is taken. Archery hunters must check in and out on the following areas: Higginson-Henry, Kleber, West Kentucky, and Yellowbank WMAs. Persons hunting during the gun season on all the areas listed below (except the Pioneer Weapons WMA) must be selected by a drawing. Persons bearing the permit issued to the original applicant may substitute for the original applicant. Applications must be made only on forms provided by the Department of Fish and Wildlife Resources. No more than four (4) hunters may apply as a party [per form]. Those desiring to hunt as a party must submit applications stapled together. More than one (1) application per individual [per hunt] will disqualify that applicant. Completed applications must be [accompanied by a] stamped, self-addressed [envelope] and be postmarked no later than August 31. Hunters may hunt on assigned dates and areas only. The special muzzle-loading gun season does not apply to these areas.

(1) Beaver Creek WMA in McCreary and Pulaski Counties:

(a) Archery season: Antlered deer only, October 1 [15] through 30.

(b) Gun season: Antlered deer only, December 6 [7] and 7 [8].

(2) Dewey Lake WMA in Floyd County:

(a) Archery season: Antlered deer only, October 1 [15] through 30.

(b) Gun season: Antlered deer only, December 6 and 7 [14 and 15].

(3) Higginson-Henry WMA in Union County: Gun season for either sex deer December 6 and 7.

[(a) Archery season: Either sex deer, October 1 through December 31.]

[(b) Gun season: Either sex deer, December 7 and 8.]

(4) Kleber WMA in Owen and Franklin Counties: Gun season for either sex deer December 6 and 7.

[(a) Archery season: Either sex deer, October 1 through December 31.]

[(b) Gun season: Either sex deer, December 7 and 8.]

(5) Pioneer Weapons WMA in Bath and Menifee Counties:

[(a) Zone 5 archery and gun season dates and requirements apply.]

(a) [(b)] Muzzle-loading firearms only; muzzle-loading handguns of .44 caliber or larger are permitted; crossbows may be used during the entire archery season.

(b) [(c)] Checking in or out is not required. All deer taken must be checked in accordance with Section 6(3) of this regulation.

(6) Redbird WMA in Clay and Leslie Counties:

(a) Archery season: Antlered deer only, October 1 [15] through 30.

(b) Gun season: Antlered deer only, December 6 and 7 [7 and 8].

(7) West Kentucky WMA in McCracken County:

(a) Archery season: Either sex deer, October 1 through November 7 [8] on tracts 1 through 6 and December 22 through 31 [December 23 through 31] on tracts 5 and 6 only.

(b) Gun season: Either sex deer, December 13 and 14 [December 21 and 22].

(c) Youth gun season: Either sex deer, November 22 and 23 [December 14 and 15]. Open only to persons at least ten (10) years of age but who have not reached their sixteenth birthday. Each youth must have a valid Kentucky hunting license, a Kentucky deer permit, a state approved hunter safety certificate, and must be accompanied by an adult.

(d) All gun hunters are limited to muzzle- or breech-loading shotguns only.

(e) No firearms permitted on any "A" tract or tract 7 at any time.

(f) All hunters must check in and out daily.

(g) Crossbow season: October 31 through November 7 [November 1 through 8].

(8) Yellowbank WMA in Breckinridge County: Gun season for either sex deer December 6 and 7.

[(a) Archery season: Either sex deer, October 1 through December 31.]

[(b) Gun season: Either sex deer, December 7 and 8.]

Section 5. Legal Deer, Taking of Other Species, Hunting Hours and Bag Limits. (1) An antlered deer is defined as having one (1)

antler at least four (4) inches in length, measured from the skin to the tip of the antler.

(2) Hunting is permitted during daylight hours only.

(3) The limit is two (2) deer per hunter per year. Only one (1) deer may be taken by firearms outside the following designated special deer areas: Beaver Creek, Blue Grass Depot Activity, Dewey Lake, Ft. Campbell, Ft. Knox, Glenwood Hall Resort, Land Between the Lakes, Redbird, West Kentucky, Yellowbank, Kleber, and Higginson-Henry WMAs. Under no circumstances shall any individual be permitted to take more than two (2) deer anywhere in the state.

(4) Two (2) deer may be taken by firearms provided that one (1) is taken with an antlerless deer permit in zones 1, 2 or 3.

(5) [(4)] The taking of coyotes and wild hogs during the gun and special muzzle-loading season is permitted by deer hunters possessing a valid deer tag as specified in Sections 1 and 3 of this regulation, provided that they have not yet taken the annual bag limit of deer.

Section 6. Hunting License, Deer Permits, Deer Tags and Check Station Requirements. (1) Hunting license and deer permits: All persons taking or attempting to take deer must have in possession a valid annual Kentucky hunting license and a valid deer hunting permit unless exempted by KRS 150.170(3), (5), (6) or (7).

(2) Leaving head attached: Any person possessing a deer must leave the head attached to the body until the carcass is removed from the field and processed.

(3) Mandatory deer check stations: Any person taking a deer during any deer hunting season must have it checked at the deer check station nearest to where the deer was taken, or by the nearest available conservation officer, no later than 9:00 a.m. on the day following the day taken. The hunter must fill out the stub attached to the deer permit and submit it to the check station operator or conservation officer.

(4) Tagging deer carcass and head:

(a) Before moving the carcass, the hunter must attach the metal tag portion of the deer permit to the deer. This tag must be permanently locked and attached so that it cannot be removed without destroying the tag or mutilating the carcass and must remain attached until the carcass is processed and packaged. The hunter must detach the stub marked "A Tag" and, before moving the carcass, punch a clearly visible hole through the space provided to indicate the weapon used to take the deer.

(b) Deer heads or other parts separated from the carcass for mounting by a taxidermist must have the taxidermist tag properly filled out and attached to the separated part.

(c) Deer hides may be sold to licensed fur buyers and licensed fur processors only.

(d) Legally taken deer feet may be sold to and purchased from licensed taxidermists.

(5) Second deer permit: A hunter who has taken one (1) deer may purchase a second deer permit, which shall be valid only when accompanied by a properly punched, stamped or signed "A Tag" portion of the first deer permit. If this portion of the first deer permit is punched to indicate that the first deer was taken by gun, the second deer permit is valid only for archery hunting, except that two (2) deer may be taken by gun if one (1) is taken on a designated special deer area or with an antlerless deer tag listed in Section 5(3) of this regulation.

Section 7. Prohibited Methods and Conditions for Gun, Special Muzzle-loading and Archery Deer Hunting. [(1) Residents of any state which does not grant Kentucky residents the right to hunt deer may not hunt deer in Kentucky.]

(1) [(2)] Persons under eighteen (18) years of age may not hunt deer with a gun unless accompanied by an adult.

(2) [(3)] Deer may not be taken with the aid of dogs or any domestic animal, or by the use of a boat or any type of vehicle.

(3) [(4)] A deer may not be taken while the deer is swimming.

(4) [(5)] All deer hunters must wear a visible vest, coat, coveralls, cap or hat of hunter orange color when hunting during the gun or special muzzle-loading season. The entire garment must be hunter orange.

(5) [(6)] On department owned and operated wildlife management areas, Westvaco Public Hunting Area, the Daniel Boone National Forest, and the Big South Fork National River and Recreation Area, the use of any nails, spikes, screw-in devices, wire or tree climbers is prohibited for attaching tree stands or for climbing trees. Only portable tree stands and climbing devices that do not injure trees may be used. Portable stands may be placed in trees no more than two (2) weeks before opening day of each hunting period and must be removed within one (1) week following the last day of each hunting period. All portable tree stands must be marked with the owner's name and address. Existing permanent tree stands may not be used.

(6) [(7)] Rattling of antlers or sticks and the use of hand or mouth operated calls are permitted.

(7) [(8)] No person or persons shall cast the rays of a spotlight, jacklight or other artificial lighting device on any highway or in any field, woodland or forest, while having in his or her possession, or under his or her control, a firearm or other implement by which a deer could be killed, even though such deer is not shot at, injured or killed. This shall not apply when the headlights of a motor vehicle in normal operation on a highway are cast upon a field, woodland or forest in the normal course of travel, nor shall it apply to landowners or tenants engaged in normal or necessary activity upon their lands.

(8) [(9)] No person shall possess a deer taken contrary to this or any other regulation or statute.

Section 8. Firearms Restrictions for Gun Deer Hunting. (1) Permitted firearms: Center-fire rifles of .240 caliber or larger (with the exceptions of the .30 caliber carbine and .256 caliber rifle); muzzle-loading rifles of .38 caliber or larger; and muzzle-loading and breech-loading shotguns of ten (10) gauge maximum and twenty (20) gauge minimum firing a single projectile. Handguns with barrel lengths of 3.90 inches or greater are permitted. Only the following cartridges may be used in handguns: .30 caliber Herret; .357 magnum; .357 Herret; .357 automag; .41 magnum; .41 automag; .44 magnum; .44 automag; .45 automag; and any other cartridge using a bullet of at least 110 grains weight and developing at least 500 foot-pounds of muzzle energy.

(2) Prohibited firearms: Any caliber or

cartridge that does not meet the requirements given in subsection (1) of this section; any fully automatic weapon or weapon capable of firing more than one (1) round with one (1) trigger pull; any military issue M-1 .30 caliber carbine or its equivalent caliber sold commercially; muzzle-loading handguns; and .256 caliber rifle.

(3) Fully jacketed military type ammunition and tracer bullet ammunition are prohibited. Buckshot or any type of shot shells are prohibited.

Section 9. Equipment Restrictions for Archery Deer Hunting. (1) Longbows and compound bows may not be fitted with any device capable of holding an arrow at full draw without aid from the hunter.

(2) Arrows must be barbless without chemical treatment or chemical attachments, with broadhead points at least seven-eighths (7/8) inch wide.

(3) Crossbows must have a minimum pull weight of 100 pounds and a working safety device. Minimum bolt weight is 380 grains with a barbless broadhead point at least seven-eighths (7/8) inch wide with no chemical treatments or chemical attachments.

(4) Archery hunters are prohibited from carrying firearms while hunting deer.

Section 10. Hunting Methods Exemptions for Handicapped Hunters. Persons with physical handicaps that would make it impossible for them to hunt by conventional methods may apply by letter to the commissioner of the department for a hunting methods exemption. The commissioner may authorize any reasonable exception that would permit a handicapped person to hunt when he or she could not otherwise do so because of his or her handicap. Specific exemptions to be allowed will be described in the letter of authorization, which will be signed by the commissioner and a conservation officer who will certify that the applicant for the exemption is, in his opinion, handicapped to such a degree that the requested exemption is necessary to permit the applicant to hunt. Hunting method exemptions will expire at the end of the calendar year.

DON R. McCORMICK, Commissioner
G. WENDELL COMBS, Secretary
CHARLES E. PALMER, JR., Chairman
APPROVED BY AGENCY: April 10, 1986
FILED WITH LRC: April 10, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 22, 1986 at 2 p.m. in the ground floor meeting room, Department of Fish and Wildlife Resources, #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 165,000 persons will participate in the white-tailed deer hunting proposed by this regulation.
(a) Direct and indirect costs or savings to those affected: Indirect costs are determined by the individual hunter, depending on his level of participation.
1. First year: Persons participating in the hunting proposed for authorization by this regulation would be required to possess a valid hunting license ($7.50 for residents) and a deer permit ($11.50) unless exempt by regulation.
2. Continuing costs or savings: Same as first year.
3. Additional factors increasing or decreasing costs (note any effects upon competition): The taking of a second deer would require the purchase of a second deer permit ($11.50).
(b) Reporting and paperwork requirements: Deer hunters will be asked to check their deer at a county deer check station and fill out a portion of their tag denoting specific information about the deer.
(2) Effects on the promulgating administrative body: Requires time and effort in developing, publishing, reporting on, and enforcing the proposed regulation.
(a) Direct and indirect costs or savings: Primary costs are associated with enforcement of the regulation.
1. First year: The estimated cost associated with establishing and carrying out the provisions of this regulation is $1,000,000.
2. Continuing costs or savings: Same as first year.
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: Approximately 165,000 deer hunters may be expected to expend money for equipment, transportation, food and lodging. The annual expenditure for these items averaged $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 necessary expenditures for the required licenses and taxes levied upon items purchased by hunters.
(4) Assessment of alternative methods; reasons why alternatives were rejected: The only alternative to regulated hunting is closure of the season. This alternative was rejected as contrary to the conservation ethic which is based upon the wise use of renewable resources and the fact that white tailed deer populations are at levels which can sustain a regulated harvest by Kentucky sportsmen.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known.
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None

Tiering:
Was tiering applied? No. This type of regulation does not appear to be adaptable to the tiering process since it is specific to deer hunters.

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

301 KAR 3:010. Acts of depredation prohibited.

RELATES TO: KRS 150.010, 150.025, 150.300, 150.460, 150.620, 150.640
PURSUANT TO: KRS 13A.350, 150.025
NECESSITY AND FUNCTION: This regulation is necessary to protect from any acts of depredation lands and waters owned or controlled by the Department of Fish and Wildlife Resources as fishing waters, wildlife management areas, fish hatcheries and refuges. The function of this regulation is to contribute to the protection, maintenance and development of these lands and waters and their associated wildlife through regulated and prudent use by the public. This amendment is necessary to include Westvaco Public Hunting Area use restrictions.

Section 1. No person shall misuse the lands or waters owned or controlled by the Department of Fish and Wildlife Resources by acts such as, but not limited to, the cutting of trees, dumping of trash and littering, stealing or gleaning crops, permitting livestock to enter, cutting of fences, burning, damaging roads by entry of unauthorized equipment, or by any other act of depredation.

Section 2. Vehicles must use designated parking areas if such are available.

Section 3. Camping is permitted only in designated [camping] areas [on department-owned or controlled lands or waters].

Section 4. No person may place any substance on or in department-owned or controlled lands or waters that may be injurious to aquatic life, wildlife or wildlife habitat, or allow any substances to escape onto lands or into waters or drainage systems of a water area.

Section 5. No vehicle, motorcycle or other mechanized equipment is permitted, except on maintained roads, [of state-owned or controlled lands] unless authorized in writing by the Commissioner.

Section 6. Vehicles shall not be parked on Westvaco Public Hunting Areas in any manner which would block or deny access to any road.

Section 7. Open fires are not permitted on Westvaco Public Hunting Areas.

DON R. McCORMICK, Commissioner
G. WENDELL COMBS, Secretary
CHARLES E. PALMER, JR., Chairman
APPROVED BY AGENCY: April 10, 1986
FILED WITH LRC: April 10, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 23, 1986 at 9 a.m. in the Commission Room, Department of Fish and Wildlife Resources, #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 1,500 hunters are expected to utilize the Westvaco Public Hunting Areas.
(a) Direct and indirect costs or savings to those affected: There are no additional costs or savings resulting from this regulation.
1. First year: This regulation applies only to people who are already licensed hunters and who already have Westvaco Public Hunting Area use permits.
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 other law enforcement activities.
(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 $350.
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: The only alternative to this amendment was to promulgate a completely separate depredation regulation for Westvaco Public Hunting Areas. Since this regulation already existed and covered almost all of the items of concern to Westvaco, these amendments were considered to be the most expedient method.
(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. This type of regulation does not appear to be adaptable to the tiering process since it is specific to hunters utilizing wildlife areas.

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 remove the gray fox and add the wild hog to the species covered by this regulation.

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: Wild hog [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. 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, and opossum 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 wildlife 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 or mouth calling or attracting devices, or mechanically or electronically operated calling or attracting devices during daylight hours only.

DON R. McCORMICK, Commissioner
G. WENDELL COMBS, Secretary
CHARLES E. PALMER, JR., Chairman
APPROVED BY AGENCY: April 10, 1986
FILED WITH LRC: April 10, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 23, 1986 at 11 a.m. in the Commission Room, Department of Fish and Wildlife Resources, #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: The addition of gray fox to the furbearer list will limit their taking to only during the furbearer taking season. This reduced opportunity will affect approximately 2400 hunters. The addition of the wild hog as a huntable species will permit their year-round taking. Estimated harvest of this species is not expected to exceed 100 per year. The legal taking of opossum during the deer gun season will probably not be utilized by more than 500 hunters.
(a) Direct and indirect costs or savings to those affected: There are no significant costs involved in this activity.
1. First year: This regulation applies only to people who are already licensed hunters. No special licenses are required.
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.
(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: Local economies in areas supporting wild hog populations will benefit from expenditures of participating hunters.
(4) Assessment of alternative methods; reasons why alternatives were rejected: The only alternative to regulated hunting of wild hogs is to maintain season closure. This alternative was rejected because of the realization of the destructive nature of wild hogs to native wildlife habitat and populations. Gray foxes were removed from this regulation based on the conservation ethic of wise use of renewable resources and the fact that gray fox populations are currently at levels requiring a more restrictive harvest.
(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. 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.

NATURAL RESOURCE AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Air Pollution
(Proposed Amendment)

401 KAR 50:035. Permits [and compliance schedules.]

RELATES TO: KRS [Chapter] 224.320, 224.330, 224.340
PURSUANT TO: KRS 224.033
NECESSITY AND FUNCTION: KRS 224.033 requires the Natural Resources and Environmental Protection Cabinet to prescribe regulations for the prevention, abatement, and control of air pollution. This regulation provides for the issuance of permits [and compliance schedules].

Section 1. Prohibitions. (1) No person shall construct, reconstruct, alter, or modify a source unless a construction permit to do so has been issued by the cabinet.

[(2) No person shall use, operate, or maintain a source in contravention of any regulations of the Division of Air Pollution unless an operating permit, conditioned by an approved compliance schedule, has been issued by the cabinet and is currently in effect.]

(2) [(3)] No person shall use, operate, or maintain an air contaminant [a] source[, which is in compliance with all regulations of the Division of Air Pollution] unless:

(a) A permit to so operate the air contaminant source has been issued by the cabinet and is currently in effect; [or]

(b) The cabinet or the court has issued to the source a compliance order with a compliance schedule consistent with the Clean Air Act; or

(c) [(b)] The source has demonstrated to the satisfaction of the cabinet that it is in compliance with the provisions of all applicable regulations including all provisions relating to public participation, a complete application for a permit to operate has been accepted by the cabinet and the cabinet has notified the applicant that the application is complete. Operation authorized by this paragraph shall expire thirty (30) days after the date of notification made to the source by the cabinet that an operating permit fee balance as specified by 401 KAR 50:036, Section 5(1) is due or immediately upon notification to the source by the cabinet that the source operating permit is denied.

[(c) Within thirty (30) days after receipt of an application to operate, the cabinet shall advise the owner or operator as to whether or not the application is complete.]

[(4) When supported by justification which the cabinet deems adequate, the cabinet may, upon request by a source owner or operator, extend the termination date of an operating permit by a period not to exceed 180 days for the purpose of allowing sufficient time for a source to correct such deficiencies in the application as have been identified by the cabinet and to allow completion of the application review by the cabinet.]

(3) [(5)] No person shall use, operate, or maintain a source which has changed ownership after a shutdown of six (6) months or more unless:

(a) The provisions of 401 KAR 50:055, Section 3(1) are met;

(b) The source was issued an operating permit and was in compliance with all applicable regulations under the previous ownership; and

(c) The provisions of Section 5(2) of this regulation are met.

Section 2. Applications. (1) Applications for permits [or compliance schedules] required under Section 1 of this regulation shall be made on forms prepared by the cabinet for such purpose and shall contain such information as the cabinet shall deem necessary to determine whether the permit [or compliance schedule] should be issued.

(2) Applications for permits [or compliance schedules] shall be signed by the corporate president or by another duly authorized agent of the corporation; or by an equivalently responsible officer in the case of organizations other than corporations; or, in other cases, by the source owner or operator; or, in the case of political subdivisions, by the highest executive official of such subdivision. Such signature shall constitute personal affirmation that the statements made in the application are true and complete.

(3) The information submitted in the application shall, when specifically requested by the cabinet, include an analysis of the characteristics, properties and volume of the air contaminants based upon source or stack samples of the air contaminants taken under normal operating conditions. Failure to supply information required or deemed necessary by the cabinet to enable it to act upon the permit [or compliance schedule] application shall result in denial of the permit [or shall result in disapproval of the compliance schedule].

(4) An application for a permit [or compliance schedule] may include one (1) or more affected facilities provided that all are contained within one (1) source. A person may apply for an amended permit to include new affected facilities provided that such new facilities are within the same source.

Section 3. Consideration of Applications. (1)(a) The cabinet shall deny an application for a permit [or compliance schedule] if the cabinet determines that any provision of any applicable regulation is [emission standards, standards of performance, ambient air quality standards, approved control measures or the provisions of Title 401, Chapter 51, are] not met [or will not be met upon completion of a compliance schedule].

(b) The cabinet shall deny an application for a permit [or compliance schedule] if the applicant willfully makes material misstatements in the application or amendments thereto.

(c) When required by the regulations of Title 401, Chapters 50 to 65, the cabinet shall base the determination of compliance with ambient air quality standards and prevention of significant air quality increments upon either:

1. Air quality models in accordance with 401 KAR 50:040; or

2. Ambient air quality monitoring in accordance with 401 KAR 53:010.

(d) In cases where no emission standards have been prescribed by regulation, the cabinet shall require the use of all available, practical and reasonable methods to prevent and control air pollution.

[(2) Compliance schedules herein shall be subject to approval of the cabinet. If for any

reason, the cabinet and the source are unable to negotiate a mutually acceptable schedule, the cabinet will propose a compliance schedule which will be subjected to a hearing pursuant to KRS 224.083. After considering the hearing report, the cabinet shall issue an appropriate compliance schedule.]

(2) Determinations and notifications.

(a) Operating permits.

1. Within thirty (30) days after receipt of an application to operate, the cabinet shall advise the owner or operator as to whether or not the application is complete, or if additional information is necessary in order to evaluate the application.

2. For sources which are subject to regulation in Title 401, Chapter 51, or modifications to any source which will cause an increase in the potential to emit of 100 tons per year in any one (1) year, the cabinet shall make its determination concerning the application including its approval, conditional approval, or denial of the operating permit application within sixty (60) days after receipt of a complete operating permit application. For all other sources, the time period for the cabinet's determination shall be within thirty (30) days of receipt of the complete application. The cabinet may extend each of the time periods specified in this paragraph if the cabinet determines that additional time is necessary. The cabinet shall notify the applicant, in writing, of its determination and shall set forth its reasons for any conditional approvals or denials.

(b) [(3)] Construction permits [Notification]. This paragraph [subsection] shall apply to the proposed construction, modification, alteration or reconstruction of any source that is not subject to Section 4 of this regulation.

1. [(a)] Within thirty (30) days after receipt of an application to construct, reconstruct, modify, or alter, or any addition to such application, the cabinet shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of subparagraph 2 [(b)] of this paragraph [subsection] shall be the date on which the cabinet makes a determination that the application is complete.

2. [(b)] The cabinet shall make its determination concerning the application including [notify the applicant, in writing, of] its approval, conditional approval, or denial of the application[, and shall set forth its reasons for conditional approval or denial] within thirty (30) days after receipt of a complete application, unless the cabinet determines that an additional period of time is necessary to adequately review the application. The cabinet shall notify the applicant, in writing, of its determination and shall set forth its reasons for any conditional approvals or denials.

Section 4. Procedures for Public Participation. This section shall apply to the proposed major source construction, major modifications as defined in Title 401, Chapter 51, or modifications to any source which will cause an increase in the potential to emit of 100 tons per year or more of any one (1) pollutant.

(1) Within thirty (30) days after receipt of an application to construct, reconstruct, or modify or any addition to such application, the cabinet shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of subsections (2), (6) and (7) of this section shall be the date on which the cabinet makes a determination that the application is complete.

(2) Within thirty (30) days after the receipt of a complete application, the cabinet shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one (1) location in each region in which the proposed source would be constructed, reconstructed, or modified, a copy of all materials submitted by the owner or operator, a copy of the cabinet's preliminary determination and a copy or summary of other materials, if any, considered by the cabinet in making the preliminary determination; and

(c) For sources subject to 401 KAR 51:017, notify the public, by prominent advertisement in newspapers of general circulation in each region in which the proposed source would be situated, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification if applicable, and of the opportunity to comment in writing and of the opportunity to request a public hearing to receive written or oral comments. The cost of such advertisement shall be borne by the applicant.

(d) For all other sources subject to this section, notify the public, by prominent advertisement in newspapers of general circulation in each region in which the proposed source would be situated, of the application, the preliminary determination, and of the opportunity to comment in writing. The cost of such advertisement shall be borne by the applicant.

(3) A copy of the notice required pursuant to this section shall be sent to the following persons (any person otherwise entitled to receive notice under this subsection may waive his/her rights to receive notice):

(a) The applicant;

(b) Officials and agencies having cognizance over the locations where the source will be situated as follows: the Administrator of the U. S. EPA through the appropriate regional office; local air pollution control agencies; the chief executive of the city and county; any comprehensive regional land use planning agency; and any state, federal land manager or Indian governing body whose land may be affected by the emissions from the proposed source; and

(c) Persons on a mailing list compiled by including those who request in writing to be on the list, soliciting persons for "area lists" from participants in past permit proceedings in that area, and notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as state-founded newsletters, environmental bulletins, or state law journals. The cabinet may update the mailing list from time to time by requesting written indication of continued interest from those

listed. The cabinet may delete from the list the name of any person who fails to respond to such a request.

(4) All public notices issued under this regulation shall contain the following minimum information:

(a) Name and address of the cabinet and division processing the permit action for which notice is being given;

(b) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

(c) A brief description of the business conducted at the facility or activity described in the permit application or the draft permit;

(d) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, statement of basis or fact sheet, and the application; and

(e) A brief description of the comment procedures required by subsections (5) and (8) of this section.

(f) In addition to the general public notice described in paragraphs (a) to (e) of this subsection, the public notice for a hearing under subsection (8) of this section shall be given at least thirty (30) days before the hearing and shall contain the following information: reference to the date of previous public notices relating to the permit; date, time, and place of the hearing; and a brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

(5) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the cabinet in its final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The cabinet shall consider the applicant's response in making its final decision. All comments shall be made available for public inspection at the same location in the region at which the cabinet made available preconstruction information relating to the proposed source.

(6) The cabinet shall take final action on an application subject to this section regarding [by notifying the applicant in writing of] its approval, conditional approval, or denial of the application. The cabinet shall notify the applicant, in writing, of its approval, conditional approval, or denial of the application and shall set forth its reasons for any conditional approvals or denials. Such notification shall be made available for public inspection at the location in the region at which the cabinet made available preconstruction information relating to the proposed source or modification. The public shall be notified of the cabinet's final action on an application subject to this section by prominent advertisement in newspapers of general circulation in each region in which the proposed source or modification would be situated. The cost of such advertisement shall be borne by the applicant.

(a) For sources subject to 401 KAR 51:017 and for which a public hearing has been requested and held, the cabinet shall take final action within 150 days after receipt of a complete application.

(b) For all other sources subject to this section, the cabinet shall take final action within ninety (90) days after receipt of a complete application.

(7) The cabinet may extend each of the time periods specified in subsections (2) and [,] (5) [or (6)] of this section by no more than thirty (30) days or such other period as agreed to by the applicant and the cabinet deems necessary. The time period specified in subsection (6) of this section shall then be extended by such period as extended for subsections (2) and (5) of this section and may be extended for such other period as agreed to by the applicant and the cabinet deems necessary. In accordance with Federal Regulation 40 CFR 52.21(r), the cabinet shall in no case exceed one (1) year from the date of receipt of a complete application for taking final action on an application subject to 401 KAR 51:017.

(8)(a) For sources subject to 401 KAR 51:017, the cabinet shall hold a public hearing whenever it finds, on the basis of requests, a significant degree of public interest in a draft permit(s). The cabinet also may hold a public hearing at its discretion, whenever, for instance, such a hearing might clarify one (1) or more issues involved in the permit decision. Public notice of the hearing shall be given as specified in paragraphs (b) and (c) of this subsection.

(b) Whenever a public hearing is to be held, the cabinet shall designate a presiding officer for the hearing who shall be responsible for its scheduling and orderly conduct.

(c) Any person may submit oral or written statements and data concerning a draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under subsection (5) of this section shall automatically be extended to the close of any public hearing under this subsection. The hearing officer may also extend the comment period by so stating at the hearing.

(d) A tape recording or written transcript of the hearing shall be made available to the public at a reasonable reproduction cost.

Section 5. Terms and Conditions [Permits and Compliance Schedules]. (1) Permits [and compliance schedules] issued hereunder shall be subject to such terms and conditions set forth and embodied in the permit [or compliance schedule] as the cabinet shall deem necessary to ensure [insure] compliance with its standards. Such terms and conditions may include maintenance and availability of records relating to operations which may cause or contribute to air pollution including periodic source or stack sampling of the affected facilities.

(2) In the case of a transfer of ownership or name change of a source, the new owner or owner respectively shall abide by any [current compliance schedule or] permit to operate issued by the cabinet to the previous owner or to the same owner under the previous source name. The new owner or owner shall notify the cabinet of the change in ownership and/or source name within ten (10) days following the change in ownership or source name and shall apply for a duplicate [new] permit to operate in the event of a change in the name of the source.

(3) When supported by justification which the cabinet deems adequate, the cabinet may, upon

request by a source owner or operator, extend the termination date of an operating permit by a period not to exceed 180 days for the purpose of allowing sufficient time for a source to correct such deficiencies in the application as have been identified by the cabinet and to allow completion of the application review by the cabinet.

Section 6. Exemptions. The provisions of Section 1 of this regulation shall not apply to the affected facilities or sources listed in this section. These exemptions shall not relieve any source from the requirements of any standard set forth in an applicable regulation or a permit issued by the cabinet. The cabinet may require the owner or operator to demonstrate compliance with all applicable regulations. [following:]

(1) Except as provided elsewhere in this section, those affected facilities to which no regulation is applicable and which emit an air pollutant to which no ambient air quality standard applies.

(2) Incinerators with a charging rate of less than 500 pounds per hour except those subject to 401 KAR 51:017, 401 KAR 51:052, or 401 KAR 63:020.

(3) Except as provided in 401 KAR 59:019 [59:018], internal combustion engines whether fixed or mobile, and vehicles used for transport of passenger or freight.

(4) Direct fired sources used for heating and ventilating.

(5) Open burning [Those sources] as set forth in 401 KAR 63:005.

(6) Indirect heat exchangers at a source with a total heat input capacity of less than fifty (50) million BTU per hour [input] which use natural gas, liquid petroleum gas, or distillate fuel oil as a main fuel or combinations of these as main and standby fuels and which are not subject to the requirements of 401 KAR 51:017 or 401 KAR 51:052.

(7) Any indirect heat exchanger with a heat input capacity of less than fifty (50) million BTU per hour which uses natural gas or liquid petroleum gas as a main fuel or combinations of these as main and standby fuels and which is not subject to the requirements of 401 KAR 51:017 or 401 KAR 51:052.

(8) [(7)] Publicly owned roads.

(9) [(8)] Feed grain mills having a hammermill with a rated capacity of ten (10) tons per hour or less, provided that the source does not include a grain dryer.

(10) [(9)] Sawmills which produce only rough cut or dimensional lumber from logs and which have a rated capacity of 1,500 board feet per hour or less provided the source does not include an indirect heat exchanger or waste wood burner subject to regulation in Title 401, Chapter 59 or 61.

(11) [(10)] All sources except those subject to regulation in Title 401, Chapter 57, 40 CFR 60, or 401 KAR 63:020, whose uncontrolled emissions are less than twenty-five (25) tons per year or whose potential to emit is less than or equal to five (5) [two (2)] tons per year of each of the following pollutants: particulate matter, sulfur dioxide, volatile organic compounds, nitrogen oxides and [or] carbon monoxide. This exemption shall not apply to sources of volatile organic compounds located in urban counties designated as non-attainment for ozone in 401 KAR 51:010.

(12) Those sources which install air pollution control equipment where none was required. The owner or operator shall notify the cabinet in writing of such additions.

(13) Those sources which voluntarily modify or replace their air pollution control equipment to provide an equivalent or more efficient control of air pollutants. However, the owner or operator of such sources shall submit to the cabinet a complete registration form for the cabinet's concurrence at least forty-five (45) days before installation of such control equipment.

(14) Those affected facilities which are a part of a construction project where the total increase in the potential to emit from all affected facilities in the construction project is less than or equal to two (2) tons per year, provided that such increase does not subject the source to any other regulation. The owner or operator shall notify the cabinet in writing of such increases and construction projects thirty (30) days prior to commencing the construction project. This exemption shall not apply to affected facilities which are subject to regulation in Title 401, Chapter 57, 40 CFR 60, or 401 KAR 63:020.

(a) The owner or operator may not circumvent this regulation by separating what would normally be one (1) construction project into two (2) or more projects.

(b) If the owner or operator notifies the cabinet of or applies for a construction permit for another construction project before the first construction project becomes operational, then the two (2) construction projects shall be considered as one (1) construction project.

(c) If the owner or operator can demonstrate, through engineering analysis and internal documents, that two (2) or more construction projects were planned during separate time frames and involve separate independent facilities, the cabinet may allow the construction projects to be treated separately.

(15) Emitters of nonprocess fugitive emissions that are not part of a source that is otherwise subject to regulation.

Section 7. Source Obligation. (1) Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this regulation or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this regulation who commences construction after June 6, 1979 without applying for and receiving approval hereunder, shall be subject to appropriate enforcement action as provided under KRS 224.994.

(2) Approval to construct shall become invalid if construction is not commenced within eighteen (18) [twelve (12)] months after receipt of such approval, if construction is discontinued for a period of six (6) months or more, or if construction is not completed within a reasonable time. The cabinet may extend the eighteen (18) [twelve (12)] month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen (18) [twelve (12)] months of the projected and approved commencement date.

(3) Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the requirements of the cabinet and any other requirements under local, state, or federal law.

Section 8. Relocation of Minor Sources. The owner or operator of a minor source who is planning to relocate the source to a new site without any modification, may do so without applying for and receiving a new permit, provided that the source has been issued and is operating under a current operating permit and is currently in compliance with all applicable regulations, and provided that the owner or operator notifies the cabinet on forms provided by the cabinet, at least ten (10) days prior to the planned relocating. If the location at the new site would cause the source to be subject to any additional or different regulation than is currently applicable at the previous location, the source shall be considered to be a new source and shall be subject to Section 1 of this regulation.

CHARLOTTE E. BALDWIN, Secretary
APPROVED BY AGENCY: April 14, 1986
FILED WITH LRC: April 15, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing to receive comments on this proposed amendment will be conducted on May 27, 1986, at 10 a.m. (EDT) in Room G-2 of the Capital Plaza Tower, Frankfort, Kentucky. Those persons interested in attending this meeting shall contact, in writing at least five days prior to the hearing, Mr. William S. Coakley, Manager, Program Development Branch, Division of Air Pollution Control, 18 Reilly Road, Fort Boone Plaza, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roger B. McCann, Director
(1) Type and number of entities affected: This regulation specifies the conditions under which permits to construct and operate air contaminant sources are issued by the Cabinet. It also specifies the types of sources which are exempt from the requirement of obtaining permits. This regulation is being amended primarily to exempt additional small sources from being required to obtain permits. These additional exemptions would not result in a significant degradation of Kentucky's air quality, but would save sources time and money in applying for permits, and would save the Cabinet time and effort in issuing permits to and inspecting these sources on a regular basis. The Cabinet is also amending other portions of this regulation to clarify the present requirements and procedures that are used in applying for and issuing permits.
Among the additional sources being exempt from permitting requirements are:
(a) Sources whose uncontrolled emissions are less than twenty-five tons per year;
(b) Sources whose potential emissions are less than or equal to five tons per year;
(c) Sources which voluntarily modify or replace air pollution control equipment to provide an equivalent or more efficient control of air pollutants;
(d) Sources which install air pollution control equipment where none was required;
(e) Sources whose increase in their potential to emit is less than or equal to two tons per year, provided such increase does not subject the source to any other regulation; and
(f) Any indirect heat exchanger with a heat input capacity of less than fifty MM BTU/hr which uses natural gas or liquid petroleum gas as the main fuel.
Exempting sources whose uncontrolled emissions are less than twenty-five tons per year or whose potential to emit is less than or equal to five tons per year would exempt additional small sources from permit fees and would reduce the paperwork associated with applying for and issuing permits. Presently, sources which have a potential to emit of less than or equal to two tons per year are exempt from permitting requirements. Available information indicates that about 700 small sources which presently have permits would no longer be required to maintain those permits, although they would still be required to comply with any applicable regulation. In order to determine how many sources per year would no longer be required to obtain permits, the Division reviewed all construction and operating permits which were issued in 1984 and 1985. On the average for these two years, approximately 500 permits were issued; of these, about 125 were issued to sources or affected facilities which would be exempt from permitting requirements under the proposed amendments. Although these sources or affected facilities would no longer be required to obtain construction or operating permits, the Division may still review registration forms or other information submitted to determine if the exemption applies to the source.
The proposed amendment to 401 KAR 50:035, however, would now require sources whose potential emissions are less than or equal to two tons per year but are subject to regulations for the federal new source performance standards (NSPS) to obtain construction and operating permits.
Other portions of this regulation (Section 3(2)) are being amended to require the Cabinet to expedite its determination regarding the issuance of operating permits, since the smaller insignificant sources would be exempt from permitting requirements.
(a) Direct and indirect costs or savings to those affected:
1. First year: Exempting these sources from obtaining construction and operating permits will typically save each affected industry $400 in fees for a construction permit and from $330 to $750 in fees for an operating permit. Indirect savings could also be realized from the reduction in paperwork required to obtain permits.
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: The proposed amendments to this regulation would reduce reporting and other paperwork requirements for the affected sources in that those sources or affected facilities would no longer be required to submit permit applications and reports associated with having a permit. However, the Division may still require sources to register under 401 KAR 50:030 which requires submittal of enough information to allow the Division to determine if the exemption applies. No registration fee is required for such registrations. Although sources would be exempt from requirements of obtaining permits, sources

which voluntarily modify or replace their air pollution control equipment to provide an equivalent or more efficient control of air pollutants, sources which install air pollution control equipment where none was required, or sources whose increase in their potential to emit is equal to or less than two tons per year would be required to notify the Cabinet of such changes.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The exemption of small sources would reduce the revenue derived from permit fees by approximately $48,000. This reduction in permitting work would, however, enable the growing number of permits for the larger sources to be more expeditiously processed, hopefully without the need for additional staff. This trade-off of reducing the Division's work-load and income from permits versus increasing personnel is therefore deemed a prudent decision.

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: The reporting and paperwork requirements of the Permit Review and Compliance Branches would be reduced in that the need to regularly inspect, review, and record data from the exempted sources would be reduced. The amendments in Section 3(2) would require the Cabinet to make its determination regarding the approval, conditional approval, or denial of operating permits within thirty or sixty days, depending on the size of the source, unless the Cabinet determines that additional time is necessary.

(3) Assessment of anticipated effect on state and local revenues: See (2)(a) above.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Various source emission levels were evaluated for this exemption. It was determined that the twenty-five tons per year exemption was a reasonable choice since these sources contribute a very small amount of pollutants to the environment.

(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 Cabinet is amending this regulation to primarily exempt small sources from permitting requirements. The purpose for these exemptions is to provide more time for the Cabinet to review and issue permits to larger sources of air pollutants, and to reduce the amount of time spent on sources that do not contribute significantly to air pollution. The Cabinet has determined that exempting these sources would not cause emissions to increase significantly. The emissions from the approximately 700 sources which would be exempt from permitting requirements contribute a very small percent of the total emissions from all sources in Kentucky. Exempting these small sources would not cause the air quality to deteriorate significantly. Having fewer sources to permit will enable the Division to speed up the permitting process. These amendments do not exempt sources from having to comply with the control requirements of other air pollution regulations. The Division may still require sources to register and may initiate an inspection to determine compliance with the applicable air pollution regulations.

The Division is also amending other provisions of this regulation to more correctly identify the procedures that the Division is presently following, and to specify the amount of time that the Division shall use in making its determination regarding an operating permit.

Specifically, the Division is deleting most references relating to compliance schedule applications and compliance schedules since the Cabinet no longer allows sources to apply for compliance schedules. Such schedules may still be issued by the Cabinet through an applicable permit, court order, or agreed order.

Other revisions are being made as follows:

(1) Section 1 is being amended to specify the conditions under which a source may operate;

(2) Section 1 is being amended to move the paragraph on operating permit determinations (Section 1(2)(c) to Section 3(2)(a)1);

(3) Section 1 is being amended to move the subsection regarding the termination date of a permit to Section 5, regarding terms and conditions;

(4) Section 3 is being amended to add the requirement that the Cabinet shall complete its determination regarding the approval, conditional approval or denial of an operating permit with sixty days or thirty days, depending on the size of the source;

(5) Section 7 is being amended to provide a longer length of time for: sources to commence construction of a source after receipt of the construction permit, extensions of the time required to commence construction, and phased construction projects. The new time limit would be eighteen months, in lieu of twelve months; and

(6) Section 8 is being added to allow minor sources which already have an operating permit and are in compliance with all applicable regulations to relocate to a new site, provided that the source notifies the Cabinet at least ten days prior to relocating. Also, the new site shall not cause the source to be subject to any other regulation.

Tiering:
Was tiering applied? Yes. The amendment increases the criteria level used for exempting sources, thereby increasing the number of sources which are not subject to the permitting requirements of the Cabinet.

CORRECTIONS CABINET
(Proposed Amendment)

501 KAR 6:020. 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 April 14, [February 19,] 1986 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
1.2 News Media
1.6 Extraordinary Occurrence Reports [(Amended 2/19/86)]
1.11 Population Counts and Reporting Procedures
2.1 Inmate Canteen
3.1 Code of Ethics
3.2 Inclement Weather and Emergency Conditions Policy
3.3 Holding of Second Jobs by Bureau Employees
3.7 Employment of Relatives
3.10 Staff Clothing and Personal Appearance
3.12 Institutional Staff Housing
3.14 Corrections Cabinet Payroll Deduction Policy and Procedure
4.1 Attendance at Professional Meetings
4.2 Staff Training and Development
4.3 Firearms and Chemical Agents Training
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 Bedside Visits
9.5 Return of Escapees by Automobile
9.6 Contraband
9.7 Storage, Issue and Use of Weapons Including Chemical Agents
9.8 Search Policy
9.9 Transportation of Inmates
9.10 Security Inspections
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
11.2 Nutritional Adequacy of the Diet for Inmates
11.3 Special Diet Procedures
12.1 Resident Clothing
13.1 Pharmacy Policy and Formulary
13.2 Health Maintenance Services
13.3 Medical Alert System
13.4 Health Program Audits
14.2 Personal Hygiene Items
14.3 Marriage of Inmates [(Amended 2/19/86)]
14.4 Legal Services Program
14.6 Inmate Grievance Procedure (Added 4/14/86)
15.1 Hair and Grooming Standards
15.2 Offenses and Penalties
15.3 Meritorious Good Time
15.4 Governor's Meritorious Good Time Award
15.5 Restoration of Forfeited Good Time
15.6 Adjustment Procedures and Programs
16.1 General Inmate Visiting Procedure
16.2 Inmate Correspondence
16.3 Telephone Calls
17.1 Inmate Personal Property
17.2 Assessment Center Operations [(Amended 1/13/86)]
17.3 Controlled Intake of Inmates
18.4 Classification of the Inmate
18.5 Custody/Security Guidelines
18.6 Classification Document
18.7 Transfers
18.8 Guidelines for Transfers Between Institutions
18.9 Out-of-State Transfers
18.10 Pre-Parole Progress Reports
18.11 Kentucky Correctional Psychiatric Center Transfer Procedures
18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill
18.13 Population Categories
19.1 Government Services Projects
19.2 Community Services Projects
20.1 Study Release
20.6 Vocational Study Release
22.1 Privilege Trips
25.1 Gratuities
25.2 Public Official Notification of Release of an Inmate
25.3 Pre-Release
25.4 Inmate Furloughs
25.6 Community Center Program [(Amended 12/13/85)]
25.7 Expedient Release
25.8 Extended Furloughs
27.1 Supervision: Case Classification
27.2 Risk/Needs Administration
27.4 Supervision Plan: General
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
27.18 Absconder Procedures
27.19 Technical Violators
27.20 Intensive Supervision (Amended 4/14/86)
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

[(2) The Kentucky State Reformatory Procedures Memorandum:

KSR 01-00-09 Public Information and News Media Relations
KSR 01-00-10 Entry Authorization for All Cameras and Tape Recorders Brought into the Institution
KSR 01-00-14 Extraordinary Occurrence Report
KSR 01-00-15 Cooperation and Coordination with Oldham County Court
KSR 01-00-18 Assistant Duty Officers
KSR 01-00-19 Personal Service Contract Personnel
KSR 01-00-20 Consent Decree Notification to Inmates
KSR 02-00-01 Inmate Canteen (Amended 2/19/86)
KSR 02-00-03 Screening Disbursements from Inmate Personal Accounts
KSR 02-00-11 Inmate Personal Accounts (Amended 2/19/86)
KSR 02-00-12 Institutional Funds and Issuance of Checks
KSR 03-00-01 Shift Assignment/Reassignment

KSR 03-00-02 Employee Dress and Personal Appearance
KSR 03-00-05 Intra-Agency Promotional Opportunity Announcements
KSR 03-00-06 Employee Time and Attendance
KSR 03-00-07 Travel Expense Reimbursement (Amended 2/19/86)
KSR 03-00-08 Employee Tuition Assistance Reimbursement
KSR 03-00-10 Workers' Compensation
KSR 03-00-11 Equal Employment Opportunity Complaints
KSR 03-00-12 Employee Greivance Procedure
KSR 03-00-14 Prohibited Employee Conduct, Disciplinary Actions, and Appeals Process
KSR 03-00-15 Affirmative Action Program
KSR 03-00-16 Confidentiality of Personnel Records
KSR 03-00-19 Establishment of Personnel Records and Employee Right to Challenge Information Contained Therein
KSR 03-00-20 Personnel Selection, Retention and Promotion
KSR 03-00-21 Equal Employment Opportunities for Institutional Job Assignments and Job Classification Promotions
KSR 03-00-23 Work Planning and Performance Review (WPPR) (Amended 2/19/86)
KSR 03-00-24 Inclement Weather and Employee Work Attendance
KSR 03-00-25 Medical Examination Requirements for New Employees
KSR 04-00-02 Staff Training and Development
KSR 05-00-02 Research Activities
KSR 05-00-03 Management Information Systems
KSR 06-00-01 Inmate Master File
KSR 06-00-02 Records Audit
KSR 06-00-03 Security of Inmate Records
KSR 07-00-02 Institutional Tower Room Regulations
KSR 07-00-03 Guidelines for Contractors
KSR 08-00-07 Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family
KSR 08-00-08 Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery, or Death of an Inmate (Amended 2/19/86)
KSR 08-00-09 Emergency Preparedness Training
KSR 09-00-04 Horizontal Gates/Box 1 Enter and Exit Procedure
KSR 09-00-05 Gate I Entrance and Exit Procedure
KSR 09-00-14 Use of Force
KSR 09-00-21 Crime Scene Camera
KSR 09-00-22 Collection, Preservation, and Identification of Physical Evidence
KSR 09-00-23 Drug Abuse Testing
KSR 09-00-25 Inmate Motor Vehicle Operator's License
KSR 10-00-02 Special Management Inmates - Operations, Rules and Regulations for Unit D
KSR 10-00-03 Special Needs Unit
KRS 10-00-04 Unit D Admission/Release Ticket
KSR 11-00-01 Meal Planning for the General Population (Amended 2/19/86)
KSR 11-00-02 Special Diets
KSR 11-00-03 Food Service Inspections
KSR 11-00-04 Dining Room Dress Code for Inmates
KSR 11-00-06 Health Standards/Regulations for Food Service Employees
KSR 11-00-07 Early Chow Line Passes for Medically Designated Inmates
KSR 12-00-01 Inmate Summer Dress Regulations
KSR 12-00-02 Sanitation and General Living Conditions
KSR 12-00-03 State Items Issued to Inmates
KSR 12-00-07 Regulations for Inmate Barbershop
KSR 13-00-01 Identification of Mentally Retarded Inmates
KSR 13-00-02 Regulations for Hospital Patients
KSR 13-00-03 Medication for Inmates Leaving Institution Grounds
KSR 13-00-04 Dental Care for Inmates (Amended 2/19/86)
KSR 13-00-05 Medical and Dental Sick Call
KSR 13-00-06 Services for Mentally Retarded Inmates
KSR 13-00-07 Referral of Inmates Considered to Have Severe Emotional Disturbances
KSR 13-00-08 Institutional Laboratory Procedures
KSR 13-00-09 Institutional Pharmacy Procedures (Amended 2/19/86)
KSR 13-00-10 Requirements for Medical Personnel
KSR 13-00-11 Preliminary Health Evaluation and Establishment of Inmate Medical Record (Amended 2/19/86)
KSR 13-00-12 Vision Care/Optometry Services
KSR 13-00-14 Periodic Health Examinations for Inmates
KSR 13-00-15 Medical Alert System (Amended 2/19/86)
KSR 13-00-16 Suicide Prevention and Intervention Program
KSR 14-00-01 Inmate Rights
KSR 14-00-02 A/C Center and Unit D Inmate Access to Legal Aide Services
KSR 14-00-04 Inmate Grievance Procedure
KSR 15-00-01 Operational Procedures and Rules and Regulations for Unit A, B, and C
KSR 15-00-02 Regulations Prohibiting Immate 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 - Adjustment Committee Procedures
KSR 16-00-01 Visiting Regulations
KSR 16-00-02 Inmate Correspondence and Mailroom Operations
KSR 16-00-03 Inmate Access to Telephones
KSR 17-00-01 Housing Unit Assignment
KSR 17-00-03 Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 17-00-04 Assessment/Classification Center Operations, Rules and Regulations
KSR 17-00-05 Dormitory 10 Operations
KSR 17-00-06 Identification Department Admissions and Discharge Procedures
KSR 17-00-07 Inmate Personal Property
KSR 18-00-01 Special Management Inmates - Unit D Classification
KSR 18-00-04 Returns from Other Institutions
KSR 18-00-05 Transfer of Residents to Kentucky Correctional Psychiatric Center
KSR 18-00-06 Classification
KSR 18-00-07 Special Notice Form
KSR 19-00-01 Inmate Work Incentives (Amended 2/19/86)
KSR 19-00-02 On-the-Job Training Program
KSR 19-00-03 Safety Inspections of Inmate Work Assignment Locations
KSR 20-00-01 Vocational School Referral and Release Process

KSR 20-00-03 Academic School Programs
KSR 20-00-04 Criteria for Participation in Jefferson Community College Program (Amended 2/19/86)
KSR 20-00-08 Integration of Vocational and Academic Education Programs
KSR 21-00-01 Legal Aide Office and Law Library Services and Supervision
KSR 21-00-02 Inmate Library Services
KSR 21-00-03 Library Services for Unit D
KSR 22-00-03 Inmate Organizations
KSR 23-00-02 Chaplain's Responsibility and Inmate Access to Religious Representatives
KSR 23-00-03 Religious Programming
KSR 25-00-01 Discharge of Residents to Hospital or Nursing Home
KSR 25-00-02 Violations of Law or Code of Conduct by Inmates on Parole Furlough
KSR 25-00-03 Pre-Parole Progress Report]

[(3) The Kentucky State Penitentiary Operations Memorandum:

KSP 000000-06 Administrative Regulations (Amended 2/19/86)
KSP 010000-04 Public Information and Media Communication (Amended 2/19/86)
KSP 020000-01 General Guidelines for KSP Employees
KSP 020000-02 Service Regulations, Attendance, Hours of Work, Accumulation and Use of Leave
KSP 020000-03 Work Planning and Performance Review (WPPR)
KSP 020000-04 Employee Disciplinary Procedure
KSP 020000-05 Proper Dress for Uniformed and Non-Uniformed Personnel
KSP 020000-06 Employee Grievance Procedure (Amended 2/19/86)
KSP 020000-07 Personnel Registers and Advertisements
KSP 020000-09 Maintenance, Confidentiality, and Informational Challenge of Material Contained in Personnel Files
KSP 020000-10 Overtime Policy
KSP 020000-15 Legal Assistance
KSP 020000-20 Equal Employment Opportunity Complaints
KSP 020000-23 Recruitment and Employment of Ex-Offenders
KSP 020000-24 Educational Assistance Program
KSP 020000-25 Mediation and Appeal Procedure for WPPR
KSP 020000-29 Promotional Opportunity Announcement Program
KSP 030000-01 Inventory Records and Control
KSP 030000-04 Requisition and Purchase of Supplies and Equipment
KSP 030000-05 Inmate Personal Funds
KSP 030000-06 Inmate Commissary Program
KSP 040000-02 Inmate Records Section
KSP 040000-08 Inmate Equal Opportunity Policy
KSP 050000-14 Searches of Inmates, Visitors, Staff, Vehicles, Cells and Area Shakedown and Preservation of Evidence
KSP 060000-01 Special Security Unit (Added 2/19/86)
KSP 060000-02 Operational Procedures for Disciplinary Segregation, Administrative Segregation, Administrative Control and Behavioral Control Units
KSP 060000-04 Operational Procedures for Special Management Inmates Assigned to Protective Custody (Amended 2/19/86)
KSP 060000-11 Criteria for Disciplinary Segregation and Incentive Time Reduction Program
KSP 060000-12 Maximum Protective Custody
KSP 070000-01 Hospital Services
KSP 070000-02 Sick Call
KSP 070000-03 Health Evaluations
KSP 070000-04 Consultations
KSP 070000-05 Emergency Medical Procedure
KSP 070000-13 Pharmacy Procedures
KSP 070000-14 Medical Records
KSP 070000-16 Psychiatric and Psychological Services
KSP 070000-17 Dental Services for Special Management Units
KSP 070000-19 Optometric Services
KSP 070000-20 Menu Preparation and Planning
KSP 070000-24 Food Service, General Sanitation, Safety, and Protection Standards and Requirements
KSP 070000-25 Food Service Inspections
KSP 070000-30 Therapeutic Diets
KSP 090000-01 Inmate Work Programs
KSP 090000-03 Correctional Industries
KSP 100000-02 Visiting Program
KSP 100000-03 Disposition of Unauthorized Property
KSP 100000-04 Inmate Grooming and Dress Code
KSP 100000-05 Procedures for Providing Clothing, Linens and Other Personal Items
KSP 100000-06 Mail
KSP 100000-07 Inmate Telephone Access
KSP 100000-08 Behavioral Counseling Record
KSP 100000-09 Due Process/Disciplinary Procedures
KSP 100000-11 Authorized and Unauthorized Property for Inmates
KSP 100000-14 Property Room: Clothing Storage and Inventory
KSP 100000-15 Uniform Standards for Fire Safety, Sanitation and Security of all Cells
KSP 100000-18 Inmate Grievance Committee Hearings
KSP 100000-20 Legal Services Program
KSP 100000-21 Photocopies for Non-Indigent Inmates with Special Court Deadlines
KSP 100000-22 Special Management Unit Legal Services Program
KSP 100000-24 Resident Legal Services Office Library
KSP 100000-25 WKFC Resident - Access to Kentucky State Penitentiary Legal Library
KSP 110000-03 Governor's Meritorious Good Time Award Committee
KSP 110000-04 Pre-Parole Progress Report
KSP 110000-06 General Guidelines of the Classification Committee
KSP 110000-07 Statutory Good Time Restoration
KSP 110000-08 Award of Meritorious Good Time
KSP 110000-10 Special Needs Inmates (Amended 2/19/86)

KSP 110000-11	Classification Committee - Transfer Requests
KSP 110000-12	Classification Committee - Inmate Work Assignments
KSP 110000-13	Classification Document
KSP 110000-14	Vocational School Placement
KSP 110000-15	Transfers to Kentucky Correctional Psychiatric Center (KCPC)
KSP 110000-16	Consideration of Further Treatment Requirements for Inmates Prior to Release
KSP 110000-19	Custody/Security Guidelines
KSP 120000-04	Academic Education
KSP 120000-07	Community Center Program
KSP 120000-08	Inmate Furloughs
KSP 120000-11	Religious Services - Staffing
KSP 120000-18	Religious Services - Religious Programming
KSP 120000-20	Marriage of Inmates
KSP 120000-24	Muslim Services
KSP 120000-31	Extended Furloughs
KSP 120000-32	Discharge of Inmates by Shock Probation
KSP 130000-10	Execution Plan]

[(4) The Luther Luckett Correctional Complex Policies and Procedures:

LLCC 01-08-01	Institutional Legal Assistance
LLCC 01-09-01	Public Information and News Media Access
LLCC 01-12-01	Duty Officer Responsibilities
LLCC 02-01-02	Fiscal Management: Accounting Procedures
LLCC 02-01-03	Fiscal Management: Agency Funds
LLCC 02-01-04	Fiscal Management: Insurance
LLCC 02-03-01	Fiscal Management: Audits
LLCC 02-06-01	Property Inventory
LLCC 03-01-01	General Guidelines for LLCC Employees
LLCC 03-01-02	Service Regulations, Attendance Accumulation and use of Leave
LLCC 03-02-01	Proper Dress for Uniformed Personnel
LLCC 03-03-01	Employee Grievance Mechanism
LLCC 03-04-01	Employee Records
LLCC 03-05-01	Personnel Registers
LLCC 03-06-01	Work Planning: Employee Evaluations and Evaluation Control
LLCC 03-08-01	Shift Transfers
LLCC 03-08-02	Rotation of Correctional Officers Between Central Security and Unit Management Staff
LLCC 03-09-01	Promotion Board
LLCC 03-10-01	Affirmative Action: EEO
LLCC 03-12-01	Confidentiality of Information Roles and Services of Consultants, Contract Personnel and Volunteers
LLCC 08-01-01	Offender Records
LLCC 08-04-01	Storage of Expunged Records
LLCC 10-03-09	Duties and Responsibilities of Building 1 and 2 Officer
LLCC 11-03-01	LLCC Population Categories
LLCC 11-07-01	Adjustment Procedures for Minor Rule Violations
LLCC 11-09-01	Rules and Regulations of the Unit
LLCC 11-13-01	Inmate Dress and Use of Access Areas
LLCC 11-15-01	Post-Parole Furloughs
LLCC 11-16-01	Restoration of Forfeited Good Time
LLCC 11-18-02	Use of Monitor Telephone
LLCC 11-19-01	Unit Shakedowns/Control of Excess Property
LLCC 11-20-01	Program Services for "Special Needs"/Mentally Ill Inmates
LLCC 12-01-01	Special Management Inmates
LLCC 12-04-01	Guidelines for (7E) PC Unit/General Living Conditions
LLCC 13-04-01	Food Service: Meals
LLCC 13-04-02	Food Service: Menu, Nutrition and Special Diets
LLCC 13-05-02	Medical Screening of Food Handlers
LLCC 13-06-01	Food Service: Inspections and Sanitation
LLCC 13-07-01	Food Service: Purchasing, Storage and Farm Products
LLCC 14-01-01	Sanitation, Living Condition Standards, and Cloting Issue
LLCC 14-05-01	Institutional Inspections
LLCC 15-01-01	Health Maintenance Services; Sick Call and Pill Call
LLCC 15-02-01	Mental Health/Psychological Services
LLCC 15-03-01	Pharmacy
LLCC 15-03-02	Use of Psychotropic Medications
LLCC 15-04-01	Dental Services
LLCC 15-05-02	Licensure and Training Standards
LLCC 15-06-02	Specialized Health Services
LLCC 15-06-03	Emergency Medical/Dental Care Services
LLCC 15-06-04	First Aid/CPR Training Program
LLCC 15-06-05	Suicide Prevention and Intervention Program
LLCC 15-07-01	Health Records
LLCC 15-08-01	Special Diets
LLCC 15-12-01	Special Needs Unit
LLCC 15-14-01	Informed Consent
LLCC 15-15-01	Medical Restraints
LLCC 15-16-01	Health Education/Special Health Programs
LLCC 16-01-01	Inmate Rights and Responsibilities
LLCC 16-02-01	Inmate Grievance Procedure (Amended 2/19/86)
LLCC 16-03-01	Inmate Legal Services
LLCC 17-01-01	Due Process/Disciplinary Procedure
LLCC 18-01-01	Inmate Correspondence
LLCC 18-02-01	Inmate Visiting
LLCC 18-02-03	Extended Visit and Furloughs
LLCC 18-02-04	Meritorious Visits (Added 2/19/86)
LLCC 18-03-03	Inmate Visiting (DSU/ASU)
LLCC 20-01-01	Personal Property Control
LLCC 20-02-01	Authorized Inmate Personal Property
LLCC 20-03-01	Unauthorized Items
LLCC 20-04-02	Inmate Canteen
LLCC 20-05-01	Inmate Control of Personal Funds
LLCC 20-05-02	Storage and Disposition of Monies Received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays
LLCC 20-06-01	Procedure for Sending Appliances to Outside Dealers for Repair
LLCC 21-02-01	Classification/Security Levels
LLCC 21-03-01	Classification Process
LLCC 22-01-01	OJT/Job Assignments
LLCC 23-01-01	Academic School
LLCC 26-01-01	Religious Services
LLCC 28-01-01	Privileged Trips
LLCC 28-03-01	Temporary Release/Community Center Release
LLCC 28-04-01	Pre-Parole Progress Report
LLCC 28-04-02	Parole Eligibility Dates]

[(5) The Northpoint Training Center Policies and Procedures:

NTC 01-05-01	Extraordinary Occurrence Reports
NTC 01-10-01	Legal Assistance for Staff

NTC 01-11-01	Political Activities of Merit Employees
NTC 01-15-01	Establishment of the Warden as Chief Executive Officer
NTC 01-17-01	Relationships with Public, Media and Other Agencies
NTC 02-01-02	Fiscal Management: Accounting Procedures
NTC 02-01-03	Fiscal Management: Checks
NTC 02-01-04	Fiscal Management: Insurance
NTC 02-03-01	Fiscal Management: Audits
NTC 02-08-01	Inmate Canteen
NTC 02-12-01	Inmate Personal Accounts
NTC 03-01-01	Employee Dress Code
NTC 03-02-01	General Guidelines for NTC Employees
NTC 03-03-01	Staff Members Suspected of Being Under the Influence of Intoxicants
NTC 03-04-01	Shift Assignments and Transfers
NTC 03-05-01	Work Planning and Performance Review
NTC 03-06-01	Worker's Compensation
NTC 03-07-01	Merit System Registers and Placement of Advertisements
NTC 03-08-02	Employee Identification Cards
NTC 03-09-01	Maintenance, Confidentiality and Challenge of Information Contained in Employee Personnel File
NTC 03-10-01	Employment of Ex-Offenders
NTC 03-13-01	Travel Reimbursement for Official Business and Professional Meetings
NTC 03-14-01	Selection, Retention, Promotion, and Lateral Transfer of Merit System Employees
NTC 03-14-02	Promotional Opportunities
NTC 03-15-01	Time and Attendance; Accumulation and Use of Accrued Time
NTC 03-15-02	Sick Leave Abuse
NTC 03-15-03	Inclement Weather and Emergency Conditions
NTC 03-16-01	EEO - Affirmative Action
NTC 03-17-01	Employee Grievance Procedure
NTC 03-17-02	Review Committee
NTC 03-18-01	Educational Assistance Program
NTC 03-19-01	Holding of Second Jobs by Employees
NTC 04-01-01	Training and Staff Development
NTC 06-01-01	Offender Records
NTC 06-01-02	Records - Release of Information
NTC 06-01-03	Taking Offender Record Folders onto the Yard
NTC 08-05-01	Duties of Fire Safety Officer
NTC 08-05-02	Fire Procedures
NTC 08-05-03	Fire Prevention
NTC 08-05-04	Storage of Flammables and Dangerous Chemicals and Their Use
NTC 08-05-05	Control of Flammables, Toxic, Caustic, and Other Hazardous Chemicals and Janitorial Supplies
NTC 10-01-01	Special Management Inmates (Amended 2/19/86)
NTC 10-01-02	Legal Aide Visits for Special Management Inmates
NTC 11-03-01	Food Services: General Guidelines
NTC 11-04-01	Food Service: Meals
NTC 11-04-02	Menu, Nutrition and Special Diets
NTC 11-05-02	Medical Screening of Food Handlers
NTC 11-06-01	Inspections and Sanitation
NTC 11-07-01	Purchasing, Storage and Farm Products
NTC 12-01-01	Institutional Inspections
NTC 12-02-01	Personal Hygiene for Inmates; Clothing and Linens
NTC 12-02-02	Personal Hygiene Items
NTC 13-01-01	Emergency Medical Care Plan
NTC 13-01-02	Emergency and Specialized Health Services
NTC 13-02-01	Administration and Authority for Health Services
NTC 13-03-01	Sick Call and Pill Call
NTC 13-04-01	Pharmacy
NTC 13-05-01	Dental Services
NTC 13-06-01	Licensure and Training Standards
NTC 13-07-01	Provisions for Health Care Delivery
NTC 13-08-01	Medical and Dental Records
NTC 13-09-01	Special Diets
NTC 13-11-01	Inmate Health Screening and Evaluation
NTC 13-12-01	Disabled and Infirm Inmates
NTC 13-13-01	Medical Alert System
NTC 13-14-01	Management of Chemically Dependent Inmates
NTC 13-15-01	Health Education for Inmates
NTC 13-16-01	Continuity of Health Care
NTC 13-17-01	Inmates Assigned to Health Services
NTC 13-19-01	Psychological Services
NTC 13-19-02	Mentally Retarded Inmates
NTC 13-19-03	Suicide Prevention and Intervention Program
NTC 14-01-01	Legal Services Program
NTC 14-02-01	Inmate Grievance Procedure
NTC 14-03-01	Inmate Rights and Responsibilities
NTC 15-01-01	Restoration of Forfeited Good Time
NTC 15-02-01	Due Process/Disciplinary Procedures
NTC 15-02-02	Extra Duty Assignments
NTC 15-03-01	Rules for Inmates Assigned to Outside Detail
NTC 15-03-02	Rules and Regulations for Dormitories
NTC 15-04-01	Inmate Identification
NTC 16-01-01	Mail Regulations (Amended 2/19/86)
NTC 16-02-01	Visiting (Amended 2/19/86)
NTC 16-02-02	Extended and Special Visits
NTC 16-02-03	Honor Dorm Visiting (Amended 2/19/86)
NTC 16-03-01	Inmate Furloughs
NTC 16-05-01	Telephone Use and Control
NTC 17-01-01	Personal Property Control
NTC 17-01-02	Authorized Inmate Personal Property
NTC 17-01-03	Unauthorized Inmate Property
NTC 17-01-04	Disposition of Unauthorized Property
NTC 17-03-01	Assessment/Orientation (Amended 2/19/86)
NTC 18-01-01	Pre-Parole Progress Report
NTC 18-01-02	Parole Eligibility Dates
NTC 18-02-01	Classification
NTC 18-05-01	Transfers to Other Institutions
NTC 18-05-02	Transfer of Inmates to Kentucky Correctional Psychiatric Center
NTC 19-01-01	Inmate Work Program (Amended 2/19/86)
NTC 20-01-01	Academic School Program
NTC 21-01-01	Library Services
NTC 22-03-01	Conducting Inmate Organizational Meetings and Programs
NTC 23-01-01	Religious Services
NTC 23-03-01	Marriage of Inmates
NTC 24-04-01	Honor Status
NTC 24-05-01	Unit Management
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
NTC 25-03-01	Inmate Release Procedure

NTC 26-01-02 Certification of Volunteers and Guests]

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

KCIW 01-06-01 Legal Assistance for Corrections Staff
KCIW 01-08-01 News Media Access
KCIW 02-01-01 Comprehensive Insurance Coverage
KCIW 02-02-01 Fiscal Management: Audits
KCIW 02-02-03 Fiscal Management: Checks
KCIW 02-03-01 Inventory Control of Non-Expendable Personal Property
KCIW 02-03-03 Criteria for Selection of Bidders and Vendors
KCIW 02-04-01 Accounting Procedures
KCIW 02-05-01 Inmate Canteen/Staff Canteen
KCIW 02-07-01 Release of C.E.T.A. Money Earned
KCIW 03-01-01 Travel Expense Reimbursement
KCIW 03-02-01 General Orders for all Staff
KCIW 03-03-01 Employee Grievance Procedure
KCIW 03-05-01 Employee Personnel File
KCIW 03-06-01 Affirmative Action EEO and the Equal Employment Opportunity Complaint Procedure
KCIW 03-08-01 Employee Performance Evaluations
KCIW 03-09-01 Payroll and Personnel Manning Records
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
KCIW 06-01-02 Transfers to Community Centers and the Minimum Security Unit
KCIW 06-01-03 Storage of Expunged Records
KCIW 10-01-01 Special Management Unit: General Operation and Regulations
KCIW 10-01-02 Special Management Unit Programs, Placement and Review
KCIW 11-01-01 Food Service Operation Inspections
KCIW 11-01-02 Budgeting, Accounting, and Purchasing Procedures for Food Products
KCIW 11-02-01 Menu Preparation/Special Diets
KCIW 11-03-01 General Guidelines for Food Service Operations Manager
KCIW 11-03-02 General Guidelines for Food Service Workers
KCIW 11-04-01 Health Standards, Regulations for Food Service Employees
KCIW 12-01-01 Control of Pests and Vermin
KCIW 12-02-01 Laundry Facilities/Clothing Issuance
KCIW 12-02-03 Donated Items
KCIW 12-04-01 Sanitation and General Living Conditions
KCIW 13-01-01 Provision of Medical and Dental Care
KCIW 13-01-02 Preliminary Health Screening and Appraisal
KCIW 13-01-03 Use of Pharmaceutical Products
KCIW 13-03-01 Emergency Care
KCIW 13-03-02 Infirmary Care and Outside Services
KCIW 13-03-03 Outside Hospital Security
KCIW 13-04-01 Medical Alert System
KCIW 13-04-02 Psychiatric/Psychological Services
KCIW 13-06-01 Informed Consent
KCIW 13-07-01 Detoxification and Alcohol or Chemical Dependency Guidelines
KCIW 13-08-01 Medical Exams for New Employees
KCIW 14-01-02 Inmate Rights
KCIW 14-02-01 Access to Attorneys and Designated Counsel Substitutes
KCIW 14-03-01 Inmates Are Not Subject to Discrimination Based on Race, Religion, National Origin, Sex, Handicap, or Political Beliefs
KCIW 14-04-01 Inmate Grievance Procedure
KCIW 15-01-01 Offenses and Penalties
KCIW 15-01-02 Adjustment Committee Procedures and Programs
KCIW 15-03-01 Inmate Rule Book
KCIW 15-04-01 Incentive Levels System
KCIW 16-01-01 Inmate Correspondence
KCIW 16-01-02 Inmate Mail Distribution
KCIW 16-01-03 Staff Mail
KCIW 16-02-01 Inmate Access to Telephone
KCIW 16-02-02 Intra-Institution Phone Calls
KCIW 16-03-01 Inmate Visiting Regulations
KCIW 16-03-02 Unauthorized Items for Picnic Lunches, Food Packages and Regular Packages
KCIW 16-04-01 Inmate Indigent Fund
KCIW 16-05-01 Vendor Packages, Appliance Orders and Drug Store Orders
KCIW 17-01-01 Assessment Center Operation and Reception Programs
KCIW 17-01-02 Assessment/Classification Center Operations, Rules and Regulations
KCIW 17-01-03 Assessment and Classification Unit Property Guidelines
KCIW 17-02-01 Identification Department Admissions
KCIW 17-03-01 Notifying Inmates Families of Admission and Procedures for Mail and Visiting
KCIW 17-05-01 Inmate Personal Property
KCIW 18-01-02 Institution Housing Assignments
KCIW 18-02-01 Classification Procedures
KCIW 18-05-01 Special Needs Inmates
KCIW 18-06-01 Status Codes
KCIW 19-01-01 Inmate Work/Program Assignments
KCIW 19-03-01 Landscape and Maintenance Work Details
KCIW 20-01-01 Education Programs
KCIW 20-01-03 Vocational Education: Curriculum Flexible Schedule, up-grade programs and release preparation program
KCIW 20-01-04 Entry - Exit Vocational School
KCIW 20-01-05 Vocational Programs: Approved, assessed and contain guidelines for vocational records
KCIW 20-01-06 Vocational Education: Staffing patterns/requirements
KCIW 20-01-07 Vocational Counselor
KCIW 20-01-08 Vocational Education: Community Resources and the integration with academic progress
KCIW 20-01-09 Vocational Education: Support Equipment
KCIW 20-01-10 Control of Flammable, Hazardous, Toxic and Caustic Materials in the Vocational Area
KCIW 22-01-04 Inmate Club Activities
KCIW 23-01-01 Religious Services
KCIW 25-01-01 Pre-Parole Progress Report
KCIW 25-02-01 Temporary Release/Community Center
KCIW 25-02-02 Furloughs
KCIW 25-03-01 Escorted Leave into the Community]

[(7) The Food Service Manual, Offender Records Manual, Classification Manual and Livestock Procedures 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 - None]
[Stock Procedural Manual - None]
[Food Services Manual - None]
[Classification Manual - None]

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: April 14, 1986
FILED WITH LRC: April 11, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22, 1986 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: 2,087 employees of the Corrections Cabinet, 4,724 inmates, 3,386 parolees, 5,256 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: Monthly 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.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Board of Tax Appeals
(Proposed Amendment)

802 KAR 1:010. Rules of practice and procedure.

RELATES TO: KRS 131.345
PURSUANT TO: KRS 13.082, 131.345
NECESSITY AND FUNCTION: KRS 131.345 provides that "Appeals to the Kentucky Board of Tax Appeals shall be in accordance with rules prescribed by the Board." The following rules have been adopted in compliance with that authority.

Section 1. Appeals to the Board. (1) All appeals from rulings, orders or determinations of any state or county agency shall be filed with the board by filing a complaint or petition of appeal with the board at its offices at Frankfort, Kentucky, within thirty (30) days from the <u>date</u> [receipt by any aggrieved party] of the agency's ruling, order or determination.
(2) Except as provided in subsection (3) of this section, such appeal shall be filed in quintuplicate and shall contain a brief statement of the law or facts in issue and the petitioner's position as to the law or facts. Said appeal shall have attached thereto a copy of the final ruling, order or determination of the agency appealed from.
(3) All appeals from final rulings of a county Board of Assessment Appeals shall be appealed in like manner, except that such appeal shall be filed in triplicate.

Section 2. Hearings. (1) Hearings shall be held at the offices of the board at Frankfort, Kentucky, except that a case may be assigned for hearing elsewhere in the Commonwealth of Kentucky when deemed necessary to afford a taxpayer or interested party an opportunity to appear before the board with as little inconvenience and expense as practicable.
(2) All appeals shall be heard by the full board, provided that one (1) member thereof may be authorized to hear an individual appeal pursuant to order entered of record by the board.
(3) Appeals shall be assigned for hearing upon motion of any interested party or the board may, in its discretion, assign any appeal for hearing, having due regard for the convenience of the parties. Except where an appeal is assigned for hearing by agreement of the parties, all interested parties shall be given reasonable notice of a hearing date.
(4) Parties to actions filed with this board may be represented at the hearings as follows:
(a) An individual may represent himself in hearings before the board;
(b) An individual who is not an attorney may not represent corporations or individuals before the board;
(c) An attorney who is not licensed to practice in Kentucky may practice before the board if he obtains local Counsel in compliance with RAP 3.030(b).
(5) All hearings shall be formally reported by the reporter for the board.

Section 3. <u>Procedures and</u> Evidence. <u>(1) The Rules of Civil Procedure shall govern in all procedural matters coming before this board.</u>
<u>(2)</u> [(1)] The rules of evidence governing civil proceedings in the Commonwealth of Kentucky shall, insofar as practicable, govern hearings before the board.
<u>(3)</u> [(2)] Evidence may be introduced by oral testimony at a hearing before the board or by deposition. The provisions of the Rules of Civil Procedure shall apply to the taking of depositions. No depositions shall be considered, unless, within ten (10) days, after submission of the appeal, it has been filed with the board; provided, however, that the board may, for good

cause shown and upon motion filed within said ten (10) days grant an extension of time to file any deposition.

(4) [(3)] The petitioner or appellant shall be required to complete his evidence in chief and so announce before respondent or appellee shall be required to introduce evidence, unless otherwise ordered by the board.

(5) [(4)] The parties to an appeal may stipulate the facts in issue in whole or in part. Said stipulation shall be reduced to writing and filed with the board. All parties are encouraged to stipulate facts whenever possible.

(6) Discovery by parties shall be concluded fifteen (15) days prior to the time assigned for hearing by the board.

Section 4. Parties' failure to appear at hearing. (1) Where petitioner or appellant fails to appear at the hearing of his case, and no good cause is shown for his failure to appear, the case may be ordered dismissed for lack of prosecution by the board.

(2) Where the respondent or appellee fails to appear at the hearing of a case and no good cause is shown for his failure to appear, the board or any designated member thereof may proceed with the hearing of the case and it shall thereafter be submitted as provided by these rules.

Section 5. Appeal; when and how submitted. When all interested parties have announced through in presenting evidence or after all interested parties have had a reasonable opportunity to present evidence, the board may order the appeal to be submitted for a final ruling or order. Upon request of either party or upon the board's own motion, the order of submission may give the parties time within which to file briefs. Upon motion of any party and for good cause, the order of submission may be set aside and leave given to any party to take additional evidence.

Section 6. Briefs. Briefs shall be typewritten or printed and filed in quadruplicate with the board. A certification shall accompany any brief to the effect that copies have been served upon all interested parties as provided by the Rules of Civil Procedure. Photostatic [Mimeograph or multigraph] copies will be accepted in lieu of typewritten copies. All copies of the brief must be clearly legible and double spaced except for quotations on paper eight and one-half (8 1/2) inches wide and eleven (11) inches long.

Section 7. Motions. The original and three (3) copies of any motion shall be filed with the board and said motion shall be accompanied by a certification that copies have been served on all interested parties as required by the Rules of Civil Procedure.

Section 8. Subpoenas. Any member of the board, on the request in writing of any party to the appeal before it, or his attorney, shall issue subpoenas requiring the attendance of witnesses and the giving of testimony and subpoena duces tecum requiring the production of any returns, books, papers, documents, correspondence, and other evidence pertaining to the matter under inquiry in accordance with the Rules of Civil Procedure.

Section 9. Records and Costs. (1) No record filed with the board is subject to withdrawal by any person, except on order of the board.

(2) Expenses of reporting hearings shall be paid by the state from the appropriation of the board. If any party desires to have the evidence at a hearing transcribed, he shall cause the reporter to prepare one (1) original transcript to be filed with the board and such additional copies as said party may desire. The party requesting a transcript of evidence shall pay for the original and any requested copy or copies. Any other interested party may request a copy or copies of said transcript and shall pay for the same.

MORRIS BUTLER, Chairman

APPROVED BY AGENCY: September 27, 1985

FILED WITH LRC: April 8, 1986 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled for May 21, 1986, at 10 a.m., in the Conference Room of the Kentucky Board of Tax Appeals offices, Capital City Airport Building, Frankfort, Kentucky. If anyone wishes to attend, they shall notify in writing at least five (5) days before the hearing the Executive Director, Kentucky Board of Tax Appeals, Capital City Airport Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Victoria C. Coleman

(1) Type and number of entities affected: Affects parties appealing before the board.

(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: Make rules more specific.

(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: See (2) above.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: No

Tiering:

Was tiering applied? No. Not applicable.

PUBLIC PROTECTION AND REGULATIONS CABINET
Department of Financial Institutions
Division of Securities
(Proposed Amendment)

808 KAR 10:210. Registration exemptions - Federal Regulation D.

RELATES TO: KRS 292.410(1)
PURSUANT TO: KRS 292.500(3)
NECESSITY AND FUNCTION: To declare that registration is not necessary in the public interest for certain business transactions pursuant to KRS 292.410(1)(q).

Section 1. Pursuant to KRS 292.410(1)(q), the director having found that registration is not necessary or appropriate in the public interest or for the protection of investors, the following transaction is determined to be exempt from the registration provisions of KRS 292.340 through KRS 292.390.

(1) Any offer or sale of securities offered or sold in compliance with Securities Act of 1933, Regulation D, Rules 230.501-230.503 and either 230.505 or 230.506 as made effective in Release No. 33-6389 and which satisfies the following further conditions and limitations:

(a) Persons receiving commissions, finders fees, or other remuneration in connection with sales of securities in reliance on this regulation are not relieved of compliance with KRS 292.330.

(b) No exemption under this rule shall be available for the securities of any issuer, if any of the parties or interest described in Securities Act of 1933, Regulation A, Rule 230.252, Sections (c), (d), (e) or (f):

1. Has filed a registration statement which is the subject of a currently effective stop order entered pursuant to any state's law within five (5) years prior to the commencement of the offering.

2. Has been convicted within five (5) years prior to commencement of the offering of any felony or misdemeanor in connection with the purchase or sale of any security or any felony involving fraud or deceit including but not limited to forgery, embezzlement, obtaining money under false pretenses, larceny or conspiracy to defraud.

3. Is currently subject to any state's administrative order or judgment entered by that state's securities administrator within five (5) years prior to reliance on this exemption or is subject to any state's administrative order or judgment in which fraud or deceit was found and the order or judgment was entered within five (5) years of the expected offer and sale of securities in reliance upon this exemption.

4. Is currently subject to any state's administrative order or judgment which prohibits the use of any exemption from registration in connection with the purchase or sale of securities.

5. Is subject to any order, judgment or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment or decree of any court of competent jurisdiction, entered within five (5) years prior to the commencement of the offering permanently restraining or enjoining, such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with any state.

6. The prohibitions of subparagraphs 1 through 3 and subparagraph 5 of this paragraph shall not apply if the [party or interest subject to the disqualifying order is duly licensed to conduct securities related business in the state in which the administrative order or judgment was entered against such party or interest] <u>person subject to the disqualification is duly licensed or registered to conduct securities related business in the state in which the administrative order or judgment was entered against such person or if the broker/dealer employing such person is licensed or registered in this state and the Form B-D filed with this state discloses the order, conviction, judgment or decree relating to such person</u>.

7. Any disqualification caused by this section is automatically waived if the state which created the basis for disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption be denied.

(c) The issuer shall file with the Division of Securities a notice on Form D (17 CFR 239.550);

1. No later than fifteen (15) days after the first sale of securities to an investor in this state which results from an offer being made in reliance upon this exemption.

2. No later than thirty (30) days after the completion date of the offering of the issue.

3. Every six (6) months after the first sale of securities from the issue made in reliance on this regulation unless the final notice required by subparagraph 2 of this paragraph has been filed.

4. Every notice on Form D shall be manually signed by a person duly authorized by the issuer.

5. Any information furnished by the issuer to offerees shall be filed with the notice required pursuant to subparagraph 1 of this paragraph and, if such information is altered in any way during the course of the offering, the Division of Securities shall be notified of such amendment within fifteen (15) days after an offer using such amended information.

6. If more than one (1) notice is required to be filed pursuant to subparagraphs 1 through 3 of this paragraph, notices other than the original notice need only report the information required by Part C and any material change in the facts from those set forth in Parts A and B of the original notice.

7. There is no filing fee.

(d) In all sales to nonaccredited investors the issuer and any person acting on its behalf shall have reasonable grounds to believe and after making reasonable inquiry shall believe that both of the following conditions are satisfied:

1. The investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his other security holdings and as to his financial situations and needs. For the limited purpose of this condition only, it may be presumed that if the investment does not exceed ten (10) percent of the investor's net worth, it is suitable.

2. The purchaser either alone or with his/her purchaser representative(s) has such knowledge and experience in financial and business matters that he/she is or they are capable of evaluating the merits and risk of the prospective investment.

(2) Offers and sales which are exempt under this rule may not be combined with offers and sales exempt under any other rule or section of this Act, however, nothing in this limitation shall act as an election. Should for any reason the offers and sales fail to comply with all of the conditions for this exemption, the issuer may claim the availability of any other applicable exemption.

(3) Nothing in this exemption is intended to or should be construed as in any way relieving issuers or persons acting on behalf of issuers from providing disclosure to prospective investors adequate to satisfy the anti-fraud provisions of this state's securities law.

(4) In any proceeding involving this rule, the burden of proving the exemption or an exception from a definition or condition is upon the person claiming it.

(5) In view of the objective of this rule and the purpose and policies underlying the securities act, the exemption is not available to any issuer with respect to any transaction which, although in technical compliance with this rule, is part of a plan or scheme to evade registration or the conditions or limitations explicitly stated in this rule.

RONDA S. PAUL, Director
APPROVED BY AGENCY: April 10, 1986
FILED WITH LRC: April 10, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 26, 1986, at 10 a.m., at the Department of Financial Institutions, Divison of Securities, 911 Leawood Drive, Frankfort, Kentucky 40601. If no written notice of intent to attend and testify at the public hearing is received within five (5) days before the scheduled hearing, the hearing will be cancelled. Those interested in attending this hearing shall notify in writing: William E. Doyle, Legal Counsel, Division of Securities, Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: William E. Doyle
(1) Type and number of entities affected: Persons utilizing Federal Regulation D of the Securities & Exchange Commission. Number indeterminable.
(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: Disclose existence of Securities law violations in other states.
(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: None
(b) Reporting and paperwork requirements: Disclosure of existence of Securities law violations in other states.
(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: These changes reduce the harshness of the present regulation in certain situations where the harshness is unnecessary.

Tiering:
Was tiering applied? Yes

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

808 KAR 10:230. Fee payment - KRS 292.380(5).

RELATES TO: KRS 292.380(5)
PURSUANT TO: KRS 13A.350, 292.500(3)
NECESSITY AND FUNCTION: To provide rules to facilitate compliance with and the administration of KRS 292.380(5).

Section 1. This regulation applies to registration of redeemable securities issued by open-end management companies as those terms are defined by the Investment Company Act of 1940. The purpose of this regulation is to outline procedures for registrations, renewal of registrations, the payment of fees and the reporting of sales by companies required to do so pursuant to KRS 292.380. For purposes of fee payment and reporting of sales, a registration and a renewal of registration are considered equivalent. Both a registration period and a renewed registration period shall be termed a registration period.

Section 2. Each company required to register its securities under this regulation, hereinafter also referred to as "registrant," shall pay to the director with the initial registration of its securities an examination fee of $125 and shall pay another examination fee of $125 each time it renews that registration. Said examination fee shall be paid by a separate check each time. This examination fee shall accompany the respective application for registration or renewal.

Section 3. A registrant shall elect either subsection (1) or (2) of this section, but not both, and shall comply with that elected provision.

(1) A registrant electing this subsection shall pay to the director a registration fee of $1,200 with the application for registration or renewal of a registration. Said registration fee shall accompany the application for registration or renewal of registration. No subsequent sales report for the period covered by the registration or renewal shall be required. The registration or renewal shall cover a period of one (1) year, beginning with the date it becomes effective in the Commonwealth of Kentucky.

(2) A registrant electing this subsection shall pay to the director a registration fee of sixty (60) dollars with the application for

registration or renewal. Said registration fee shall accompany the application for registration or renewal. The registration or renewal shall cover a period of one (1) year, beginning with the date it becomes effective in the Commonwealth of Kentucky.

(a) Within thirty (30) calendar days after the final day of the period of registration each registrant electing this subsection shall file with the director a sales report containing the total Kentucky sales in dollars for the registration period just ended.

(b) The sales report required in paragraph (a) of this subsection shall be accompanied with a payment to the director of a supplemental registration fee for the registration period just ended in the amount of the lesser of three-fiftieths (3/50) of one (1) percent of the total dollar amount of Kentucky sales made during the registration period reduced by sixty (60) dollars or $1,200 reduced by sixty (60) dollars. If this calculation results in a negative amount, no payment need be made to the director and no credit or refund shall be allowed for that negative amount.

Section 4. A registrant having securities registered must renew that registration on or before the closing date of the current registration period if, during the year following the expiration date of the current registration period, any Kentucky sales will be made or might be made.

(1) If the application for renewal is not filed and Kentucky sales are made, those sales shall be in violation of the Kentucky Securities Act and this regulation.

(2) When an application for renewal is filed, the payment of the examination fee must be remitted as specified in Section 2 of this regulation and the payment of the registration fee must be remitted as specified in Section 3 of this regulation. As in the initial registration, the registrant again must elect Section 3(1) or (2) of this regulation. The registrant need not make the same election made for the previous period. The examination fee and the registration fee must be paid by separate checks and both payments must accompany the application for renewal.

(3) An application for renewal should be filed at least ten (10) calendar days before the expiration of the current registration period and shall be filed no later than the last day of the current registration period.

(4) The application for renewal shall be filed on either Form ICURA (Investment Company Uniform Report and/or Application) or Form U-1.

Section 5. Any registrant electing Section 3(2) of this regulation and failing to file a sales report or failing to maintain adequate records of Kentucky sales shall be presumed to have made Kentucky sales in excess of two (2) million dollars (an amount which would require the maximum registration fee of $1,200) and shall be required to pay a registration fee of $1,140 ($1,200 less the sixty (60) dollars initial fee) within thirty (30) calendar days of the final day of the registration period for which the records are inadequate or absent.

Section 6. If any registrant fails to make any payment due pursuant to this regulation, the director may issue an order revoking the effectiveness of the registration for which the payment is due pursuant to KRS 292.390(1)(b). Any Kentucky sales made during that registration period shall then be in violation of the Kentucky Securities Act and this regulation. If the registrant has failed to make a payment due pursuant to this regulation and has renewed the registration, that renewed registration may be suspended by the director pursuant to KRS 292.390. Any Kentucky sales made during the period of suspension of a registration shall be in violation of the Kentucky Securities Act and this regulation.

Section 7. If the registrant electing Section 3(2) of this regulation desires to terminate the registration before the registration period expires, it may do so at its option. A registrant opting to terminate under this section must file the sales report required by Section 3(1)(a) of this regulation and remit the registration fee required by Section 3(1)(b) of this regulation within thirty (30) calendar days of the date of termination of the registration. If a registrant has elected Section 3(1) of this regulation and desires to terminate the registration before the registration period expires, it may do so at its option by notifying the director in writing. The registrant electing Section 3(1) of this regulation and terminating the registration before it expires need not file a sales report or pay an additional fee.

Section 8. Whenever this regulation requires that a payment be made to the director, that payment shall be made payable to the order of the Kentucky State Treasurer and delivered to the director by United States mail or any other suitable carrier to the business office of the Division of Securities of the Department of Financial Institutions.

Section 9. This regulation shall take effect April 1, 1986. All registrations applied for on or after April 1, 1986 and all renewals due on or after April 1, 1986 and applied for, shall be filed in accordance with the terms, procedures, and conditions herein.

RONDA S. PAUL, Director
APPROVED BY AGENCY: April 11, 1986
FILED WITH LRC: April 14, 1986 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for Monday, May 26, 1986, at 10 a.m., local prevailing time, at the Department of Financial Institutions, Division of Securities, 911 Leawood Drive, Frankfort, Kentucky 40601. If no written notice of intent to attend and testify at the public hearing is received within five days before the scheduled hearing, the hearing will be cancelled. Those interested in attending this hearing shall notify in writing: William E. Doyle, Department of Financial Institutions, Division of Securities, 911 Leawood Drive, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: William E. Doyle
(1) Type and number of entities affected: Between 400 and 500 mutual fund companies.
(a) Direct and indirect costs or savings to those affected:
1. First year: Indeterminable.

2. Continuing costs or savings: Indeterminable.
3. Additional factors increasing or decreasing costs (note any effects upon competition): Entities electing to pay the maximum will save expense associated with maintaining separate records for and reporting Kentucky sales.
(b) Reporting and paperwork requirements: Sales report (Kentucky sales) for entities not electing to pay the maximum fees.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: Indeterminable.
2. Continuing costs or savings: Indeterminable.
3. Additional factors increasing or decreasing costs: With the decrease in required reporting, department will have corresponding decrease in processing work.
(b) Reporting and paperwork requirements: Present load will be decreased.
(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: This regulation will greatly simplify compliance for affected entities.

Tiering:
Was tiering applied? Yes.

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

811 KAR 1:090. Stimulants and drugs.

RELATES TO: KRS 230.630(1), (3), 230.640, 230.700
PURSUANT TO: KRS 230.630(3),(4),(7)
NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to provide for the testing of horses for stimulants and drugs and the regulation of stimulants and drugs.

Section 1. (1) At every meeting except as stated herein where pari-mutuel wagering is permitted, the winning horse in every heat and/or race shall be subjected to a urine test and/or a blood test and the winning horse and second place horse in every perfecta or quinella race may be subjected to a urine test and/or a blood test for the purpose of determining thereby the presence of any drug, stimulant, sedative, depressant, or medicine. The winning horse and/or the second and third horses in a trifecta may be tested the same as in the rule above. Also, the judges may order any horse in a race to be subjected to a urine, blood and/or saliva test. Such tests shall be made only by qualified veterinarians and by laboratories designated by the commission. In addition to the above, the winning horse and second horse in every heat or dash of a race at any track with a total purse in excess of $5,000 may be subjected to both blood and a urine test. Positive tests during time trials shall be treated as a violation. The winning time shall be disallowed and the trainer of record may be fined, suspended or both.
(2) The commission may, in its discretion, or at the request of a member, authorize or direct a saliva, blood, urine or other test of any horse racing at any meeting.

Section 2. (1) During the taking of the blood and/or urine sample by the veterinarian, the owner, trainer or authorized agent may be present at all times. Samples so taken shall be placed in two (2) containers and shall immediately be sealed and the evidence of such sealing indicated thereon by the signature of the representative of the owner or trainer. One (1) part of the sample is to be placed in a depository under the supervision of the presiding judge and/or any other agency the commission may designate to be safeguarded until such time as the report on the chemical analysis of the other portion of the split sample is received.
(2) Should a positive report be received, an owner or trainer shall have the right to have the other portion of the split sample inserted in with a subsequent group being sent for testing or may demand that it be sent to another chemist for analysis, the cost of which will be paid by the party requesting the test.

Section 3. (1) Whenever there is a positive test finding the presence of any drug, stimulant, sedative or depressant present, in the post-race test, the laboratory shall immediately notify the presiding judge who shall immediately report such findings to the commission.
(2) When a positive report is received from the laboratory by the presiding judge, the persons held responsible shall be notified and a thorough investigation shall be conducted by or on behalf of the judges. A time shall be set by the judges for a hearing to dispose of the matter. The time set for the hearing shall not exceed four (4) racing days after the responsible persons were notified. The hearing may be continued, if in the opinion of the judges, circumstances justify such action.
(3) Should the chemical analysis of saliva, blood, urine or other sample of the post-race test taken from a horse indicate the presence of a forbidden narcotic, stimulant, depressant, or local anesthetic, it shall be considered prima facie evidence that such has been administered to the horse.
(4) Upon receipt of written notification of a positive test finding, the judges shall not cause the immediate suspension of the horse from further participation in racing.

Section 4. Any person or persons who shall administer or influence or conspire with any other person or persons to administer to any horse any drug, medicament, stimulant, depressant, narcotic or hypnotic to such horse within forty-eight (48) hours of his race, shall be subject to penalties provided in this rule. No horse shall be tubbed in ice in the paddock prior to their racing commitment.

Section 5. Whenever the post-race test or

tests prescribed in Section 1 disclose the presence in any horse of any drug, stimulant, depressant or sedative, in any amount whatsoever, it shall be presumed that the same was administered by the person or persons having control and/or care and/or custody of such horse with the intent thereby to affect the speed or condition of such horse and the result of the race in which it participated.

Section 6. A trainer shall be responsible at all times for the condition of all horses trained by him. No trainer shall start a horse or permit a horse in his custody to be started if he knows, or if by the exercise of reasonable care he might have known or have cause to believe, that the horse has received any drug, stimulant, sedative, depressant, medicine or other substance that could result in a positive test. Every trainer must guard or cause to be guarded each horse trained by him in such manner and for such period of time prior to racing the horse so as to prevent any person not employed by or connected with the owner or trainer from administering any drug, stimulant, sedative, depressant, or other substance resulting in a post-race positive test.

Section 7. Any owner, trainer, driver or agent of the owner, having the care, custody and/or control of any horse who shall refuse to submit such horse to a saliva test or other tests as herein provided or ordered by the judges shall be guilty of a violation of this rule. Any horse that refuses to submit to a pre-race blood test shall be required to submit to a post-race saliva and urine test regardless of its finish.

Section 8. Any horse in which an offense was detected under any section of this rule shall be placed last in the order of finish and all winnings of such horse shall be forfeited and paid over to the commission for redistribution among the remaining horses in the race entitled to same. No such forfeiture and redistribution of winnings shall effect the distribution of the pari-mutuel pools at tracks where pari-mutuel wagering is conducted, when such distribution of pools is made upon the official placing at the conclusion of the heat or dash.

Section 9. Pre-Race Blood Test. Where there is a pre-race blood test which shows that there is an element present in the blood indicative of a stimulant, depressant or any unapproved medicament, the horse shall immediately be scratched from the race and an investigation conducted by the officials to determine if there was a violation of Section 4.

Section 10. Hypodermic Syringe Prohibited. No person except a licensed veterinarian approved by the commission shall have within the grounds of a licensed harness race track in or upon the premises which he occupies, or has a right to occupy, or in his personal property or effects any hypodermic syringe, hypodermic needle, or other devices which can be used for the injection or other infusion into a horse of a drug, stimulant or narcotic. Every licensed harness racing association upon the grounds of which horses are lodged or kept, is required to use all reasonable effort to prevent violation of this rule.

Section 11. (1) All veterinarians practicing on the grounds of an extended pari-mutuel meeting shall keep a log of their activities on a form provided by the commission and shall submit a copy of it to the commission office of the track each day of a race meeting. The log shall include:

(a) Name of horse;
(b) Nature of ailment;
(c) Type of treatment;
(d) Date and hour of treatment.

(2) It shall be the responsibility of the veterinarian to report to the presiding judge any internal medication given by him by injection or orally to any horse after he has been declared to start in any race.

Section 12. (1) Any veterinarian practicing veterinary medicine on a race track where a race meeting is in progress or any other person using a needle or syringe shall use only one (1) time disposable type needles and a disposable needle shall not be reused. The disposable needles shall be kept in his possession until disposed of by him off the track.

(2) No veterinarian, assistant veterinarian or employee of same shall leave a needle or syringe with anyone on a race track where a race meeting is in progress except upon written authorization from the commission.

[Section 13. (1) The commission veterinarian or a practicing veterinarian, licensed by the Kentucky Harness Racing Commission, may prescribe the use of lasix for a bleeder, providing the veterinarian actually sees said horse bleed, or the horse is scoped by a veterinarian and declared a bleeder. A horse racing on lasix and coming from another state may race on lasix if a certificate of approval from that racing jurisdiction is presented to the Kentucky Harness Racing Commission or the use of lasix is noted on the eligibility papers of the horse.]

[(2) The aforementioned horse shall be treated and shall perform in a qualifying race and meet the standards of the meeting before being entered to race again.]

[(3) A lasix use form (blue) must be submitted to the commission office at the track for approval of the use of lasix.]

[(4) Each time the horse treated with lasix races, a form (yellow) must be submitted to the commission office at the track.]

[(5) If a trainer no longer wishes to use lasix, a form (white) must be submitted to the commission office at the track; and the horse must perform in a qualifying race without lasix and meet the standards of the meeting before being allowed to race without lasix. To be permitted to use lasix again the horse must meet the requirements of subsection (2) of this section. Said horse may again race on lasix, but must race with lasix the balance of the meeting.]

[(6) Horses racing on lasix at one (1) meeting in Kentucky and racing at another meeting in Kentucky need not qualify, but will have to submit the necessary forms to the commission office.]

[(7) It is the responsibility of the trainer to submit all necessary forms.]

[(8) The horse may be treated with lasix orally or systemically.]

[(9) Lasix found in the chemical test of a horse not registered to race with lasix shall be

judged a positive.]

Section 13. [14.] The penalty for violation of any sections of this rule, unless otherwise provided, shall be a fine of not to exceed $5,000, suspension for a fixed or indeterminate time, or both; or expulsion.

Section 14. The effective date of this amendment shall be January 1, 1987.

CARL B. LARSEN, Executive Director
ROBERT DAVIS, Secretary
APPROVED BY AGENCY: April 3, 1986
FILED WITH LRC: April 15, 1986 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on this regulation on May 21, 1986 at 10 a.m. at the office of the Kentucky Harness Racing Commission. Anyone interested in attending this hearing, shall notify in writing Carl B. Larsen, Executive Director, Kentucky Harness Racing Commission, Suite 300, 535 West Second Street, Lexington, Kentucky, 40508, at least five days before the hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl B. Larsen
(1) Type and number of entities affected: N/A
(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:
(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:
(3) Assessment of anticipated effect on state and local revenues: N/A
(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. N/A

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

811 KAR 1:215. Kentucky Standardbred Development Fund.

RELATES TO: KRS 230.770
PURSUANT TO: KRS 230.770(5),(6)
NECESSITY AND FUNCTION: To regulate the eligibility of horses participating in races for which a portion of the purse is provided by the Kentucky Standardbred Development Fund. The function of this regulation is to establish eligibility standards and administrative practices to enforce such standards and to establish mandatory criteria for these races and the administration of purses and payments in such races.

Section 1. Beginning with the 1985 breeding season the owner or lessee of any standard bred stallion desiring to use him for breeding purposes and to have him qualify under the Kentucky Standardbred Development Fund must register said stallion by February 1 of the breeding season with the Kentucky Harness Racing Commission. The registration shall be on forms provided by the commission with a payment of ten (10) percent of the stud fee or a minimum of $100. A virgin standardbred stallion entering stud for the first time may be registered prior to his first breeding and must stand in the Commonwealth of Kentucky the remainder of the breeding season.

Section 2. Stallions remaining in the state for more than one (1) breeding season shall be renewed annually. A renewal form must be filed by February 1 of the breeding season on forms provided by the commission. The annual renewal fee for stallions to the Kentucky Standardbred Development Fund will be ten (10) percent of the stud fee with a minimum of $100.

Section 3. Owners of standardbred stallions registered with the commission shall submit by October 1 a report of mares bred during the preceding twelve (12) months. In addition, beginning with foals of 1985 owners shall submit to the Kentucky Standardbred Development Fund a copy of the Foaling Report Sheet sent to the United States Trotting Association of foals dropped.

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

Section 5. (1) In order to qualify for the Kentucky Standardbred Development Fund, a foal must be the product of the mating of a mare with a Kentucky registered and resident stallion. The mare to be bred must either be a resident at the farm on which the stallion stands or be shipped to the farm on which the stallion stands to be impregnated. The transporting or mailing of a Kentucky registered stallion's semen to a broodmare is strictly prohibited.
(2) A foal conceived by semen which is frozen, desiccated, transported off the premises where it is produced or not implanted on the same day it is collected, is not eligible for nomination to the Kentucky Standardbred Development Fund.

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

Section 7. If the commission finds that an application for registration or transfer contains false or misleading information, the commission may summon the person who executed said application and any other person who has knowledge thereof. Failure to respond to such

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

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

Section 9. The authorized agent application is provided by the Kentucky Harness Racing Commission and must be filed together with the stallion registration.

Section 10. Sires stakes races in which any part of the purse is provided by the Kentucky Standardbred Development Fund shall be subject to the rules and regulations of the Kentucky Harness Racing Commission.

Section 11. Each colt, gelding or filly participating in a Kentucky sires stakes race must have been sired by a stallion registered with the Kentucky Harness Racing Commission, and maintained eligibility to the Kentucky Standardbred Development Fund.

Section 12. Each race shall be a one (1) mile dash.

Section 13. The race will split if more than twelve (12) declare to start. In the case of a split the event will be raced as follows: The nominating, sustaining, stallion and starting fees shall be added to the purse and each division shall race for an equal part of that purse.

Section 14. Gait must be specified by the first two (2) year old payment. Change of gait may be made at the time of declaration at the track, but sustaining payments remain in the funds of the original gait specified.

Section 15. All races will be raced in separate colt-gelding and filly divisions.

Section 16. All declaration fees will be added to the purse and will be made payable to the racing association at the time of declaration.

Section 17. The purse will be distributed on the following percentage basis:
(1) 50-25-12-8-5; five (5) starters or more;
(2) 50-25-15-10; four (4) starters;
(3) 60-30-10; three (3) starters;
(4) 65-35; two (2) starters.
The nominating, sustaining, stallion, supplemental and starting fees shall be added to the purse and each division shall race for an equal part of that purse. In 1985, purses for three (3) and two (2) year olds will be $16,500 estimated. This will apply at each of the Kentucky pari-mutual tracks.

Section 18. Should circumstances prevent the racing of any event, if the race is not drawn, added monies will be equally divided among horses eligible for the uncontested event at the time of declaring off. In the event the race is drawn, the monies will be equally divided among the horses entered to start. This will include stake payments, declaration fees and purses provided by the Kentucky Standardbred Development Fund.

Section 19. Starters will declare in at each track at the time specified by the association conducting the event.

Section 20. At the time of the declaration a started must show at least one (1) charted line with no breaks within the last six (6) starts and within thirty (30) days prior to the day of the race; a two (2) year old trotter must have been timed in 2:14 or faster; a two (2) year old pacer must have been timed in 2:12 or faster; a three (3) year old trotter must have been timed in 2:10 or faster and a three (3) year old pacer must have been timed in 2:08 or faster. A broken equipment break or an interference break will not be considered a break as stated in this section. An eligibility certificate or a clear photocopy of the eligibility certificate must be on deposit with the race secretary at the time of declaration or the declaration will be rejected. If the horse has a start subsequent to the eligibility certificate or photocopy being sent, the declarer must advise the race secretary of the commitment to race or the horse may be scratched from the race. This rule shall be in effect for wagering and non-wagering races.

Section 21. The Kentucky Standardbred Development Fund will be distributed by the Kentucky Harness Racing Commission on an equitable basis to promote the purposes expressed in KRS 230.770. The commission may authorize expenditures at any time; however, the commission may at its scheduled meeting each November, make provisions for the following year's distribution of funds for stake races. The Sires Stakes racing dates shall be issued after the tracks' race dates are set.

Section 22. The Kentucky Standardbred Development Fund will provide a trophy for each event. In the case of division races each division shall receive a trophy.

Section 23. After payment of the nomination fee, foals shall remain eligible for events each year by making the required sustaining and declaration payments for that year. The two (2) year old March 15 payment must be made in order to remain eligible as a three (3) year old.

Section 24. All nomination and sustaining payments shall be made to the Kentucky Standardbred Development Fund.

Section 25. Payments. All yearlings will be nominated on May 15 and fees will be twenty (20) dollars each. Beginning with foals of 1983 a late payment of $100 will be accepted to nominate a yearling if the May 15 deadline is missed. This supplemental payment may be made at any time prior to the two (2) year old March 15 payment. Fees are payable to the Kentucky Standardbred Development fund.

TWO-YEAR OLD PAYMENTS

March 15th	$ 40
May 15th	$200
Declaration Fee (for each track)	$200

March 15th payment makes entry eligible as a 3-year old.

THREE-YEAR OLD PAYMENTS

February 15	$ 80
March 15	$200
Declaration Fee (for each track)	$200

CARL B. LARSEN, Executive Director
ROBERT DAVIS, Secretary
APPROVED BY AGENCY: April 3, 1986
FILED WITH LRC: April 15, 1986 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on this regulation on May 21, 1986 at 10 a.m. at the office of the Kentucky Harness Racing Commission. Anyone interested in attending this hearing, shall notify in writing Carl B. Larsen, Executive Director, Kentucky Harness Racing Commission, Suite 300, 535 West Second Street, Lexington, Kentucky, 40508, at least five days before the hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl B. Larsen
(1) Type and number of entities affected: N/A
(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:
(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:
(3) Assessment of anticipated effect on state and local revenues: N/A
(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. N/A

CABINET FOR HUMAN RESOURCES
Department for Health Services
(Proposed Amendment)

902 KAR 8:020. Policies and procedures for local health department operations.

RELATES TO: KRS Chapter 212
PURSUANT TO: KRS 194.050, 211.090, 211.170, 211.180, 213.410
NECESSITY AND FUNCTION: KRS 211.170 directs the Cabinet for Human Resources to establish policies governing the activities of local health departments. This regulation adopts various manuals setting policies and standards for health departments.

Section 1. Local Health Policy Manual. The policies set forth in the February 15, 1986, edition of the "Local Health Policy Manual" governing the maintenance and operation of local health departments are hereby adopted by reference.

Section 2. Financial Management Manual. The policies set forth in the February 15, 1986, edition of the "Financial Management Manual" governing the operation of the financial management systems used by local health departments are hereby adopted by reference.

Section 3. Patient Services Reporting System Manual. The policies set forth in the May 1, 1984, edition of the "Patient Services Reporting System Manual" governing the collection of patient health/medical services delivered by local health departments are hereby adopted by reference.

Section 4. Medical Records System Policy and Procedure Manual for Local Health Departments in Kentucky. The policies and procedures set forth in the May 1, 1984, edition of the "Medical Records System Policy and Procedure Manual for Local Health Departments in Kentucky" governing the development and maintenance of medical records in local health departments are hereby adopted by reference.

Section 5. Planning Manual for Local Health Departments. The policies set forth in the <u>July, 1986</u> [March, 1985], edition of the "Planning Manual for Local Health Departments" governing the annual program planning process and procedures of local health departments are hereby adopted by reference.

Section 6. Standards Manual for Local Health Departments. The policies set forth in the <u>July, 1986</u> [March, 1985], edition of the "Standards Manual for Local Health Departments" governing the programmatic operations of local health departments are hereby adopted by reference.

Section 7. Local Health Department Environmental Data System Operational Procedures for Weekly Environmental Activity Report, Sanitation Programs Information Formulator, and Local Health Annual Data Report. The policies set forth in the September, 1982, edition of the "Local Health Department Environmental Data System Operational Procedures for Weekly Environmental Activity Report, Sanitation Programs Information Formulator, and Local Health Annual Data Report" are hereby adopted by reference.

Section 8. On-Line Environmental Health Management Information System. The policies set forth in the February 14, 1984, edition of the "On-Line Environmental Health Management Information System" manual are hereby adopted by reference.

Section 9. MCH Maternity Manual. The policies set forth in the July 1, 1985, edition of the

"MCH Maternity Manual" governing the operation of the prenatal program conducted by local health departments are hereby adopted by reference.

Section 10. Sudden Infant Death Syndrome Program. The policies set forth in the January 1, 1985, edition of the "Sudden Infant Death Syndrome Program" manual governing the operation of the Sudden Infant Death Syndrome Program conducted by local health departments are hereby adopted by reference.

Section 11. Standards for Genetic Disease Testing, Counseling and Education Services Program. The policies set forth in the October 15, 1985, edition of the "Standards for Genetic Disease Testing, Counseling and Education Services Program" manual governing the operation of genetic disease testing and counseling clinics conducted by local health departments are hereby adopted by reference.

Section 12. Standards for Regional Pediatric Clinics. The policies set forth in the October 15, 1985, edition of the "Standards for Regional Pediatric Clinics" manual governing the operation of regional pediatric programs conducted by local health departments are hereby adopted by reference.

Section 13. Standards for Preventive Health Care in Children. The policies set forth in the December 15, 1985, edition of the "Standards for Preventive Health Care in Children" manual governing the operation of well child programs conducted by local health departments are hereby adopted by reference.

Section 14. Standards for Child Restraint Program. The policy set forth in the January 1, 1986, edition of the "Standards for the Child Restraint Program" manual governing the operation of safety seat loan programs conducted by local health departments are hereby adopted by reference.

Section 15. 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 16. Summary of Amendment. (1) In relation to Section 5 relating to the Planning Manual for local health departments, the Manual has been revised effective July 1, 1986 as follows:

(a) The planning format, as specified in the Introduction, has been adjusted for program areas where services are unplanned and offered on demand; programs administered outside the constraints of the Cabinet for Human Resources will no longer require preparation of a formal plan.

(b) The Planning Schedule has been revised as the significant activities within the planning process have been rescheduled.

(c) Under categories of Environmental Plans, reporting area 685 Private Sewage has been added to provide a mechanism to recognize on-site waste systems previously installed.

(d) Under categories of Medical Plans, reporting areas 705 and 884 have received name changes and 878 has been reinstated. [1 relating to the Local Health Policy Manual, LHP 600-61 "Private Water Supply Samples" is being amended to enable local health departments to collect water samples for bacteriological analysis from any private water supply suspected of being contaminated.]

(2) In relation to Section 6 relating to the Standards Manual for local health departments, this manual has been revised and republished in its entirety to be effective July, 1986. In addition to minor changes for clarity, updating statistical data and terminology, the following substantive changes were made:

(a) All existing Environmental Program Standards were revised for clarity without change in content except that the Private Water Standards were changed to reinstate bacteriological sample analysis upon request to the local health department.

(b) Standards were added for the newly created Private Sewage Program.

(c) Within the Genetic Disease Program Standards the following major changes were made:

1. The program mandate is no longer Federal SPRANS Funding;

2. Minimum service levels include a target of seven (7) scheduled patients per clinic; and

3. Service periodicity has been reduced to a total of four (4) clinics per year.

(d) The Hearing Conservation Program Standards were revised to clarify the role of local health departments and the Kentucky Commission for Handicapped Children in the delivery of sevices.

(e) Prenatal Program Standards have been revised to include a change in the requested format of the program plans reducing the size of the plan to be submitted simplifying the planning process without any change in the scope of services.

(f) The major changes within the MCH-Nutrition Standards are as follows:

1. A copy of the assessment of nutritional needs of the area served shall be submitted with the original program plan;

2. Performance criteria and personnel operations were changed to guarantee that an appropriate level of services will be provided by a qualified nutritionist;

3. The Records Section was changed to require documentation of physician requests for therapeutic counseling; and

4. Submission of quarterly expenditure reports are no longer required.

(g) Problem indicators within the Immunization Program Standards relating to the percentage of two (2) year olds immunized at the health department and vaccine supply utilization efficiency have been deleted since this information is now available at the state level.

(h) Home Health Program Standards have been revised in their entirety. Specifically, both operational and performance criteria have been revised to reflect and promote the operation of a more efficient and cost effective home health program in conformance with Medicare's and Medicaid's stringent reimbursement and programmatic policies, rules and regulations.

(i) Program Standards were revised to include the purpose, rationale and goals of the Health Education Program.

(j) The Preventacare Program Standards have been deleted because federal funding has been eliminated.

(k) In addition to minor text changes,

significant revisions in the Family Planning Standards are as follows:

1. The target population now includes all women age thirteen (13) through nineteen (19);

2. The percentage of need to be met has been reduced from fifty (50) percent to at least forty (40) percent which is a more realistically attainable goal; and

3. The cost efficiency level has been increased from sixty-eight (68) dollars to seventy (70) dollars per patient per year in keeping with the state average.

(l) The Tuberculosis Program Standards were revised to reflect minor changes in reporting requirements and the listing of problem indicators was deleted since it is already included within the objectives.

(m) Significant revisions in the WIC Program Standards are as follows:

1. Section I, when a local agency reaches its authorized enrollment, the local agency shall contact the state agency to determine if additional funds are available for a case load increase prior to implementing the priority system; agencies shall strive to increase priority I-III individuals to eighty-one (81) percent as follows: priority I - twenty-five (25) percent, priority II - sixteen (16) percent, priority III - forty (40) percent; and the criterion that an annual participation rate of no less than ninety-two (2) percent shall be maintained has been deleted.

2. Section II, to facilitate referral into other programs and to promote integration of services, it is strongly recommended that a physician or nurse perform the health assessment; and, battery operated hemoglobinometers may not be used in obtaining hemoglobin levels as a part of the WIC certification process.

(n) The Cancer Program Standards were revised to:

1. Include information on smoking and its effect on health, particularly lung cancer;

2. Require an adult history to be completed on all women receiving cancer services;

3. Increase state allocations to local health departments from twenty (20) dollars to twenty-five (25) dollars for each woman receiving cancer services in the forty-five (45) and over age group and from twelve (12) dollars to fifteen (15) dollars for each screening in the under forty-five (45) age group;

4. Increase the average allowable cost per patient from thirty (30) dollars to thirty-five (35) dollars; and

5. Recommend that the specific nomenclature used in laboratory reports be used in negotiating with a cytology laboratory.

(o) Within the Diabetes Program Standards the following significant changes were made:

1. The medical record will include an adult history form on all clients receiving comprehensive education and counseling through the local health department and a nutrition assessment when appropriate;

2. Diagnosed diabetics will be reported on the PSRS using the ICD-9CM Code 250, and local health department should use the 600 Code (monitoring) when providing individualized education and counseling to diabetics, with special emphasis on the elimination of tobacco use; and

3. A method was established for reimbursing local health departments for direct monitoring of persons with diabetes at a rate not to exceed ten (10) dollars per visit for up to 180 visits per year.

(p) Program Standards for the Well Child and EPSDT Programs have been changed to reflect an automated reporting system and the coding requirements of that system.

(q) Within the Hypertension Program, the Standards were changed to:

1. Require an adult history to be completed for monitored patients and to recommend completing the Eating Habits Screening Checklist as part of the nutrition assessment;

2. Delete requirement that health service code 800 be utilized to designate hypertensives not enrolled in the monitoring program and require that health service code 100 be utilized instead;

3. Require ICD-9-CM "401..." for reporting all hypertensive patients receiving health department services;

4. Allowable average cost per patient monitored in the local health department was increased from sixty (60) dollars to eighty-five (85) dollars; and

5. Local health departments are required to maintain a copy of Salt: The Brand Name Guide to Sodium Content in their libraries as a reference document.

(r) New standards have been added for the Child Restraint Program to ensure services are provided in accordance with acceptable standards of practice.

(s) Standards for Heart Disease and Rheumatic Fever have been deleted because these programs are no longer administered by the health department. [2 relating to the Financial Management Manual, Section IV "Receipts Policies" is being revised by adding a policy which will place a limit on the amount of money that a local health department may accumulate in its Unrestricted Fund Account to a combination of fifteen (15) percent of non-fee programs annual expenditures plus twenty-five (25) percent of fee for service programs annual expenditures or $50,000, whichever is greater.]

C HERNANDEZ, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 4, 1986
FILED WITH LRC: April 15, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 23, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 18, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS
(Section 5, Planning Manual)

Agency Contact Person: Phillip R. Spangler
(1) Type and number of entities affected: 49 local health departments.
(a) Direct and indirect costs or savings to those affected: Insignificant
1. First year: Insignificant
2. Continuing costs or savings: Insignificant
3. Additional factors increasing or decreasing costs (note any effects upon competition): Insignificant

(b) Reporting and paperwork requirements: No additional.
(2) Effects on the promulgating administrative body: Minimal
(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: A slight decrease in paperwork is possible if a significant number of local health departments substitute services on demand for planned activity.
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: None were considered. Revisions were necessary to update manual.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: None

Tiering:
Was tiering applied? No. Not applicable.

REGULATORY IMPACT ANALYSIS
(Section 6, Standards Manual)

Agency Contact Person: Phillip R. Spangler
(1) Type and number of entities affected: 49 local health departments.
(a) Direct and indirect costs or savings to those affected: Minimal
1. First year: Minimal
2. Continuing costs or savings: Minimal
3. Additional factors increasing or decreasing costs (note any effects upon competition): Minimal
(b) Reporting and paperwork requirements: Additional reporting in some areas will be offset by reduction in paperwork in other programmatic areas.
(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: Changes in Cancer Standards will result in a significant increase in the transfer of cancer funds to local health departments.
(4) Assessment of alternative methods; reasons why alternatives were rejected: Revising the manual was determined to be the most economical way of notifying health delivery personnel regarding recent changes in the state of the art.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: None

Tiering:
Was tiering applied? No. Not applicable.

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 February 15, 1986, 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 October 15, 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 September 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 April 15 [February 15], 1986, edition of the "Eastern State Hospital Policy Manual" consisting of twenty-one (21) volumes relating to the operation of Eastern State Hospital Facility are hereby adopted by reference.

Section 5. Central State Hospital Policy Manual. The policies and procedures set forth in the April 15 [January 15], 1986, edition of the "Central State Hospital Policy Manual" consisting of nineteen (19) volumes relating to the operation of Central State Hospital Facility are hereby adopted by reference.

Section 6. Western State Hospital Policy Manual. The policies and procedures set forth in the April 15 [March 15], 1986, edition of the "Western State Hospital Policy Manual" consisting of thirty-two (32) 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 September 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 March 15, 1986, edition of the "Western State Hospital ICF Policy Manual" consisting of nine (9) volumes relating to the operation of Western State Hospital ICF Facility are hereby adopted by reference.

Section 9. Volta Policy Manual. The policies and procedures set forth in the September 1, 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 April 15 [March 15], 1986, 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 Amendments.

Section 4 is revised as follows:

EASTERN STATE HOSPITAL POLICY MANUAL

D1, Page 43	Hepatitis B Immunoprophylaxis - New Policy A new policy covers the screening, immunization, and follow-up procedures for varied high-risk patient groups.
D1, Page 12	AWOL Policy A revision of policy to provide for notification of sheriffs and families cases where patients are discharged from AWOL status.
D1, Page 22	Employee Health Screening Program - Revised Policy Policy revision to include screening procedures for employees working in areas considered to be high risk for possible exposure to Hepatitis B Virus.
D5, Page 14	Engineering and Maintenance Policy revised to include emergency disaster tools.

Section 5 is revised as follows:

CENTRAL STATE HOSPITAL POLICY MANUAL

E-1 Policy & Procedure Manual

Section A, No.1	The Governing Body bylaws were revised to meet JCAH standards. The implementation of these bylaws should not result in any additional cost.
Section C, No. 4	New policy added to the Fire & Safety Section as required by Joint Commission.
Section D, No. 1	Proposed revisions of the Clinical Staff Bylaws. These revisions are proposed to place us in compliance on Chapter 3 - Professional Staff Organization. Should not result in any additional cost.
Section D, No. 3	New departmental policy on clinical privileging to meet JCAH standards. Should not result in any additional cost.
Section E, No. 5	New policy to be accepted to meet JCAH standards and no extra monies are needed.
Section E, No. 6	New policy accompanying guidelines to be included in the Medical Services section and no increase in expenditure or time or money will be initiated as a result of this inclusion.
Section Z, No. 3	New policy to meet JCAH standards. Should not result in any additional cost.

SECTION HH - TREATMENT PROGRAM

Content Pages	Added new policies to the content.
Section HH, No. 1.10	Revised to more adequately and correctly reflect the Admissions process as it currently exists, to include procedures related to computerization, and to meet JCAH standards. No increase in time or expense is expected from this revision.
Section HH, No. 2.80	Policy and form revised to meet JCAH standards. No additional cost should result.
Section HH, No. 4.40	Page 3 has been revised to add No. 16 to include information required by JCAH standards. Since this procedure is already in effect, no increase in time or expense is anticipated.
Section HH, No. 8.75	No. 4.85 - revised and Section HH, The two policies were combined to define responsibilities and delete outdated material. No increase in expenditures of time or money is expected from these changes. REMOVE SECTION HH No. 8.75 from your manual.
Section HH, No. 7.10	This policy has been revised to meet JCAH standards. No increase in expenditure or time or money is expected.
Section HH, No. 7.30	This policy has been revised to meet JCAH standards and no increase in time or money is expected.
Section HH, No. 8.65	This policy was revised to incorporate the use of a psychosocial worksheet. The outline for the evaluation was revised to include information required to meet JCAH standards. It should not impact on the expenditure of time.

Section HH, No. 8.70	Revisions were made to allow for the use of "Group Therapy Weekly Report" and for these reports to be placed in a separate section of the chart. These changes were made to ensure that documentation is completed as required. This revised policy should not result in any significant additional cost nor should it impact on the expenditure of time.
Section HH, No. 9.10	Policy revised to show more clearly the Activity Therapy referral process and the relationship of Activity Therapy staff in treatment planning process. This revised policy should not result in any additional cost and it will not impact the expenditure of time since it clarifies the current policy.
Section HH, No. 9.48	Policy was revised to meet JCAH standards. No added expenditure of time or money is expected.
Section HH, No. 9.48A	Policy was written to document an existing patient education group. No added expenditure of time or money is expected.
Section HH, No. 10.53	New policy. The Clinical Executive Committee approved Hepatitis B testing for all first admission patients. This policy is essential to determine carriers of the Hepatitis B virus. The cost of testing is minimal.

E-3 - Activities Therapy Department Manual

Section J, No. 10	Activity Therapy staff have developed a revision in their patient progress notes policy to include current information. This policy revision will not affect staffing, cost or efficiency in using time.
Section S, No. 1	This policy was written at the request of the Accreditation Committee to address our provision of barber services to CSH patients. The services covered in this policy are already being provided. There will be no increase in cost.

E-12 - Medical Records

New revised cover sheet and index.

Medical Records Department - Page 1 - There has been an addition made to the last paragraph. The page following page 1 has had No. 9 added to the page.

On Page 12 in the first paragraph - ten years has been changed to 5 years.

Insert Page 36

Insert Pages 38 through 49.

Section 6 is revised as follows:

WESTERN STATE HOSPITAL POLICY MANUAL

F-1, Policy No. 3	Patient Rights Procedure updated to comply with 902 KAR 12:020 Sections 1-9 and 902 KAR 12:040 Section 2.
F-1, Policy No. 12	Visitation Updated to comply with 902 KAR 12:020 Section 6(4).

Patient Advocate Policies and Procedures Manual

F-5, Policy No. 1	Patient Rights Procedure updated to comply with 902 KAR 12:020 Sections 1-9 and 902 KAR 12:040 Section 2.

Section 10 is revised as follows:

KENTUCKY CORRECTIONAL PSYCHIATRIC CENTER POLICY MANUAL

#J-4/27	PPD Skin Tests The policy statement of this Policy and Procedure has been revised to allow more time to give the initial PPD (from 24 hours to one week).
#J-5/B-1	Patient Laundry and Tailor Shop This policy was revised to state that state clothing for all patients would be sent to the LLCC Main Laundry and only personal clothing would be laundered in the KCPC mini-laundry as the washing machine in 5A was wearing out too quickly and could not handle the volume of laundry being sent.
#J-5/B-30	Packages for Post-Convicted Patients This is a new policy which was implemented to limit the amount of personal property the post-convicted patients accumulated during their stay at KCPC, and also to comply with policies of the Corrections Cabinet.
#J-2/A-4	Duties of 8-4 Nursing Shift Supervisor Revised: Letter N - new duty added; letter C - deleted part due to change; letter D deleted part due to change of responsibilities.
#J-2/A-5	Duties of the 4-12 Nursing Shift Supervisor Revised: Letter U added, new duty.
#J-2/A-6	Duties of the 12-8 Nursing Shift Supervisor Revised: Letter X added, new duty.
#J-2/A-14	Nursing Service Report Revised: #2 to Letter B changed for clarification.
#J-2/A-15	Nursing Staff Meetings (Monthly) Revised: Letter B deleted statement as we no longer have Pre-trial Coordinator.
#J-2/A-16	Nursing Supply and Storage Area and After-Hours Acquisition of Supplies. Revised: Letter B deleted; letter C changed to B and redefined for clarification.

#J/A-23 Stripping Charts
Revised: Note deleted as there is no longer a Behavior Unit on 3D.

#J-2/B-2 Admission
Revised: Letter B, information deleted due to change of policy; letter D word change for clarification, and last sentence deleted due to change of policy; letter E new information added; letter H new information added for clarification; letter K, new information added for medical clarification.

#J-2/B-3 Admission Chart Packet
Revised: Letter B added new form; #5, changing all other numbers; letter C new; #7 added. Also another NOTE added.

#J-2/B-9 Chart Form Sequence
Revised: Letter A added to #1 (new), changing all the numbers; NOTED added new statement for clarification.

#J-2/B-10 Charting on Inpatients
Revised: Letter L, word clarification; letter W, word clarification; #GG, new information added for clarification.

#J-2/B-12 Cultures
Revised: Letter F, word change for clarification; Letter G, #4, new information added.

#J-2/B-13 Dental Consultations
Revised: Letter B, new information added (new dentist, procedure change); letter D, new information added for clarification; letter E deleted due to no longer using the form; letter F deleted part of sentence, no longer use forms; letter H, new information added for clarification; letter I, word added to information; letter L deleted due to change of procedure; letter M, information changed due to new procedure.

#J-2/B-18 Discharge
Revised: Letter B, word change for clarification; letter C, deleted due to information, change of policy; letter F, new information added, changing all the other numbers.

#J-2/B-19 Discontinuation of Physicians Orders on Patients Admitted/Transferred to Other Hospitals for Treatment.
Revised: Letter B, word changes for clarification.

#J-2/B-20 Ear Irrigation
Revised: Letter N, #3, word changed for clarification.

#J-2/B-21 EEG
Revised: Letter C, word changes and new information added for clarification; letter F, new information added; letter G, new information added for clarification.

#J-2/B-24 Enema
Revised: Charting, letter D, word changes for clarification; letter E, new information added.

#J-2/B-25 Enema (Retention)
Revised: Letter E, new information added.

#J-2/B-26 Fecal Impaction Removal
Revised: New word to the policy name; letter F, new information added.

#J-2/B-27 First Aid
Revised: Letter F, under What to do; #3, new information added.

#J-2/B-35 In-Hospital Incident Reports
Revised: Letter B, #2, grammar changed; letter C, word changed for clarification.

#J-2/B-36 Intake and Output
Revised: Statement added to new information; Letter J, #2, changed; #e changed, #4 changed; and #5 and #6 the same.

#J-2/B-39 Lab Procedures and EKG Procedures
Revised: Letter A, new information added.

#J-2/B-40 Medical Emergency Plan - Transfer to Humana Hospital University of East End Medical Center.
Revised: The name of the policy and the policy statement were revised as new information was added. Letter D changed in wording due to policy change; letter E, added new statement; letter F, new information added; letter G, new information added; letter H, word changed; letter I, word change; letter J, #1, number changed.

#J-2/B-42 General Rules for Preparing and Administering Medication
Revised: Letter A added as was not in old procedure, thus changing all the other numbers; letter J, new information added for clarification, under Charting; letter B, wording change for grammar.

#J-2/B-43 Oral Medication
Revised: Letter A, new information added; letter G, #3, new information added; #5, word change for clarification.

#J-2/B-59 Drugs Brought to KCPC by Admitted Patients
Revised: Letter J, wording changes for clarification.

#J-2/B-60 Nursing Assessment and History
Revised: Letters C, D, E, new information added to the policy.

#J-2/B-61 Nursing Care/Treatment Plans
Revised: Numbers changed to the alphabet, A thru Q. Letter A, new information added; letter C, new information added; letter D, one word deleted; letter G, new information added; letter M, new information and word changed for clarification; letter Q, new information added.

#J-2/B-62 Off-Grounds Clinic Consultations
Revised: Letter C, new information added; letter D, word change; letter F, new information added; letter G, word change for clarification.

#J-2/B-64 Oxygen (O_2) Therapy
Revised: NOTE, new information added for clarification of Oxygen.

#J-2/B-66 Physician Log Sheet - Daily Restraint and Seclusion
Revised: New letter G, added information.

#J-2/B-75 Special Diets
Revised: Letter A deleted one statement; letter B, new information added; letter D, word changed; letter O, new information added for clarification.

#J-2/B-76 Sputum Collection
Revised: Letter J, one statement deleted, and new statement added; Procedure for Luki Tube deleted from the policy. Under Charting, letter C, wording change for clarification.

#J-2/B-83 TPR
Revised: Letter A, IVAC thermometer added; NOTE added under letter P, #11; deleted IVAC policy and procedure from Index (J-2/B-38).

#J-2/B-86 Transcribing Physicians' Orders
Revised: Policy statement; letter D, new information added; letter G, statement deleted from policy and new information added due to protocol; letter I and J, both are new information added for clarification.

#J-2/B-87 Transfer (Inter-Facility, KCPC)
Revised: Letter A, #1, deleted due to policy change; #2 changed to #1, and new information added, also word changing for grammar; #2 new information added. NOTE, new, added for information; letter B, #1, word change; #2, word change, #3 word change, #4 word change (all for clarification), #5 deleted as N/A now.

#J-2/B-88 Collection of Urine Specimen
Revised: Letter A, #4, as new wording added; NOTE, new information added, under note #2, word change, under example #7, wording changed for clarification.

#J-2/B-91 Vital Signs
Revised: Letters A, B, C, E word changing for clarification; letter D, new information added.

#J-2/B-92 Weight
Revised: Letter A, #1, new information added; letter A, #6, new information added for clarification.

#J-2/B-93 X-Ray Procedures
Revised: Letter A, #1, new information added; letter A, #2, new information added; letter A, #3, information added; letter A, #4, new information added; letter A, #7, new information added. Under NOTE, x-ray procedure of special diet has all been changed due to new information on procedure methods.

#J-4/1 Autoclaving Instruments
#D extra step added to procedure.

#J-4/3 Blood/Body Fluid Precautions
New policy in order to adhere to new recommendations from the Center for Disease Control.

#J-4/4 Cleaning Thermometers
Deleted as we no longer use glass thermometers. We are using IVAC.

#J-4/5 Contact Isolation
New policy to adhere to new recommendations from the Center for Disease Control.

#J-4/7 Contagious Diseases in KCPC Employees
New policy.

#J-4/8 Disinfection of Dirty Instruments
#E change in supplies used; #K changed procedure; #L deleted.

#J-4/9 Disposal of Contaminated Waste from the Units
Change in responsible person in #C; change in #D of responsible person; #E deleted.

#J-4/10 Disposal of Hypodermic Syringes, Needles, and Contraband Items
Change in #3 to C and change in time.

#J-4/11 Drainage/Secretion Precautions
New policy to adhere to new recommendations from the Center for Disease Control.

#J-4/12 Employee Tuberculin Skin Test
Name of policy changes from "Employees' PPD's".

#J-4/13 Enteric Precautions
Condensed into A thru G.

#J-4/15 Infection Control
Change in isolation area and new Health Department requirements #A, #B, #C, #D, #E and some new statement added; F, G, H new statement added.

#J-4/18 Isolation
New Policy.

#J-4/19 Isolation Cart
Change in location of equipment.

#J-4/20 Isolation of Laundry on the Units
#A added statement.

#J-4/23 Needle-stick Injuries
New Policy.

#J-4/25 Nursing Responsibilities for Cleaning and Sanitizing of Work Spaces in the Preparation of Sterile Supplies.
Change in location of equipment.

#J-4/27 PPD
Change in #F.

#J-4/28 Respiratory Isolation
Change #A thru #n and shorten statements.

#J-4/29 Sanitation of Medication Cabinets and Medicine Regrigerators
Change in #A, #B, #C, #D, and #E.

#J-4/29a	Sanitation and Storage of Safety Razors New Policy.
#J-4/30	Sterile Stock Supplies Ordering and maintaining change in #A.
#J-4/31	Strict Isolation Change in statement and #A thru #R.
#J-4/32	Terminal Cleaning of the Isolation Room New Policy.
#J-4/33	Tuberculosis Isolation (AFB Isolation) New Policy.

[Section 6 is revised as follows:

WESTERN STATE HOSPITAL POLICY MANUAL

F-2 - NURSING PROCEDURE MANUAL

Cover Page - Manual reviewed and revised - cover page changed to reflect same.

Table of Contents:
Unit I - Delete Blood Glucose Testing by Gluometer Procedure #12 now New Procedure
Unit II - Procedure #10 New Procedure
Table of Contents changed to reflect additions of new procedures

Table of Contents revised to reflect the following:
Unit IV
Procedure #18 - Blood Transfusion - deleted (decision of Pharmacy and Therapeutics Committee to no longer administer blood transfusions in this hospital). Replaced with Gastrostomy Feeding.

Table of Contents changed to reflect the following:
Unit IV - Procedures #27 and #28 - New Procedure
Unit I, Procedure #12 Delete Blood Glucose Testing by Glucometer Blood Glucose Testing Using Dextrostix - New Procedure
Unit II, Procedure #10 Intraderal Injections - New Procedure
Unit IV, Procedure #2 Tub Bath procedure revised to address water temperature according to hospital Safety Manual.
Unit VI, Procedure #1 Oxygen (O_2) Therapy revised to include oxygen concentrators and designation of staff responsible for procedure.
Unit VI, Procedure #18 Blood Transfusions Deleted. Replace with Gastrostomy Feeding - New Procedure
Unit VI, Procedure #26 Continuous Feeding with Internal Feeding Pump. Revised procedure to designate level of staff responsible for procedure.
Unit VI, Procedure #27 Hickman Cath-Exit Dressing Change. New Procedure.
Unit VI, Procedure #28 Hickman Catheter Flush with Heparin. New Procedure.

F-3 - NURSING SERVICES POLICIES AND PROCEDURES

Revised cover sheet to indicate current review.

Table of Contents
Section I, #12 Blood Transfusion Reaction Report has been omitted.
Section I, Policies #13 & 14 Changed to 12 and 13 for sequence.

Section IV, Policy #9 Title changed to Emergency Drug Boxes.
Section 1, Policy #1 Ward Shift Nursing Report Policy changed to assign certain members of staff responsibility for caring for patients during report.
Section I, Policy #7 In-Hospital Incident Report of Accidents, Injuries or Unusual Occurrences to Patients. Revised - omitted copies being sent to Director of Nursing. Under No. 4 of procedures, eliminates unnecessary copying of reports as original is reviewed by Director and initialed and dated.
Section I, Policy #9 Reporting of Errors in Medications and Treatments. Revised - allows Nursing Supervisor to be notified of error. Covers if error made by Registered Nurse.
Section I, Policy #12 Blood Transfusion Reaction Report. Omitted - No longer giving blood transfusions in this facility.
Section I, Policy #12 Reporting of Adverse Drug Reaction. Policy changed from 13 to 12 for sequence.
Section I, Policy #13 Ward Daily Seclusion, Restrain, and Time Out Report. Policy No. changed from 14 to 13 for sequence.
Section II, Policy #4 Checking Physician's Orders by Nursing Care Plan and Physician's Order Sheet. Reviewed. The word administering was substituted for dispensing in #1 under Procedure. Nurses do not dispense medication. Word change really did not alter current policy, just improved the wording.
Section II, Policy #6 Patients' Use of Telephone. Omitted the phone on the first floor under policy. No longer have phone in this area.
Section II, Policy #8 Emergency Codes. Revised Code D Procedure to more clearly identify persons to respond and to be more specific about role of respondents.

Section II, Policy #11 — Admission of Patients. Addition under procedure #9, now requires that any dangerous articles patient may have be identified and documented.

Section II, Policy #12 — Changing Admission Status on Face Sheets. Revised to comply with type of record now being generated by the computer.

Section II, Policy #16 — Patients Returning From Home Visit. Addition of #6 under Procedure to assure that patients returning to the hospital do not have any articles which could be used to harm themselves or others.

Section II, Policy #17 — Procedure for PPD Skin Test. Revised to do two-step skin testing on initial skin test of those 45 and over. Complies with current guidelines for long-term care facilities.

Section II, Policy #24 — Patient Charges for Central Supply Items. Omitted location of Pharmacy pick-up boxes as this changes often and can be covered by memo.

Section II, Policy #27 — Medicine Cart Key. Revision changed person able to carry key to licensed staff only to comply with change to only licensed staff administering meds.

Section III, Policy #2 — Maintenance and Arrangement of Patient's Ward Chart. Complete revision of arrangement of chart and clean-out schedule to improve system.

Section IV, Policy #1 — Specifications of Persons Administering Medications. Change under #2 Procedure to have Nursing Service Supervisor assign staff to give meds as this person knows where staff are available.

Section IV, Policy #2 — Times for Administering Medication and Treatments. Change in wording only under Procedure No. 1. Changed to read medication sheet, not medication card.

Section IV, Policy #6 — Allergies. Change in wording only. The word metal is removed from A, Policy section since this type chart is no longer used.

Section IV, Policy #7 — Transferring Physician's Orders for Medications and Treatment. Revised under Procedure No. 7 to allow only Registered Nurses access to Mini Drug Room.

Section IV, Policy #9 — Emergency Drug Boxes. Revised. Title now Drug Boxes as these boxes only contain emergency drugs. Location of boxes changed to Emergency Carts.

Section VI, Policy #3 — Ward Supplies Requisitions. Change in #4 under Procedure. Supplies are now delivered to wards and do not require pickup.

Section VI, Policy #14 — Referrals to Extended Care, Psychiatric Rehabilitation Service and Learning and Habilitation Services. Change in title of person receiving referral under Policy and #3 under Procedure. Referral now goes to Treatment Team Coordinator.

F-4 - DENTAL CLINIC POLICIES AND PROCEDURES

Cover Page - Reviewed and revised with signature change to present dentist on staff.

Table of Contents - Revised. Separated Dental Service and Dental Records. Deleted Appendix. Table of Contents changed to reflect these changes and renumbering of other sections.

II. Dental Services revised to a section separate from dental records. Also revised to reflect current dental services offered, which provide more services to the hospitals longer term/chronically ill patients.
III. New number for Dental Records.
IV. Types of Dental Treatment - New Number.
A. Revised - Dental Emergencies to contact Physician instead of Dentist when a dental emergency occurs.
IV. C. Specialty Service Outside of Facility. Revised to reflect current method of obtaining service.
V. Dental Consultations - New Number.
VI. Dental Appointments - New Number.
VII. Daily Oral Care - New Number.
VIII. Infection Control - New Number.
IX. Supplies and Equipment - New Number.

F-9 - NURSING SERVICE EMPLOYEE HANDBOOK

Cover sheet revised to indicate current review date.

Changes in titles in Contents to correspond with changes in Policies #3 and 31.

Philosophy changed to reflect current organizational structure of state government. Now Department for Mental Health.

Standards changed to reflect current organization of state government. Now Department of Mental Health.
Organizational Chart. Had to change title of physical therapy aide as these type persons can only work with physical therapist. Changed to Restorative Nursing Aide.

Nursing Service Orientation for New Employees. Had to change to reflect current state organization. Now Department for Mental Health.

Policy #3 Policy changed to allow all staff to exchange days, not just Aide staff.
Policy #3 Form changed to have Nursing Service Supervisor approve exchanged days as they have responsibility for staffing.

Policy #4 Holidays (Group Schedule). Changed typographical error in policy. Omitted statement about employees being expected to work on a specific day as we no longer schedule staff to be off on a specific day for working a holiday.
Policy #8 Omitted that no routine assignments of annual leave would be scheduled in December.
Policy #9 Nursing policy revised to reflect current departmental policy.
Policy #23 Nursing Service Policy revised to current facility policy.
Policy #33 Nursing Service Policy revised to current facility and departmental policy.
Policy #42 Nursing policy revised to current facility policy.

Nursing Service Job Description - Job title change to indicate employee does nursing care and is not an aide to the physical therapist.

F-11 - X-RAY CLINIC POLICY AND PROCEDURE MANUAL

Cover Page - Policy and Procedure Manual reviewed and revised - cover page changed to reflect same.

Job Description - Job relationship revised to better define and differentiate clinical and administrative supervision. Delete #18 under significant duties (employees are now photographed by personnel department for ID badges).

Policy #4 Procedure revised to reflect current clinic hours.
Policy #6:
B. Procedure #10 Revised to meet current method of safety maintenance.

F-12 - DIET MANUAL

Replace entire manual with the following changes:

Page #1 Introduction. The statement, "Maintaining ideal body weight," changed to read, "Maintaining reasonable body weight," due to changes in the Dietary Guidelines for Americans.
Page #4 Patient Meal Hours. Changed patient meal hours to comply with present procedure.
Page #10 Clear Liquid Diet. Changed to include Citrotein to provide a more adequate diet.
Page #11 Clear Liquid Diet. Changed to reflect the addition of Citrotein.
Page #12 Full Liquid. Delete statement, "It includes foods and liquids at room temperature," to provide a more accurate description of diet.
Page #18 Soft Diets. Add statement, "An extra portion of vegetable or starch will be given to increase the amount of B vitamins in the diet."
Page #21-22 Liberal Bland Diet. ADA position paper added on the use of bland diets in the treatment of Chronic Duodenal Ulcer Disease. Liberal bland diet revised to offer more variety in foods to the patients.
Page #92 1983 Metropolitan Height and Weight Tables, Ages 25-59. Changed to provide a more complete list.
Page #98 Caffeine Content of Selected Foods & Beverages. Changed to provide a more complete list.
Page #99-103 Some Common Food & Drug Interactions Changed to provide a more complete list.
Page #112 Bibliography. New sources.

F-18 - BARBER AND BEAUTICIAN SERVICES POLICIES AND PROCEDURES.

Manual reviewed and revised cover page changed to reflect same.

Beauty Shop Schedule - Schedules changed to facilitate more service time for patients within facility and WSH/ICF, and to schedule time for patient education program.

Barber Shop Schedule - Typographical error corrected and update schedule to current ward numbers.

Beauty Shop - Patient Education - Revised - Program changed to 2 x weekly x 2 weeks from 1 x weekly x 4 weeks. Documentation in record changes from responsibility of RT to Nursing Clinical Supervision changed to nursing.

Cosmetologist - Re-typed, deleted from job knowledge - knowledge of supervisory skills (#10) re-numbered remaining qualifications. Add to Responsibilities #21 - Maintain current cosmetologist license.

Job Description - Barber - V. Responsibilities revised No. 12 to include assigned inservice.

F-19 - ELECTROCARDIOGRAM, ELECTROENCEPHALOGRAM, AND PHYSICAL THERAPY POLICIES AND PROCEDURES

EEG, EKG Policies and Procedures reviewed. Cover page changed to reflect review.

Revised and name changed to Physical, Restorative, and Maintenance Therapy Policy and Procedures. Cover Page. Change to reflect review and revision.

Nursing Service Job Description Job Title - Physical Therapy Aide. Revised to Restorative Nursing Aide. Employee not directly supervised by Physical Therapist but by Nursing Service with general guidance of a physical therapist. Job title reflects a nursing title. Title also changed under job summary.

Policies and Procedures for Infection and Disease Control
A. Policy - Name of lab changed.
B. Procedures:
2 Name of lab changed
3 Job title changed
4 Name of lab changed
5 Name of lab changed

Physical, Restorative, and Maintenance Therapy Policy and Procedure Revised
2 Physical Therapy Lab changed to Restorative and Maintenance Lab
3 Physical therapy changed to restorative and maintenance therapy

7 Note changed in lab & job title

Referral and Documentation Forms revised to allow for more space for documentation of evaluations and procedures.

Physical Therapy Manual to Physical, Restorative, and Maintenance Therapy Manual - Revised

F-26 - PHARMACEUTICAL SERVICE

Western State Hospital Pharmacy Services Handbook Reviewed, Revised, and Approved Signature Page
Pharmacy Services Handbook was revised

Philosophy and Purpose of the Pharmacy Department
Philosophy and Purpose of the Pharmacy Department was revised.

Organization - Western State Hospital Pharmaceutical and Central Supply
Organizational Chart.
This chart is revised. The pharmacy now has a third full-time pharmacist.

Section I,
Policy #1 Routine Pharmacy hours. Pharmacy hours are being changed to increase pharmacy hours in order to facilitate getting new patients' drugs to the wards.

Section I,
Policy #3 Emergency and On-Call Policy. Another pharmacist is being added to the work schedule.

Section I,
Policy #4 Staff Composition and Supervision. Policy No. 4 is a revision dated January 13, 1986. The pharmacy staff has increased by another full-time pharmacist.

Section I,
Policy #9 Accrual of C-Time for Pharmacy Employees. Policy No. 9 is a revision dated January 13, 1986. The coverage for Saturday work is being changed. A technician shall no longer work on Saturdays. Only a pharmacist shall work on Saturdays. This change will allow all the technicians to work through the normal workweek without having to take off for Saturday work.

Section II,
Policy #9 Physician Order Pick-Up. The hours that physicians' orders are to be brought to the pharmacy are being increased due to the change in pharmacy hours (see Section I, Policy No. 1).

Section II,
Policy #13 Pharmacy Rounds. The pharmacy round times during the week are being revised and the Saturday round is being deleted due to the changing pharmacy hours (see Section I, Policy No. 1).

Section II,
Policy #19 The Mini Drug Room. Policy No. 19 is being revised dated May 1985. The pharmacy will monitor the controlled substances cabinet in the MDR when doses are replaced and nursing will monitor the total number of doses at each shift change to better control the withdrawal of abuse substances from the MDR.

Section II,
Policy #19 The Mini Drug Room. The list for the main cabinet in the MDR has been revised to include the drugs most needed during our off hours. The list for the controlled substances cabinet has been reduced to include the drugs most used or the drugs in the least strengths.

Section II,
Policy #31 Disinfecting of Pharmacy Countertops. Policy No. 31 is being deleted.

Section III,
Policy #16 Culturing the Laminar Hood Area. Policy No. 16 is being deleted.

Section IV,
Policy #4 Maintenance of the Emergency Box. Policy No. 4 is a revision. The location of the Emergency Boxes are being changed to make the medication more available during an emergency.

Section V,
Policy #1 Policies for Physicians Drug Orders. Change to bring up-to-date our list of current authorized prescribers for Western State Hospital.

Section VII,
Policy #5 Pharmacy Inventory Control. New Drug Usage Talley Sheets were updated and revised due to pharmacy being placed on the computer. New drug code numbers were developed and placed in use.

Section XI,
Policy #4 Dating of Autoclaved Items. Policy No. 4 is being deleted.

Section XI Policies for Sterile Supplies and Equipment. List of Items Autoclaved is being revised. The pharmacy is no longer responsible for sterilizing reusable autoclavable items. All sterile central supply items are now purchased pre-packed for disposable use.

Section XI,
Policy #5 Control of Expired or Outdated Stock. Policy is revised. The pharmacy no longer stocks reusable sterilized items.

Section XI,
Policy #13 Culturing the Sterilizing Area and Autoclave Policies for sterile supplies equipment is being revised and retitled. The autoclave and sterilizing area no longer need to be periodically cultured according to the CDC regulations.

Section XII,
Policy #3 Patient Abuse. Policy No. 3, a new policy, discusses patient abuse and how our hospital and state law defines and deals with it or the withholding of any such information.

Section XII,
Policy #4 Inclement Weather. Policy No. 4, a new policy, states that all employees of the Department for Mental Health and Mental Retardation Services facilities are expected to report to work during all inclement weather.
Section XII,
Policy #5 Time and Attendance. Policy No. 5, a new policy, clarifies and supercedes any past policies on time and attendance as well as defines certain terms dealing with absences and tardiness.

Section 8 is revised as follows:

WESTERN STATE HOSPITAL INTERMEDIATE CARE FACILITY POLICY MANUAL

H-4 - EMPLOYEE POLICIES AND PROCEDURES

Section II,
Policy #7 Policy No. 7 revised to further clarify the use of sick time and the requirements in seeking approval for sick time.
Section II,
Policy #49 New Policy. To have a policy available to all licensed staff stating the requirement of having a valid license in order to eliminate any problems arising when licensed staff cannot furnish a current license.

Section 10 is revised as follows:

KENTUCKY CORRECTIONAL PSYCHIATRIC CENTER POLICY MANUAL

J-1/A-2 Policies and Procedures. Under Procedures "E" changed to read "Facility Director" on line three.
J-1/A-3 Staff and Patient Fingerprinting. Under procedures - "D". The word "patient" was deleted on first line. On third line, the word "staff" was added.
J-1/A-8 Replacement of Damaged Personal Property. Under Procedures "C" all clothing item prices have been increased.
J-1/A-40 Excess Copies/Copying of Medical Records. Under Procedures "A" the last sentence was added.
J-1/A-41 Sign In/Sign Out Log. Under Policy: The word "personally" was added to line one.
J-1/A-44 Use of Back Door in Nurses Station. Under Procedures "C" Clinical Director was added on line one.
J-1/A-45 Time and Attendance. Under Procedures "B" "The employee's certification may be accepted" was added.
J-1/A-47 Hospital Review Committee. New Policy.
J-1/A-48 Media Contact. New Policy.
J-1/A-49 No Smoking Areas. New Policy.
J-1/B-4 Abuse of Patients by Employees. Under Procedures - Spells out the duties of the Director under "F".
J-1/B-35 "Disposable Razors," General Hospital. This policy was implemented to allow the patients of KCPC to use the disposable razors rather than the safety razors which were passed from patient to patient. This will ensure sanitary conditions for patients when shaving and will also delineate the guidelines for ensuring the safety and security of the razors.
J-1/B-36 Patient Visiting. New Policy.
J-1/B-37 Extended and Special Visits. New Policy.
J-1/B-38 Transportation of Patients to Funerals or Bedside Visits. New Policy.
J-2/A-13a "Memo Book," Nursing Department. This policy was implemented to ensure a systematic storage of information and regular review by the Nursing staff.
J-4/29a "Sanitation and Storage of Sharps," Infection Control. This policy was implemented to prevent cross-contamination and infections among patients.
J-5/A-44 "Shift Assignment/Transfer," Security Department. This policy and procedure was revised to allow the Correctional Officers to submit a request for shift transfer at any time, to be kept on file. It also changes the structure of the Shift Transfer Committee, and criteria for a shift transfer to ensure a more fair and impartial method.
J-12/17 "Marriage of Patients," Parapsychiatric Service Department. This policy was implemented to establish the guidelines to be followed at our facility. This is a new policy and procedure.]

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 15, 1986
FILED WITH LRC: April 15, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 23, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 18, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. 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 1,850 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 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 <u>March 21, 1986</u> [February 28, 1986]. 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 the eligibity 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-servicemembers, 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 <u>March 7, 1986</u> [October 15, 1985]. 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-servicemembers, 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 August 1, 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 wages and tax reports by making adjustments, assessing additional payment and penalties and crediting tax overpayments; 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.

(7) Kentucky Unemployment Insurance Commission Administrative Branch Manual issued September 1, 1985. This manual includes procedures for the daily operations of the branch. Such procedures include staff duties and responsibilities, the review of cases, the conduct of hearings, the preparation of decisions and the proper handling of records and reports.

Section 2. 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.

Section 3. Summary of Amendment. Unemployment Insurance Local Office Manual. (1) Chapter 2000 [1000], Initial Claims [Introduction], strike pages (2020-2020(2)) - (2020-2040) dated 1-31-86 [entire Chapter], and substitute in lieu thereof pages (2020-2020(2)) - (2030-2040) dated 3-5-86, which provides for identification of National Guard and Reserve Armed Forces members in the initial claimstaking interview to assure that weekend drill pay is properly deducted from benefits [new chapter dated 1-31-86, which adds the subheading "Internal Security" emphasizing the legal requirement for confidentiality regarding claims for unemployment insurance benefits]. Strike contents dated 10-30-85, and substitute in lieu thereof contents dated 3-10-86. Strike pages (2010-2020) - (2020-2020) dated 8-30-85, and substitute in lieu thereof pages (2010-2020) - (2020-2020) dated 3-10-86, which provides that a claimant may request wages earned in the base period but paid subsequent to the base period be reallocated to the base period if an invalid claim would thereafter become valid.

(2) Chapter 4000 [2000], Video Operation [Initial Claims], strike contents page dated 10-30-85 [pages (2060-2060) - (2060-2060(2)) dated 8-30-85, and pages (2060-2070) - (2070-2070) dated 8-30-85], and substitute in lieu thereof contents page dated 3-11-86 [pages (2060-2060) - (2060-2060(2)) dated 2-7-86, and pages (2060-2070) - (2070-2070) dated 2-7-86 which adds a procedure to the claimstaking process to shorten the time required for staff to determine if an out-of-state employer is chargeable]. Strike pages (4120-4120(3)) - (4120-4120(4)) dated 10-18-85, and pages (4120-4120(5)) - (4120-4120(6)) dated 1-31-86 [(2020-2020(2)) - (2020-2040) dated 8-30-85], and insert in lieu thereof pages (4120-4120(3)) - (4120-4120(6)) dated 3-11-86, which provides instructions for entering specific transactions on Program 4B and entering the actual date a cash repayment is received to prevent a notice being generated by the Automated Recovery System due to a delay in entering [(2020-2020(2)) - (2020-2040) dated 1-31-86, which will permit the U.I. supervisor to authorize acceptance of mail-in claims under unusual circumstances beyond the claimant's control]. Strike pages (4215-4215(2)) - (4216-4230) dated 3-1-85, and insert in lieu thereof pages (4215-4215(2)) - (4216-4230) dated 3-11-86, which corrects a description of Benefit Payorder Transaction 67 and provides instructions for maintaining an Equipment Operations Log.

(3) Chapter 6000 [3000], Claims Investigation [Continued Claims], strike pages (6032-6032) - (6033-6034) dated 9-16-85 [(3025-3040) - (3040-3050) dated 10-30-85], and substitute in lieu thereof pages (6032-6032) - (6033-6034) dated 3-5-86, which provides instructions for deduction of weekend drill pay for National Guard and Reserve Armed Forces members and amends a section regarding the allocation for deduction purposes of a lump-sum retirement payment [(3025-3040) - (3050-3050) dated 1-31-86, which will permit the U.I. supervisor to authorize acceptance of mail-in claims under unusual circumstances beyond the claimant's control]. Strike pages (6193-6200) - (6200-6202) dated 2-12-86, pages (6202-6202) - (6206-6206) dated 9-16-85, and pages (6207-6207) - 6212-6222) dated 9-16-85, and insert in lieu thereof pages (6193-6200) - (6206-6206) dated 3-7-86, and pages (6207-6207) - (6220-6222) dated 3-7-86, which revises this section to include instructions that restitution of overpayments must not be sought or accepted after the statute of limitations has expired except on federal claims. Strike pages (6034-6034) - (6037-6040) dated 9-16-85, pages (6150-6175) - (6184-6190) dated 9-16-85, and pages (6190-6190) - (6190-6193) dated 11-22-85, and insert in lieu thereof pages (6034-6039) - (6039-6040) dated 3-10-86, and pages (6150-6175) - (6190-6193) dated 3-10-86, which provides intructions regarding the reallocation of wages from the quarter they were paid to the quarter in which they were earned when requested by the claimant to make an invalid claim become valid. Strike pages (6100-6101) - (6101-6106) dated 9-16-85, and insert in lieu thereof pages (6100-6101) - (6101-6106) dated 3-14-86, which adds instructions regarding labor dispute claims where affected claimants may be applying in two

(2) or more local offices. Strike page (6033-6033) - (6033-6034) dated 3-5-86, and insert in lieu thereof page (6033-6033) - (6033-6034) dated 3-17-86, which deletes a sentence that was inadvertently left in when the procedures were previously revised.

(4) Chapter 14000 [4000], Charts, Form Letters, Reference Materials [Video Operations], strike Wage Deduction Table [pages 4120-4120(5) - 4120-4120(6) dated 10-18-85], and substitute in lieu thereof new Wage Deduction Table [pages 4120-4120(5) - 4120-4120(6) dated 1-31-86, which reflects a new message on program 4B Overpayments and Restitution Page indicating when a partial payment agreement is voluntary].

(5) Chapter 15000 [6000], Local Office Ranking [Claims Investigation], strike contents and entire Chapter dated 11-15-85 [pages (6193-6200) - (6200-6202) dated 9-16-85], and substitute in lieu thereof contents and entire Chapter dated 3-12-86, which provides revision of the point accumulation schedule and deletes the Quarterly Quality Review which is no longer a factor in the ranking system [pages (6193-6200) - (6200-6202) dated 2-12-86, which amends the section Establishing Overpayments to insure a claimant is not overbilled due to an unrecovered overpayment established on a prior adjusted determination]. Strike pages (15000-15010) - (15055-15060) dated 3-12-86, and substitute in lieu thereof pages (15000-15010) - (15055-15060) dated 3-21-86, which is for "housekeeping" purposes and corrects obsolete references to regional supervisors and the Fiscal Section.

[(6) Chapter 10000, Unemployment Compensation for Ex-Servicepersons, strike entire chapter 10000 and insert in lieu thereof new chapter 10000 dated 1-15-86, which provides the latest instructions for preparation of a request for military information and revises the chapter's format to the standardized Department for Employment Services Manual format.]

[(7) Chapter 14000, Charts, Form Letters, Reference Materials, strike contents by chapter dated 10-30-85, and substitute in lieu thereof contents by chapter dated 2-28-86. Strike contents dated 11-15-85 and substitute in lieu thereof contents dated 2-28-86. Strike page 14000-14015 dated 1-3-86, and insert in lieu thereof page 14000-14010 dated 2-28-86, page 14015-14015 dated 2-28-86 and pages (14020-14020) - (14020-14020(2)) dated 2-28-86, which adds a new section, Forms Retention and Disposal.]

Section 4. Summary of Amendment. Unemployment Insurance Benefit Branch Manual. Add Chapter 6000, Video Operations. Strike contents page dated 10-15-85, and substitute in lieu thereof contents page dated 3-7-86.

JAMES P. DANIELS, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 9, 1986
FILED WITH LRC: April 15, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 23, 1986, 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 May 18, 1986, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James Daniels

(1) Type and number of entities affected: Thousands of U.I. claimants.

(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
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: None

(a) Necessity of proposed regulation if in conflict: N/A

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

(6) Any additional information or comments: None

Tiering:
Was tiering applied? No. All claimants treated equally.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Proposed Amendment)

904 KAR 1:009. Physicians' services.

RELATES TO: KRS 205.520
PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to physicians' services for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and the medically needy.

Section 1. Physicians' Services. Covered services shall include those furnished by physicians through direct physician-patient contact in the office, the patient's home, a hospital, a skilled nursing or intermediate care facility or elsewhere. For purposes of the Medical Assistance Program, oral surgeons shall be treated in the same manner as physicians with regard to coverage for services within their scope of licensed practice, and the term

"physician" shall be construed to include oral surgeons unless the context in which it is used is to the contrary.

Section 2. Limitations. (1) Coverage for initial and extensive visits shall be limited to one (1) visit per patient per physician per twelve (12) month period [calendar year].

(2) Payment for outpatient psychiatric services rendered by other than board-eligible and board-certified psychiatrists shall be limited to four (4) such services per patient per physician per twelve (12) month period.

(3) A patient placed in "lock-in" status due to over-utilization is to receive services only from his/her lock-in provider except in the case of emergency or referral.

(4) Coverage for laboratory procedures performed in the physician's office shall be limited to those procedures listed on the agency's physician laboratory benefit schedule. Physician laboratory procedures are limited to those specified as payable, except that the professional component of laboratory procedures performed by board certified pathologists in a hospital setting or an outpatient surgical clinic are covered so long as the physician has an agreement with the hospital or outpatient surgical clinic for the provision of laboratory procedures.

(5) The cost of preparations used in injections shall not be considered a covered benefit.

(6) Telephone contacts with patients shall not be considered a covered benefit.

FONTAINE BANKS, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 8, 1986
FILED WITH LRC: April 15, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 23, 1986, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 18, 1986, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: All physicians participating in the Medicaid Program.

(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: None

Tiering:
Was tiering applied? No. Not applicable for Medicaid regulations.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Proposed Amendment)

904 KAR 1:019. Pharmacy services.

RELATES TO: KRS 205.520
PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance under Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to pharmacy services for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and medically needy.

Section 1. Prescribed Drugs. Drugs prescribed by a physician, osteopath, or dentist shall be provided with the following limitations:

(1) The drug must be included on the Kentucky Medical Assistance Program Outpatient Drug List;

(2) Prescribing quantities may be limited by the program;

(3) Patients placed in "lock-in" status due to over-utilization are to receive services only from their lock-in provider except in the case of emergency or referral;

(4) Practitioner authorization, i.e., actual signature of the prescriber, shall be required on all prescriptions not phoned in, on all Schedule II controlled substances prescriptions, and when the physician override (certification of brand name necessity) procedure is being used. For telephone prescriptions (but not including the preceding) the pharmacist shall enter on the prescription form the name of the prescriber and the initials of the pharmacist;

(5) No prescription shall be refilled more than five (5) times, or more than six (6) months after the original prescription is written;

(6) Drugs, provided to recipients in institutions in which drugs are considered a part of the reasonable allowable costs under the Kentucky Medical Assistance Program, shall not be billed as an outpatient pharmacy benefit;

(7) Effective May 1, 1975, legend drugs, of a type not included on the Kentucky Medical Assistance Program Outpatient Drug List, and which meet established criteria, shall be considered covered when preauthorized by qualified medical professionals within the

Department for Medicaid Services [Division of Medical Assistance].

Section 2. Drug Pricing Information. Drug manufacturers and distributors shall be required to provide the Medical Assistance Program with accurate and complete pricing and/or cost information with regard to the drug manufacturer or distributor's drugs which are considered for inclusion on the Outpatient Drug List, or which may be preauthorized, upon request of the program.

(1) When a drug manufacturer or distributor provides inaccurate information with regard to drug pricing and/or cost and such fact has been documented to the program, the program may remove the drug for which inaccurate information has been provided from the Outpatient Drug List for a period of six (6) months, and may refuse to preauthorize such drug for a period of six (6) months. A drug manufacturer or distributor may request reinstatement of such drug after the six (6) month suspension period, and the program shall restore to its former status such drug if complete and accurate pricing information has been provided to the program by the drug manufacturer or distributor.

(2) When a drug manufacturer or distributor fails to provide complete pricing and/or cost information concerning a drug within thirty (30) days of the request from the program, the program may remove the drug from the Outpatient Drug List and/or refuse to preauthorize such drug. The drug may be returned to the Outpatient Drug List and/or preauthorized upon receipt by the program of the required pricing and/or cost information.

FONTAINE BANKS, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 8, 1986
FILED WITH LRC: April 15, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 23, 1986, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 18, 1986, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler
(1) Type and number of entities affected: All drug manufacturers or distributors whose drugs may be covered under the Medicaid Outpatient Drug Program.
(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:
1. First year: $100,000* (savings)
2. Continuing costs or savings: $100,000 (savings)
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: 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: *This is a preliminary estimate which assumes minimal savings; the extent to which misreporting of drug pricing information has occurred is not known.

Tiering:
Was tiering applied? No. Not applicable for Medicaid regulations.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Proposed Amendment)

904 KAR 1:038. Hearing and vision services.

RELATES TO: KRS 205.520
PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to the hearing services and vision care services for which payment shall be made by the Medical Assistance Program in behalf of both categorically needy and medically needy.

Section 1. Hearing Services. (1) Audiological benefits: Coverage shall be limited to the following services provided to children under age twenty-one (21) by certified audiologists:
(a) Complete hearing evaluation;
(b) Hearing aid evaluation;
(c) A maximum of three (3) follow-up visits within the six (6) month period immediately following fitting of a hearing aid, such visits to be related to the proper fit and adjustment of that hearing aid;
(d) One (1) follow-up visit six (6) months following fitting of a hearing aid, to assure patient's successful use of the aid.
(2) Hearing aid benefits: Effective June 1, 1981, coverage shall be provided to children under age twenty-one (21) on a pre-authorized basis for any monaural hearing aid model recommended by a certified audiologist so long as that model is available through a participating hearing aid dealer. Binaural hearing aids are not covered.

Section 2. Vision Care Services. Coverage for all age groups shall be limited to prescription services, services to frames and lenses, and

diagnostic services provided by ophthalmologists and optometrists, to the extent the optometrist is licensed to perform the services and to the extent the services are covered in the ophthalmologist portion of the physician's program. Eyeglasses are provided only to children under age twenty-one (21) on a pre-authorized basis. Coverage for eyeglasses is limited to two (2) pairs of eyeglasses per year per person. This limitation includes the initial eyeglasses and one (1) replacement per year or two (2) replacements per year. Coverage for initial and extensive visits shall be limited to one (1) visit per patient per provider per twelve (12) month period.

Section 3. If the funds allocated in the budget for eye examinations, prescriptions (for glasses), and other services are exhausted for the group aged twenty-one (21) and over, vision care services provided by ophthalmologists and optometrists will be terminated for that age group; this limitation shall not be interpreted to limit treatment of diseases of the eye by ophthalmologists. Vision care services for the group aged twenty-one (21) and over if terminated, shall be reinstituted at such time as funds again become available.

FONTAINE BANKS, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 8, 1986
FILED WITH LRC: April 15, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 23, 1986, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 18, 1986, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler
(1) Type and number of entities affected: All ophthalmologists and optometrists providing vision care services.
(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: None

Tiering:
Was tiering applied? No. Not applicable for Medicaid regulations.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Proposed Amendment)

904 KAR 1:220. Terms and conditions of provider participation; provider appeals.

RELATES TO: KRS 205.510 to 205.990
PURSUANT TO: KRS 194.050, 205.520
NECESSITY AND FUNCTION: Through KRS 205.520, the Secretary for Human Resources may establish regulations to comply with requirements imposed or opportunities presented by federal law to take advantage of funds available for medical assistance. Through an amendment to 42 U.S.C. 1395c and 1395j, Section 2175 of the Omnibus Budget Reconciliation Act of 1981 allows each state to restrict provider participation in its Medical Assistance Program if it is determined the provider committed fraud or abused the program. To allow the state the ability to respond for good cause against a provider through an administrative action short of adjudication of criminal liability and thereby assuring the continued integrity of the Medical Assistance Program, this regulation is enacted. This provision reiterates the authority of the cabinet to determine the terms and conditions of vendor participation in the Kentucky Medical Assistance Program, and sets forth the procedure by which an aggrieved provider may appeal the termination, suspension, denial or nonrenewal of his or her provider agreement.

Section 1. The Cabinet for Human Resources may determine the terms and conditions for participation of vendors in the Kentucky Medical Assistance Program. The cabinet may suspend, terminate, deny or not renew a vendor's provider agreement for good cause. For purposes of this regulation, "good cause" is defined as:
(1) Misrepresenting to concealing facts in order to receive or to enable others to receive benefits;
(2) Furnishing or ordering services under Medicaid that are substantially in excess of the recipient's needs or that fail to meet professionally recognized health care standards;
(3) Misrepresenting factors concerning a facility's qualifications as a provider;
(4) Failure to comply with the terms and conditions for vendor participation in the program and to effectively render service to recipients;
(5) Submitting false or questionable charges to the agency.

Section 2. Suspension Based on Felony Conviction. When a provider participating in the Kentucky Medical Assistance Program (KMAP) is convicted of a felony involving fraudulent practice relating to the KMAP, such provider is to be suspended from participation in the KMAP

for a minimum of two (2) years. At the end of the suspension period, the provider may initiate enrollment procedures with the KMAP.

Section 3. [2.] Upon notice of a decision to suspend, terminate, deny or not renew a provider agreement by the cabinet, any individual provider aggrieved thereby may file an appeal. The following procedure will govern the appeal of any such individual provider who has received said notice from the cabinet of termination, suspension, denial or nonrenewal of his or her provider agreement or of his or her suspension from the Kentucky Medical Assistance Program, except in the case of an adverse action taken under Title XVIII (Medicare), binding upon the Medical Assistance Program. Adverse action taken against an individual provider under Medicare must be appealed through the mechanism set forth in 42 CFR, Part 405 Subpart 0.

Section 4. [3.] Notification. The Kentucky Medical Assistance Program shall notify a provider in writing at least fifteen (15) days prior to the effective date of any decision to terminate, suspend, deny or not renew a provider agreement. the notice will state:

(1) The reasons for the decision;

(2) The effective date;

(3) The extent of its applicability to participation in the Medical Assistance Program

(4) The earliest date on which the cabinet will accept a request for reinstatement;

(5) The requirements and procedures for reinstatement; and

(6) The appeal rights available to the excluded party.

Section 5. [4.] Evidentiary Hearing. Any provider aggrieved by a decision by the cabinet to suspend, terminate, deny or not renew a provider agreement pursuant to Section 1 of this regulation may, upon written request made within five (5) days from receipt of the written consideration decision, request an evidentiary hearing. Such hearing shall be held within thirty (30) days of receipt of the written request, and a decision shall be rendered within thirty (30) days from the date all evidence and testimony is submitted. Technical rules of evidence shall not apply. The hearing shall be held before an impartial decision-maker appointed by the Secretary for Human Resources. When an evidentiary hearing his held under this section, a provider shall be entitled to the following:

(1) Timely written notice as to the basis of the adverse decision and disclosure of the evidence upon which the decision was based;

(2) An opportunity to appear in person and introduce evidence to refute the basis of the adverse decision;

(3) A provider may be represented by counsel;

(4) A provider shall have an opportunity to be heard in person, to call witnesses, and to introduce documentary and other demonstrative evidence;

(5) A provider shall have an opportunity to cross-examine witnesses;

(6) The decision of the impartial hearing officer shall be in writing and shall set forth the reasons for the decision and the evidence upon which the determination is based.

Section 6. [5.] The decision of the hearing officer shall be the final decision of the Cabinet for Human Resources.

Section 7. [6.] The rights upon appeal by skilled nursing facilities (SNF's), intermediate care facilities (ICF's), and intermediate care facilities for the mentally retarded (ICF/MR's) shall be governed by the provisions of 42 CFR 431.154 (informal reconsideration), and thereafter, 42 CFR 431.153 (evidentiary hearing).

FONTAINE BANKS, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 8, 1986
FILED WITH LRC: April 15, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 23, 1986, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 18, 1986, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: All providers participating in the Medicaid Program.

(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: None

Tiering:
Was tiering applied? No. Not applicable for Medicaid regulations.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development
(Proposed Amendment)

904 KAR 2:190. Incorporation by reference of materials relating to the Refugee Assistance Program.

RELATES TO: KRS 194.030(6)
PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources is authorized by KRS 194.050 to administer programs to qualify for the receipt of federal funds providing cash and medical assistance to eligible Kentucky residents. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Refugee Assistance Program.

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

Section 2. Listing of Incorporated Materials. The following materials are hereby incorporated by reference, effective on the date shown:
(1) Federal regulations at 45 CFR Parts 400-401, which set forth the federal requirements and guidelines for the administration of the Refugee Assistance Program, effective April 1, 1986 [May 1, 1984];
(2) Federal Office of Refugee Resettlement action transmittals which set forth the federal requirements and guidelines for the administration of the Refugee Assistance Program, as follows: ORR-AT-80-5, 80-6, 80-7, 81-1, 82-3, 83-1, 83-2, 83-6, 83-6A, and 84-2, effective October 1, 1984; and
(3) Memorandum dated March 1, 1984 to State Agency Administrators of Refugee Resettlement Program and Cuban/Haitian Entrant Program, which set forth program goals, standards, and priorities in the Refugee Assistance Program, effective May 16, 1984.

Section 3. All documents included by reference herein may be reviewed during normal working hours at the Division of Mangement and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

MIKE ROBINSON, Deputy Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 2, 1986
FILED WITH LRC: April 8, 1986 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 23, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 18, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler
(1) Type and number of entities affected: None. The rule incorporated formalizes policies currently governing the program.
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: 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. Not applicable to the Refugee Resettlement Program.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management and Development
(Proposed Amendment)

904 KAR 3:035. Certification process.

RELATES TO: KRS 194.050
PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer a Food Stamp Program as prescribed by the Food Stamp Act of 1977, as amended, and 7 CFR Part 270 through 280. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth the certification process used by the cabinet in the administration of the Food Stamp Program.

Section 1. Eligibility and Benefit Levels. Eligibility and benefit levels shall be determined by the cabinet by considering the households circumstances for the entire month(s) for which each household is certified. Procedures specified in 7 CFR Part 273 and any waivers thereto approved by the federal Food and Nutrition Service (FNS) shall be used to determine eligibility and calculate net income and benefit levels. The criteria set forth in this section shall be applicable to all households. In addition, certain households require special/additional certification procedures as specified in Section 5 of this

regulation.

Section 2. Certification Periods. The cabinet shall establish a definite period of time within which a household shall be eligible to receive benefits. At the expiration of each certification period entitlement to food stamp benefits ends. Further eligibility shall be established only upon a recertification based upon a newly completed application, an interview, and verification. Certification periods for non-public assistance households shall be in accordance with those specified in 7 CFR Parts 273.2(k)(1)(iii)(B), 273.10(f)(3)(4)(5)(6), and 273.21(a)(3). Households in which all members are included in a PA grant shall be certified for a period of time which ensures, to the extent possible, that the recertification date and the PA reinvestigation date coincide.

Section 3. Certification Notices to Households. The cabinet shall provide applicants with one (1) of the following written notices as soon as a determination is made, but no later than thirty (30) days after the date of the initial application:

(1) Notice of eligibility.
(2) Notice of denial.
(3) Notice of pending status.

Section 4. Application for Recertification. The cabinet shall process applications for recertification in accordance with 7 CFR Part 273.10(g)(2), Part 273.14 and Part 273.21(q), unless specifically waived by FNS.

Section 5. Certification Process for Specific Households. The following households have circumstances that are substantially different from other households and therefore require special/additional certification procedures:

(1) Households with self-employed members shall have their cases processed in accordance with 7 CFR Part 273.11(a).

(2) Households with boarders shall have their case processed in accordance with 7 CFR Part 273.11(b).

(3) Households with excluded household members which have been disqualified from program participation due to intentional program violation, failure to provide a Social Security number, because they are ineligible aliens, or because they have not verified their citizenship or alien status prior to certification, shall have their case processed in accordance with 7 CFR Part 273.11(c).

(4) Households with non-household members shall be processed in accordance with 7 CFR Part 273.11(d).

(5) Residents of drug/alcoholic treatment and rehabilitation programs in a private, non-profit organization or a publicly operated community mental health center shall have their case processed in accordance with 7 CFR Part 273.11(e).

(6) Residents of group living arrangements who are blind or disabled who receive benefits under Title II or Title XVI of the Social Security Act shall have their case processed in accordance with 7 CFR Part 273.11(f), which allows residents to apply in their own behalf or through the use of an authorized/certified facility's authorized representative.

(7) Residents of shelters for battered women and children shall have their case processed in accordance with 7 CFR 273.11(g).

(8) Households consisting only of Supplemental Security Income (SSI) applicants or recipients shall have their case processed in accordance with 7 CFR 273.2(k).

(9) Households with a member who is on strike shall have their case processed in accordance with 7 CFR 273.1(g).

(10) Households requesting replacement allotments shall be processed in accordance with 7 CFR 273.11(i), 274.2(h) and 274.3(c).

(11) Student households or households containing a member(s) who is a student shall have their case processed in accordance with 7 CFR Part 273.5.

(12) Households containing a sponsored alien(s) shall have their case processed in accordance with 7 CFR Part 273.11(h).

(13) Households which are required to comply with mandatory monthly reporting criteria shall have their case processed and shall comply with reporting requirements in accordance with 7 CFR Part 273.21 and waivers thereto approved by FNS, with selected options as follows:

(a) A two (2) month system shall be used whereby the issuance month is the second month following its corresponding budget month. This system includes two (2) or three (3) beginning months, the month of application and/or month of approval and the following month. Eligibility and benefit calcualtion shall be determined prospectively for the beginning months.

(b) For households reporting monthly, ongoing eligibility shall be determined by considering all factors of eligibility prospectively benefits shall be determined retrospectively. However, any factor which causes ineligibility prospectively, for a period longer than one (1) month, shall be acted upon immediately. For households reporting less frequently than monthly, ongoing eligibility and benefits shall be determined propsectively.

(c) The amount of the PA grant which was issued in the base month shall be considered in the corresponding budget month.

(d) Counties shall terminate or suspend cases in accordance with 7 CFR Part 273.21(m) and 273.21(n).

(e) The recertification form shall serve as the report required for that month in which a household must be recertified.

(f) All households specified in 7 CFR Part 273.21(b)(2), as well as any others exempted by the appropriate federal agency, shall be excluded from mandatory monthly reporting.

Section 6. Reporting Changes. Certified households are required to report those changes in household circumstances specified in 7 CFR Part 273.12(a) within ten (10) days of the date the change becomes known to the household. An applying household shall report all changes related to its food stamp elibility and benefits at the certification interview, or for changes occurring after the interview but prior to receipt of the notice of eligibility, within ten (10) days of the date of the notice. The cabinet shall act on reported changes in accordance with 7 CFR Part 273.12(c). The cabinet shall comply with other change reporting provisions outlined in 7 CFR Part 273.12. Households which are required to report monthly, shall not be required to submit any reports of changes other than the reports required under Section 5(13) of

this regulation.

[Section 7. Provisions contained in this regulation shall become effective January 16, 1985.]

MIKE ROBINSON, Deputy Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 7, 1986
FILED WITH LRC: April 15, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 23, 1986, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 18, 1986, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler
(1) Type and number of entities affected: The change to this regulation will allow food stamp participation by publicly operated community mental health centers, of which there are none in the state of Kentucky.
(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:
(2) Effects on the promulgating administrative body: Minimal - this change merely incorporates federal material.
(a) Direct and indirect costs or savings: None
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: No significant impact on state or local revenues.
(4) Assessment of alternative methods; reasons why alternatives were rejected: Federal requirements do not allow for alternatives, so none considered.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: None

Tiering:
Was tiering applied? No. Federal requirements must be applied uniformly, statewide, therefore tiering was not necessary/possible.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Aging Services
(Proposed Amendment)

905 KAR 8:030. Meal standards for the Older Americans Act.

RELATES TO: KRS 205.204
PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: P.L. 89-73, "Older Americans Act," as amended, authorizes grants to states to provide assistance in the development of new or improved programs for older persons. 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. KRS 205.204 designates the Cabinet for Human Resources as the state agency to administer the Older Americans Act in Kentucky. The function of this regulation is to implement federal meal standards which are applicable to the Area Agencies on Aging.

Section 1. Meal Standards for Area Agencies on Aging. The Cabinet for Human Resources hereby adopts, by reference, "Meal Standards" revised March 1, 1986, to become effective July 1, 1986, [complete to May 3, 1984,] as the minimum standards for meals provided or contracted for by the Area Agencies on Aging under the Older Americans Act. This manual sets forth minimum standards for meal planning, food groups to be included, beverages, food preparation, personal hygiene, congregate meal delivery service, home delivered meals, commodity and/or cash payments, nutrition education, and emergency meals. The manual on meal standards 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. These revised meal standards contain changes in food preparation, personal hygiene, congregate meal delivery service, nutrition education, etc., relating to meals provided or contracted for by the Area Agencies on Aging. These amendments bring the Meal Standards for the Title III Meals Program into compliance with the State Food Code maintained by the Department of Health Services.

ANNA GRACE DAY, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 9, 1986
FILED WITH LRC: April 15, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 23, 1986, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by May 18, 1986: R. 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: All contractors providing meal services.
(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:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None

Tiering:
Was tiering applied? No. Affects contractors who provide meal services statewide.

PROPOSED REGULATIONS RECEIVED THROUGH APRIL 15

FINANCE AND ADMINISTRATION CABINET
Board of Pharmacy

201 KAR 1:067. Quality enhancement program.

RELATES TO: KRS 325.240
PURSUANT TO: KRS 325.240
NECESSITY AND FUNCTION: To promulgate administrative regulations of the State Board of Accountancy. This regulation pertains to the quality enhancement program.

Section 1. Definitions. (1) "Board" means the State Board of Accountancy of Kentucky.
(2) "Office" means each place of business of a Kentucky practice unit which constitutes a separate geographical location where the practice unit engages in the practice of public accountancy.
(3) "Issuer" means individuals, partnerships, professional service corporations, associations or other entities.
(4) "Practice unit" means:
(a) Each certified public accountant or public accountant as defined in KRS 325.220 engaged in the practice of public accountancy as sole proprietors;
(b) All partnerships, professional service corporations, associations or other entities engaged in the practice of public accountancy; or
(c) All out-of-state certified public accountants or firms of certified public accountants, issued or applying for a temporary permit pursuant to KRS 325.390(2) for the purpose of enabling such individuals or firms to perform public accounting services in Kentucky.
(5) "Steering committee" means a committee of licensees appointed by the board pursuant to KRS 325.240 which is responsible for the conduct of the program subject to the approval of the board.

Section 2. (1) All offices shall be required to provide the board annually with legible copies of an audit, a review and a compilation as part of the annual renewal of their firm registration or individual permit to practice public accountancy under KRS 325.330.
(2) Out-of-state practice units shall be required to provide the board with legible copies of an audit, a review and a compilation at the time of their application for renewal of the temporary permit and annually thereafter.
(3) If a practice unit does not issue a particular level of report, a notice to that effect may be filed with the board and that practice unit will be exempted from submitting that level of report for that fiscal year renewal cycle. Exemptions granted under this subsection are valid for one (1) fiscal year.
(4) The reports to be submitted are to be selected by the practice unit and confidential client information may be obscured or deleted from the reports prior to submission to the board, so long as it does not impair the readability of such reports.
(5) Reports must be submitted with a transmittal form approved by the board.

Section 3. (1) Upon receipt of the reports by the board, file numbers will be assigned to the reports and the identity of the issuer will be obscured or deleted.
(2) All reports, or a percentage thereof, shall receive an initial review by a program coordinator or other designee, who shall be a certified public accountant skilled in accounting and auditing.
(3) The initial review and all subsequent reviews shall seek to determine adherence or lack thereof with applicable standards of reporting.
(4) Issuers of reports deemed by the program coordinator to adhere to applicable standards of reporting following the initial review will be so notified. The remaining reports will be assigned to volunteer reviewers for desk reviews.
(5) If a particular report submitted goes unreviewed for a fiscal year review cycle, a notice to that effect shall be mailed to the issuer.

Section 4. (1) A desk review will consist of an in-depth review of the report by a volunteer reviewer, who shall be skilled in accounting and auditing and who has participated in a training program sponsored by the board.

(2) Upon completion of the desk review, the volunteer reviewer shall submit his comments to the program coordinator and the steering committee for consideration.
(3) The steering committee shall review the comments for materiality and substance and determine what, if any, comments will be forwarded to the issuer.
(4) Following approval by the steering committee, letters of constructive comment shall be mailed to issuers regarding the perceived departures from standards detected in their reports. Such correspondence shall include authoritative citations to support the conclusions drawn.
(5) The issuer shall be requested to respond to the findings of the steering committee and provide rationale for areas of disagreement.
(6) The steering committee shall review responses from the issuers and determine whether or not the areas of disagreement warrant a field review of the supporting workpapers and documentation.

Section 5. (1) The steering committee, or a representative thereof, shall regularly report to the board on the status of the Quality Enhancement Program, and, where appropriate, recommend that field reviews of workpapers be performed to clarify discrepancies and disagreements in specific cases.
(2) The results of the field review of the workpapers and documentation shall be reported to the issuer and to the steering committee. The results shall be the basis for discussions concerning remedies to upgrade the reporting.
(3) Failure of a practice unit to submit the reports required by this regulation shall not prevent the renewal of an individual permit or a firm registration; but will result in the initiation of an investigation by the board under KRS 325.360.

JAMES T. AHLER, Executive Director
APPROVED BY AGENCY: March 21, 1986
FILED WITH LRC: April 2, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 28, 1986 at 10 a.m. 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 May 23, 1986 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
(1) Type and number of entities affected: Approximately 500 partnerships, professional service corporations and sole proprietorships which issue reports will be affected.
(a) Direct and indirect costs or savings to those affected:
1. First year: The cost to the affected parties will essentially involve photocopying the reports and forwarding them to the board.
2. Continuing costs or savings: See (1)(a)1.
3. Additional factors increasing or decreasing costs (note any effects upon competition): Firms which do not issue reports on financial statements will not be required to participate in this program.
(b) Reporting and paperwork requirements: Practice units will be required to forward copies of audit, review and compilation reports at the time they seek to renew their annual permit to practice, firm registration or temporary permit.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: The agency will incur costs in the area of staff time and report processing in connection with this program. The additional costs for staff time, correspondence and processing will be paid from agency reserves.
2. Continuing costs or savings: See (2)(a)1.
3. Additional factors increasing or decreasing costs: The agency will utilize volunteer reviewers in an effort to hold down the cost of this program.
(b) Reporting and paperwork requirements: The agency will be corresponding regularly with the practice units to advise same of the status of the reports reviewed.
(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: It is anticipated that the quality of work performed by practice units providing accounting and auditing services in this state will be enhanced by this program. The goal of the Quality Enhancement Program is to improve adherence to reporting standards through educational rather than punitive means.

Tiering:
Was tiering applied? No. The impact of this regulation will affect all practice units equally.

TOURISM CABINET
Department of Fish and Wildlife Resources

301 KAR 4:050. Swan Lake Wildlife Management Area restrictions.

RELATES TO: KRS 150.010, 150.015, 150.025, 150.300, 150.600, 219.370
PURSUANT TO: KRS 13A.350, 150.025
NECESSITY AND FUNCTION: This regulation is necessary to prescribe appropriate use restrictions for the Swan Lake Wildlife Management Area. Its function is to prevent disturbance of wintering migratory waterfowl and to provide for the protection and maintenance of the property and its associated wildlife.

Section 1. Access. The Swan Lake Wildlife Management Area, except such portions as are designated wildlife observation areas, is closed to all public access, including by boat during periods of high water, from October 15 through

March 15. Only authorized Department or U.S. Fish and Wildlife Service employees on official business shall enter the premises during this period.

Section 2. Hunting Restrictions. (1) Wild turkey. Turkey hunting is prohibited.
(2) Frogs. Firearms may not be used for hunting frogs.
(3) Waterfowl hunting is prohibited on the body of water known as Swan Lake.

Section 3. Dog Training. Dog training is prohibited.

Section 4. Camping Restrictions. (1) Location. Camping is restricted to designated areas.
(2) Length of time. No one shall camp on this management area for more than fourteen (14) consecutive days.
(3) Pets. All pets in the camping area must be leashed.
(4) Only primitive camping is permitted. Recreational vehicle camping is prohibited.

G. WENDELL COMBS, Secretary
DON R. McCORMICK, Commissioner
CHARLES E. PALMER, JR., Chairman
APPROVED BY AGENCY: March 27, 1986
FILED WITH LRC: March 27, 1986 at 1 p.m.
PUBLIC HEARING SCHEDULED: A public hearing will be held on May 23, 1986 at 3 p.m. in the Commission Room of the Department of Fish and Wildlife Resources central offices at 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: This regulation will affect an unknown number of waterfowl and dove hunters and other outdoor recreationists who will utilize the Swan Lake Wildlife Management Area.
(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs or savings imposed by this regulation.
1. First year: Same as above.
2. Continuing costs or savings: Same as first year.
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: Requires time and effort in developing, publishing, and enforcing the proposed regulation.
(a) Direct and indirect costs or savings: Primary costs are associated with enforcing the regulation.
1. First year: $5,000.
2. Continuing costs or savings: Same as first year.
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: A strongly positive effect upon state and local revenues may be anticipated as tourism and hunting opportunity are increased by the protection this regulation will provide toward enhancing waterfowl population growth in the area. The presence of large waterfowl concentrations will also cause adjacent land values to increase as the potential for commercial exploitation is realized.
(4) Assessment of alternative methods; reasons why alternatives were rejected: This regulation is necessary to provide protection to the property and its associated wildlife population during the period in which planning is being developed. Once waterfowl movements and public use are better understood, alternative approaches may be taken. This regulation is an interim measure while alternative approaches are being considered. Alternatives have been rejected until better information is available.
(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.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Air Pollution

401 KAR 50:042. Good engineering practice stack height.

RELATES TO: KRS 224.320, 224.330, 224.340
PURSUANT TO: KRS 224.033
NECESSITY AND FUNCTION: KRS 224.033 requires the Natural Resources and Environmental Protection Cabinet to prescribe regulations for the prevention, abatement and control of air pollution. This regulation defines good engineering practice stack height which shall be used in establishing emissions limitations.

Section 1. Applicability. The provisions of this regulation shall apply to all stacks or all dispersion techniques commenced on or after the classification date defined below, or to those stack heights in existence, or dispersion techniques implemented before the classification date, where pollutants are being emitted from such stacks or using such techniques by stationary sources which were constructed or reconstructed or for which major modifications were carried out on or after the classification date.

Section 2. Definitions. As used in this regulation, all terms not defined herein shall have the meaning given them in 401 KAR 50:010, 401 KAR 51:017, or 401 KAR 51:052.
(1) "Emission limitation" and "emission standard" mean requirements established by the cabinet or the U.S. EPA which limit the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including

any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(2) "Stack" means any point in a source designed to emit air pollutants into the atmosphere, including a pipe or duct but not including flares.

(3) "A stack in existence" means that the owner or operator had:

(a) Begun, or caused to begin, a continuous program of physical on-site construction of a stack; or

(b) Entered into binding agreements or contractual obligations, which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of a stack to be completed in a reasonable time.

(4) "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by:

(a) Using that portion of a stack which exceeds good engineering practice stack height;

(b) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

(c) Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one (1) stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise, but does not include:

1. The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

2. The merging of exhaust gas streams where:

a. The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;

b. After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the pollutant affected by such change in operation; or

c. Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in quantity of pollutants actually emitted prior to the merging, the cabinet shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the cabinet shall deny credit for the effects of such merging in calculating the allowable emissions for the source;

3. Smoke management in agricultural or silvicultural prescribed burning programs;

4. Episodic restrictions on residential woodburning and open burning; or

5. Techniques which increase final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one (1) stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

(5) "Good engineering practice (GEP) stack height" means the greater of:

(a) Sixty-five (65) meters, measured from the ground-level elevation at the base of the stack;

(b)1. For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable preconstruction permits or approvals required under the regulations of the Division of Air Pollution, good engineering practice stack height is two and five-tenths (2.5) multiplied by the height of nearby structure(s) measured from the ground-level elevation at the base of the stack (H_g = 2.5H), provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limit;

2. For all other stacks, good engineering practice stack height shall be determined by the following equation, provided that the cabinet or the U.S. EPA may require the use of a field study or fluid model to verify GEP stack height for the source:

$H_g = H + 1.5L$

where:

H_g = GEP stack height measured from the ground-level elevation at the base of the stack.

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack.

L = lesser dimension (height or projected width) of nearby structure(s); or

(c)1. The height demonstrated by a fluid model or a field study approved by the cabinet or the U.S. EPA, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.

2. The fluid model study shall be conducted in accordance with guidelines published by the U.S. EPA in "Guideline for Use of Fluid Modeling to Determine Good Engineering Practice Stack Height," July 1981, U.S. EPA Office of Air Quality Planning and Standards, EPA-450/4-81-003; and "Guideline for Fluid Modeling of Atmospheric Diffusion," April 1981, U.S. EPA Environmental Sciences Research Laboratory, EPA-600/8-81-009, filed by reference in 401 KAR 50:015.

(6) "Nearby" as used in subsection (5) of this section is defined for a specific structure or terrain feature; and means:

(a) For purposes of applying the equations provided in subsection (5)(b) of this section, that distance up to five (5) times the lesser of the height or the width dimension of a structure, but not greater than eight-tenths (0.8) km (five-tenths (0.5) mile); and

(b) For conducting demonstrations under subsection (5)(c) of this section, not greater than eight-tenths (0.8) km (five-tenths (0.5) mile) except that the portion of a terrain feature may be considered to be nearby if it falls within a distance of up to ten (10) times

the maximum height (H_T) of the feature, not to exceed two (2) miles if such feature achieves a height (H_t) eight-tenths (0.8) km from the stack that is at least forty (40) percent of the GEP stack height determined by the equations provided in subsection (5)(b)2 of this section or twenty-six (26) meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(7) "Excessive concentration" is defined for the purpose of determining good engineering practice stack height under subsection (5)(c) of this section and means:

(a) For sources seeking credit for stack height exceeding that established under subsection (5)(b) of this section, a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least forty (40) percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to 401 KAR 51:017, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least forty (40) percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under subsection (5)(c) of this section shall be prescribed by the new source performance standard that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the cabinet, an alternative emission rate shall be established in consultation with the source owner or operator;

(b) For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under subsection (5)(b) of this section; either:

1. A maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects as provided in paragraph (a) of this subsection, except that the emission rate specified by any applicable State Implementation Plan (or, in the absence of such a limit, the actual emission rate) shall be used; or

2. The actual presence of a local nuisance caused by the existing stack as determined by the cabinet.

(c) For sources seeking credit after January 12, 1979, for a stack height determined under subsection (5)(b) of this section where the cabinet requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in subsection (5)(b) of this section, a maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects that is at least forty (40) percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

(8) "Classification date" means January 1, 1971.

Section 3. Emissions Limitations. No stack height in excess of GEP height, nor any other dispersion techniques, shall be used to determine the emissions limitations required for control of any air pollutant regulated by the cabinet or the U.S. EPA. This regulation does not in any manner restrict the actual physical stack height of any source.

Section 4. Public Notice. Before submitting to the U.S. EPA a new or revised emission limitation that is based on GEP stack height that exceeds the stack height allowed by Section 2(5)(a) or (b) of this regulation, the cabinet shall notify the public of the availability of the demonstration study and shall provide opportunity for public hearing on it.

CHARLOTTE E. BALDWIN, Secretary
APPROVED BY AGENCY: April 14, 1986
FILED WITH LRC: April 15, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing to receive comments on this proposed regulation will be conducted on May 27, 1986, at 10 a.m. (EDT) in Room G-2 of the Capital Plaza Tower, Frankfort, Kentucky. Those persons interested in attending this meeting shall contact, in writing at least five days prior to the hearing, Mr. William S. Coakley, Manager, Program Development Branch, Division of Air Pollution Control, 18 Reilly Road, Fort Boone Plaza, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roger B. McCann

(1) Type and number of entities affected: This proposed regulation is intended to affect two types of sources. The first type of sources affected is those sources with stacks taller than 65 meters (213 feet) constructed after December 31, 1970, whose emission limitations were established by modeling but where such modeling did not use Good Engineering Practice (GEP) stack height. The Division is currently reviewing all stacks taller than 65 meters and to date has identified one source which will need to remodel. The second type is those sources which took credit for other dispersion techniques commenced after December 31, 1970. The Division is currently reviewing sources with allowable emissions of sulfur dioxide greater than 5000 tons per year to determine if any are affected.

In the future, all modeling and dispersion techniques will be required to conform to the provisions of this regulation. Section 123 of the Clean Air Act requires the United States Environmental Protection Agency (U.S. EPA) to promulgate regulations to assure that the degree of emission limitation required for the control of any air pollutant is not affected by that portion of any stack height which exceeds GEP or by any other dispersion technique. Any source

would be subject to the requirements in the federal regulation, irrespective of its location.

(a) Direct and indirect costs or savings to those affected: The cost of remodeling to determine allowable emission limits can be as high as $70,000 for computer modeling depending on the extent of remodeling necessary. Fluid modeling, if required by the U.S. EPA or selected by the source, could cost from $50,000 to $300,000. If the allowable emission limit is lowered, there is a potential for additional costs to comply with the lower limit. There should be no additional cost to future sources in Kentucky because GEP is now routinely used in the review process.

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: The source is required to submit an acceptable demonstration of intent in order to obtain credit for merging of stacks. If there is a change in allowable emission limits due to remodeling, the source will be required to apply for an amended permit.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: Funds have been requested from the U.S. EPA to defray the costs to the Division for implementing the stack height regulation.

1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: There is no additional reporting and paperwork required in this regulation.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The Clean Air Act mandates the use of GEP stack height equations in the calculation of emission limits and no other alternatives to the requirements of this regulation are possible.

(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 Clean Air Act requires the U.S. EPA to promulgate regulations which would specify the stack height that would be considered as Good Engineering Practice (GEP). This GEP stack height would be the height used in modeling a source to determine the maximum allowable emission limitation for that source. The purpose was to limit emissions from sources that, because of their tall stacks (in excess of the GEP stack height), could otherwise emit pollutants at a much higher rate without causing violations of any national ambient air quality standards (NAAQS) at ground level in their vicinity. These higher emissions would result in additional undesirable atmospheric pollutant loadings with resultant adverse environmental effects.

This regulation is similar to the federal requirements in 40 CFR 51.1, 51.12, and 51.18 as amended by U.S. EPA in the Federal Register of July 8, 1985 (50 FR 27906), and applies to stacks constructed after December 31, 1970. The GEP stack height for stacks constructed between January 1, 1971, and January 12, 1979, has been set at the traditional good engineering height of two and one-half times the height of the nearest structure. For stacks constructed after January 12, 1979, the GEP stack height equation has been refined to include the height or projected width, whichever is less, of nearby structure(s).

The regulation on the prevention of significant deterioration (PSD) 401 KAR 51:017, requires the use of GEP stack heights which would be calculated by the equations in this regulation.

The regulation does not affect the actual physical stack height at a source.

Tiering:
Was tiering applied? Yes. The regulation does not apply to those stack heights and dispersion techniques in existence before January 1, 1971, unless pollutants are being emitted from such stacks or using such dispersion techniques by sources which were constructed, or reconstructed, or for which major modifications were carried out on or after this date. Further, stacks with heights less than 65 meters are not affected by the definition of GEP stack height, although they could still be affected by the definition of dispersion techniques. The equations for GEP stack height are different for those stacks constructed between January 1, 1971, and January 12, 1979, and those constructed after January 12, 1979. Techniques which increase final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack, or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year are exempt.

CORRECTIONS CABINET

501 KAR 6:030. Kentucky State Reformatory.

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 April 14, 1986 and hereinafter should be referred to as Kentucky State Reformatory 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.

KSR 01-00-09	Public Information and News Media Relations
KSR 01-00-10	Entry Authorization for All Cameras and Tape Recorders Brought into the Institution
KSR 01-00-14	Extraordinary Occurrence Report
KSR 01-00-15	Cooperation and Coordination with Oldham County Court
KSR 01-00-18	Assistant Duty Officers
KSR 01-00-19	Personal Service Contract Personnel
KSR 01-00-20	Consent Decree Notification to Inmates
KSR 02-00-01	Inmate Canteen
KSR 02-00-03	Screening Disbursements from Inmate Personal Accounts
KSR 02-00-11	Inmate Personal Accounts
KSR 02-00-12	Institutional Funds and Issuance of Checks
KSR 03-00-01	Shift Assignment/Reassignment
KSR 03-00-02	Employee Dress and Personal Appearance
KSR 03-00-05	Intra-Agency Promotional Opportunity Announcements
KSR 03-00-06	Employee Time and Attendance
KSR 03-00-07	Travel Expense Reimbursement
KSR 03-00-08	Employee Tuition Assistance Reimbursement
KSR 03-00-10	Workers' Compensation
KSR 03-00-11	Equal Employment Opportunity Complaints
KSR 03-00-12	Employee Greivance Procedure
KSR 03-00-14	Prohibited Employee Conduct, Disciplinary Actions, and Appeal Process
KSR 03-00-15	Affirmative Action Program
KSR 03-00-16	Confidentiality of Personnel Records
KSR 03-00-19	Establishment of Personnel Records and Employee Right to Challenge Information Contained Therein
KSR 03-00-20	Personnel Selection, Retention and Promotion
KSR 03-00-21	Equal Employment Opportunities for Institutional Job Assignments and Job Classification Promotions
KSR 03-00-23	Work Planning and Performance Review (WPPR)
KSR 03-00-24	Inclement Weather and Employee Work Attendance
KSR 03-00-25	Medical Examination Requirements for New Employees
KSR 04-00-02	Staff Training and Development
KSR 05-00-02	Research Activities
KSR 05-00-03	Management Information Systems
KSR 06-00-01	Inmate Master File
KSR 06-00-02	Records Audit
KSR 06-00-03	Kentucky Open Records Law
KSR 07-00-02	Institutional Tower Room Regulations
KSR 07-00-03	Guidelines for Contractors
KSR 08-00-07	Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family
KSR 08-00-08	Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery, or Death of an Inmate
KSR 08-00-09	Emergency Preparedness Training
KSR 09-00-04	Horizontal Gates/Box 1 Entry and Exit Procedure
KSR 09-00-05	Gate I Entrance and Exit Procedure
KSR 09-00-14	Use of Force
KSR 09-00-21	Crime Scene Camera
KSR 09-00-22	Collection, Preservation, and Identification of Physical Evidence
KSR 09-00-23	Drug Abuse Testing
KSR 09-00-25	Inmate Motor Vehicle Operator's License
KSR 10-00-02	Special Management Inmates - Operations, Rules and Regulations for Unit D
KSR 10-00-03	Special Needs Unit
KRS 10-00-04	Unit D Admission/Release Ticket
KSR 11-00-01	Meal Planning for the General Population
KSR 11-00-02	Special Diets
KSR 11-00-03	Food Service Inspections
KSR 11-00-04	Dining Room Dress Code for Inmates
KSR 11-00-06	Health Standards/Regulations for Food Service Employees
KSR 11-00-07	Early Chow Line Passes for Medically Designated Inmates
KSR 12-00-01	Inmate Summer Dress Regulations
KSR 12-00-02	Sanitation and General Living Conditions
KSR 12-00-03	State Items Issued to Inmates
KSR 12-00-07	Regulations for Inmate Barbershop
KSR 13-00-01	Identification of Mentally Retarded Inmates
KSR 13-00-02	Regulations for Hospital Patients
KSR 13-00-03	Medication for Inmates Leaving Institution Grounds
KSR 13-00-04	Dental Care for Inmates
KSR 13-00-05	Medical and Dental Sick Call
KSR 13-00-07	Referral of Inmates Considered to Have Severe Emotional Disturbances
KSR 13-00-08	Institutional Laboratory Procedures
KSR 13-00-09	Institutional Pharmacy Procedures
KSR 13-00-10	Requirements for Medical Personnel
KSR 13-00-11	Preliminary Health Evaluation and Establishment of Inmate Medical Record
KSR 13-00-12	Vision Care/Optometry Services
KSR 13-00-14	Periodic Health Examinations for Inmates
KSR 13-00-15	Medical Alert System
KSR 13-00-16	Suicide Prevention and Intervention Program
KSR 14-00-01	Inmate Rights
KSR 14-00-02	A/C Center and Unit D Inmate Access to Legal Aide Services
KSR 14-00-04	Inmate Grievance Procedure
KSR 15-00-01	Operational Procedures and Rules and Regulations for Unit A, B, and C
KSR 15-00-02	Regulations Prohibiting Immate 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 - Adjustment Committee Procedures
KSR 15-00-08	Firehouse Living Area
KSR 16-00-01	Visiting Regulations
KSR 16-00-02	Inmate Correspondence and Mailroom Operations
KSR 16-00-03	Inmate Access to Telephones
KSR 17-00-01	Housing Unit Assignment
KSR 17-00-03	Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 17-00-04	Assessment/Classification Center Operations, Rules and Regulations
KSR 17-00-05	Dormitory 10 Operations
KSR 17-00-06	Identification Department Admission and Discharge Procedures

KSR 17-00-07	Inmate Personal Property
KSR 18-00-01	Special Management Inmates - Unit D Classification
KSR 18-00-04	Returns from Other Institutions
KSR 18-00-05	Transfer of Residents to Kentucky Correctional Psychiatric Center
KSR 18-00-06	Classification
KSR 18-00-07	Special Notice Form
KSR 19-00-01	Inmate Work Incentives
KSR 19-00-02	On-the-Job Training Program
KSR 19-00-03	Safety Inspections of Inmate Work Assignment Locations
KSR 20-00-01	Vocational School Referral and Release Process
KSR 20-00-03	Academic School Programs
KSR 20-00-04	Criteria for Participation in Jefferson Community College Program
KSR 20-00-08	Integration of Vocational and Academic Education Programs
KSR 21-00-01	Legal Aide Office and Law Library Services and Supervision
KSR 21-00-02	Inmate Library Services
KSR 21-00-03	Library Services for Unit D
KSR 22-00-03	Inmate Organizations
KSR 23-00-02	Chaplain's Responsibility and Inmate Access to Religious Representatives
KSR 23-00-03	Religious Programming
KSR 25-00-01	Discharge of Residents to Hospital or Nursing Home
KSR 25-00-02	Violations of Law or Code of Conduct by Inmates on Parole Furlough
KSR 25-00-03	Pre-Parole Progress Report

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: April 11, 1986
FILED WITH LRC: April 11, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22, 1986 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: 506 employees of the Kentucky State Reformatory, 1,445 inmates, 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: Monthly 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.

CORRECTIONS CABINET

501 KAR 6:040. Kentucky State Penitentiary.

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 April 14, 1986 and hereinafter should be referred to as Kentucky State Penitentiary 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.

KSP 000000-06	Administrative Regulations
KSP 010000-04	Public Information and Media Communication
KSP 020000-01	General Guidelines for KSP Employees
KSP 020000-02	Service Regulations, Attendance, Hours of Work, Accumulation and Use of Leave
KSP 020000-03	Work Planning and Performance Review (WPPR)
KSP 020000-04	Employee Disciplinary Procedure
KSP 020000-05	Proper Dress for Uniformed and Non-Uniformed Personnel
KSP 020000-06	Employee Grievance Procedure
KSP 020000-07	Personnel Registers and Advertisements
KSP 020000-09	Maintenance, Confidentiality, and Informational Challenge of Material Contained in Personnel Files
KSP 020000-10	Overtime Policy
KSP 020000-15	Legal Assistance
KSP 020000-20	Equal Employment Opportunity Complaints
KSP 020000-23	Recruitment and Employment of Ex-Offenders
KSP 020000-24	Educational Assistance Program
KSP 020000-29	Promotional Opportunity Announcement Program
KSP 030000-01	Inventory Records and Control
KSP 030000-04	Requisition and Purchase of Supplies and Equipment
KSP 030000-05	Inmate Personal Funds

KSP 030000-06	Inmate Commissary Program
KSP 040000-02	Inmate Records Section
KSP 040000-08	Inmate Equal Opportunity Policy
KSP 050000-14	Searches of Inmates, Visitors, Staff, Vehicles, Cells and Area Shakedown and Preservation of Evidence
KSP 060000-01	Special Security Unit
KSP 060000-02	Operational Procedures for Disciplinary Segregation, Administrative Segregation, Administrative Control and Behavioral Control Units
KSP 060000-04	Protective Custody Unit
KSP 060000-11	Criteria for Disciplinary Segregation and Incentive Time Reduction Program
KSP 060000-12	Maximum Protective Custody
KSP 070000-01	Hospital Services
KSP 070000-02	Sick Call
KSP 070000-03	Health Evaluations
KSP 070000-04	Consultations
KSP 070000-05	Emergency Medical Procedure
KSP 070000-13	Pharmacy Procedures
KSP 070000-14	Medical Records
KSP 070000-16	Psychiatric and Psychological Services
KSP 070000-17	Dental Services for Special Management Units
KSP 070000-19	Optometric Services
KSP 070000-20	Menu Preparation and Planning
KSP 070000-24	Food Service, General Sanitation, Safety, and Protection Standards and Requirements
KSP 070000-25	Food Service Inspections
KSP 070000-30	Therapeutic Diets
KSP 090000-01	Inmate Work Programs
KSP 090000-03	Correctional Industries
KSP 100000-02	Visiting Program
KSP 100000-03	Disposition of Unauthorized Property
KSP 100000-04	Inmate Grooming and Dress Code
KSP 100000-05	Procedures for Providing Clothing, Linens and Other Personal Items
KSP 100000-06	Mail
KSP 100000-07	Inmate Telephone Access
KSP 100000-08	Behavioral Counseling Record
KSP 100000-09	Due Process/Disciplinary Procedures
KSP 100000-11	Authorized and Unauthorized Property for Inmates
KSP 100000-14	Property Room: Clothing Storage and Inventory
KSP 100000-15	Uniform Standards for Fire Safety, Sanitation and Security of all Cells
KSP 100000-18	Inmate Grievance Committee Hearings
KSP 100000-20	Legal Services Program
KSP 100000-21	Photocopies for Non-Indigent Inmates with Special Court Deadlines
KSP 100000-22	Special Management Unit Legal Services Program
KSP 100000-24	Resident Legal Services Office Library
KSP 100000-25	WKFC Resident - Access to Kentucky State Penitentiary Legal Library
KSP 110000-03	Governor's Meritorious Good Time Award Committee
KSP 110000-04	Pre-Parole Progress Report
KSP 110000-06	General Guidelines of the Classification Committee
KSP 110000-07	Statutory Good Time Restoration
KSP 110000-08	Award of Meritorious Good Time
KSP 110000-10	Special Needs Inmates
KSP 110000-11	Classification Committee - Transfer Requests
KSP 110000-12	Classification Committee - Inmate Work Assignments
KSP 110000-13	Classification Document
KSP 110000-14	Vocational School Placement
KSP 110000-15	Transfers to Kentucky Correctional Psychiatric Center (KCPC)
KSP 110000-16	Consideration of Further Treatment Requirements for Inmates Prior to Release
KSP 110000-19	Custody/Security Guidelines
KSP 120000-04	Academic Education
KSP 120000-07	Community Center Program
KSP 120000-08	Inmate Furloughs
KSP 120000-11	Religious Services - Staffing
KSP 120000-18	Religious Services - Religious Programming
KSP 120000-20	Marriage of Inmates
KSP 120000-24	Muslim Services
KSP 120000-31	Extended Furloughs
KSP 120000-32	Discharge of Inmates by Shock Probation
KSP 130000-10	Execution Plan

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: April 11, 1986
FILED WITH LRC: April 11, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22, 1986 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: 309 employees of the Kentucky State Penitentiary, 787 inmates, 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: Monthly 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.

CORRECTIONS CABINET

501 KAR 6:050. Luther Luckett Correctional Complex.

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 April 14, 1986 and hereinafter should be referred to as Luther Luckett Correctional Complex 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.

LLCC 01-08-01	Institutional Legal Assistance
LLCC 01-09-01	Public Information and News Media Access
LLCC 01-12-01	Duty Officer Responsibilities
LLCC 02-01-02	Fiscal Management: Accounting Procedures
LLCC 02-01-03	Fiscal Management: Agency Funds
LLCC 02-01-04	Fiscal Management: Insurance
LLCC 02-03-01	Fiscal Management: Audits
LLCC 02-06-01	Property Inventory
LLCC 03-01-01	General Guidelines for LLCC Employees
LLCC 03-01-02	Service Regulations, Attendance Accumulation and use of Leave
LLCC 03-02-01	Proper Dress for Uniformed Personnel
LLCC 03-03-01	Employee Grievance Mechanism
LLCC 03-04-01	Employee Records
LLCC 03-05-01	Personnel Registers
LLCC 03-06-01	Work Planning: Employee Evaluations and Evaluation Control
LLCC 03-08-01	Shift Transfers
LLCC 03-08-02	Rotation of Correctional Officers Between Central Security and Unit Management Staff
LLCC 03-09-01	Promotion Board
LLCC 03-10-01	Affirmative Action: EEO
LLCC 03-12-01	Confidentiality of Information Roles and Services of Consultants, Contract Personnel and Volunteers
LLCC 08-01-01	Offender Records
LLCC 08-04-01	Storage of Expunged Records
LLCC 10-03-09	Duties and Responsibilities of Building 1 and 2 Officer
LLCC 11-03-01	LLCC Population Categories
LLCC 11-07-01	Adjustment Procedures for Minor Rule Violations
LLCC 11-09-01	Rules and Regulations of the Unit
LLCC 11-13-01	Inmate Dress and Use of Access Areas
LLCC 11-15-01	Post-Parole Furloughs
LLCC 11-16-01	Restoration of Forfeited Good Time
LLCC 11-18-02	Use of Monitor Telephone
LLCC 11-19-01	Unit Shakedowns/Control of Excess Property
LLCC 11-20-01	Program Services for "Special Needs"/Mentally Ill Inmates
LLCC 12-01-01	Special Management Inmates
LLCC 12-04-01	Guidelines for (7E) PC Unit/General Living Conditions
LLCC 13-04-01	Food Service: Meals
LLCC 13-04-02	Food Service: Menu, Nutrition and Special Diets
LLCC 13-05-02	Medical Screening of Food Handlers
LLCC 13-06-01	Food Service: Inspections and Sanitation
LLCC 13-07-01	Food Service: Purchasing, Storage and Farm Products
LLCC 14-01-01	Sanitation, Living Condition Standards, and Cloting Issue
LLCC 14-05-01	Institutional Inspections
LLCC 15-01-01	Health Maintenance Services; Sick Call and Pill Call
LLCC 15-02-01	Mental Health/Psychological Services
LLCC 15-03-01	Pharmacy
LLCC 15-03-02	Use of Psychotropic Medications
LLCC 15-04-01	Dental Services
LLCC 15-05-02	Licensure and Training Standards
LLCC 15-06-02	Specialized Health Services
LLCC 15-06-03	Emergency Medical/Dental Care Services
LLCC 15-06-04	First Aid/CPR Training Program
LLCC 15-06-05	Suicide Prevention and Intervention Program
LLCC 15-07-01	Health Records
LLCC 15-08-01	Special Diets
LLCC 15-12-01	Special Needs Unit
LLCC 15-14-01	Informed Consent
LLCC 15-15-01	Medical Restraints
LLCC 15-16-01	Health Education/Special Health Programs
LLCC 16-01-01	Inmate Rights and Responsibilities
LLCC 16-02-01	Inmate Grievance Procedure
LLCC 16-03-01	Inmate Legal Services
LLCC 17-01-01	Due Process/Disciplinary Procedure
LLCC 18-01-01	Inmate Correspondence
LLCC 18-02-01	Inmate Visiting
LLCC 18-02-03	Extended Visit and Furloughs
LLCC 18-02-04	Meritorious Visits
LLCC 18-03-03	Inmate Visiting (DSU/ASU)
LLCC 20-01-01	Personal Property Control
LLCC 20-02-01	Authorized Inmate Personal Property
LLCC 20-03-01	Unauthorized Items
LLCC 20-04-02	Inmate Canteen
LLCC 20-05-01	Inmate Control of Personal Funds
LLCC 20-05-02	Storage and Disposition of Monies Received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays
LLCC 20-06-01	Procedure for Sending Appliances to Outside Dealers for Repair
LLCC 21-02-01	Classification/Security Levels
LLCC 21-03-01	Classification Process
LLCC 22-01-01	OJT/Job Assignments
LLCC 23-01-01	Academic School
LLCC 26-01-01	Religious Services
LLCC 28-01-01	Privileged Trips
LLCC 28-03-01	Temporary Release/Community Center Release
LLCC 28-04-01	Pre-Parole Progress Report

LLCC 28-04-02 Parole Eligibility Dates

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: April 11, 1986
FILED WITH LRC: April 11, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22, 1986 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: 206 employees of the Luther Luckett Correctional Complex, 580 inmates, 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: Monthly 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.

CORRECTIONS CABINET

501 KAR 6:060. Northpoint Training Center.

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 April 14, 1986 and hereinafter should be referred to as Northpoint Training Center 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.

NTC 01-05-01	Extraordinary Occurrence Reports
NTC 01-10-01	Legal Assistance for Staff
NTC 01-11-01	Political Activities of Merit Employees
NTC 01-15-01	Establishment of the Warden as Chief Executive Officer
NTC 01-17-01	Relationships with Public, Media and Other Agencies
NTC 02-01-02	Fiscal Management: Accounting Procedures
NTC 02-01-03	Fiscal Management: Checks
NTC 02-01-04	Fiscal Management: Insurance
NTC 02-03-01	Fiscal Management: Audits
NTC 02-08-01	Inmate Canteen
NTC 02-12-01	Inmate Personal Accounts
NTC 03-01-01	Employee Dress Code
NTC 03-02-01	General Guidelines for NTC Employees
NTC 03-03-01	Staff Members Suspected of Being Under the Influence of Intoxicants
NTC 03-04-01	Shift Assignments and Transfer
NTC 03-05-01	Work Planning and Performance Review
NTC 03-06-01	Worker's Compensation
NTC 03-07-01	Merit System Registers and Placement of Advertisements
NTC 03-08-02	Employee Identification Cards
NTC 03-09-01	Maintenance, Confidentiality and Challenge of Information Contained in Employee Personnel File
NTC 03-10-01	Employment of Ex-Offenders
NTC 03-13-01	Travel Reimbursement for Official Business and Professional Meetings
NTC 03-14-01	Selection, Retention, Promotion, and Lateral Transfer of Merit System Employees
NTC 03-14-02	Promotional Opportunities
NTC 03-15-01	Time and Attendance; Accumulation and Use of Accrued Time
NTC 03-15-02	Sick Leave Abuse
NTC 03-15-03	Inclement Weather and Emergency Conditions
NTC 03-16-01	EEO - Affirmative Action
NTC 03-17-01	Employee Grievance Procedure
NTC 03-17-02	Review Committee
NTC 03-18-01	Educational Assistance Program
NTC 03-19-01	Holding of Second Jobs by Employees
NTC 04-01-01	Training and Staff Development
NTC 06-01-01	Offender Records
NTC 06-01-02	Records - Release of Information
NTC 06-01-03	Taking Offender Record Folders onto the Yard
NTC 08-05-01	Duties of Fire Safety Officer
NTC 08-05-02	Fire Procedures
NTC 08-05-03	Fire Prevention
NTC 08-05-04	Storage of Flammables and Dangerous Chemicals and Their Use
NTC 08-05-05	Control of Flammables, Toxic, Caustic, and Other Hazardous Chemicals and Janitorial Supplies
NTC 10-01-01	Special Management Inmates
NTC 10-01-02	Legal Aide Visits for Special Management Inmates
NTC 11-03-01	Food Services: General Guidelines
NTC 11-04-01	Food Service: Meals
NTC 11-04-02	Menu, Nutrition and Special Diets

NTC 11-05-02	Health Standards/Regulations for Food Service Employees
NTC 11-06-01	Inspections and Sanitation
NTC 11-07-01	Purchasing, Storage and Farm Products
NTC 12-01-01	Institutional Inspections
NTC 12-02-01	Personal Hygiene for Inmates; Clothing and Linens
NTC 12-02-02	Personal Hygiene Items
NTC 13-01-01	Emergency Medical Care Plan
NTC 13-01-02	Emergency and Specialized Health Services
NTC 13-02-01	Administration and Authority for Health Services
NTC 13-03-01	Sick Call and Pill Call
NTC 13-04-01	Pharmacy
NTC 13-05-01	Dental Services
NTC 13-06-01	Licensure and Training Standards
NTC 13-07-01	Provisions for Health Care Delivery
NTC 13-08-01	Medical and Dental Records
NTC 13-09-01	Special Diets
NTC 13-11-01	Inmate Health Screening and Evaluation
NTC 13-12-01	Disabled and Infirm Inmates
NTC 13-13-01	Medical Alert System
NTC 13-14-01	Management of Chemically Dependent Inmates
NTC 13-15-01	Health Education for Inmates
NTC 13-16-01	Continuity of Health Care
NTC 13-17-01	Inmates Assigned to Health Services
NTC 13-19-01	Psychological Services
NTC 13-19-02	Mentally Retarded Inmates
NTC 13-19-03	Suicide Prevention and Intervention Program
NTC 14-01-01	Legal Services Program
NTC 14-02-01	Inmate Grievance Procedure
NTC 14-03-01	Inmate Rights and Responsibilities
NTC 15-01-01	Restoration of Forfeited Good Time
NTC 15-02-01	Due Process/Disciplinary Procedures
NTC 15-02-02	Extra Duty Assignments
NTC 15-03-01	Rules for Inmates Assigned to Outside Detail
NTC 15-03-02	Rules and Regulations for Dormitories
NTC 15-04-01	Inmate Identification
NTC 16-01-01	Mail Regulations
NTC 16-02-01	Visiting
NTC 16-02-02	Extended and Special Visits
NTC 16-02-03	Honor Dorm Visiting
NTC 16-03-01	Inmate Furloughs
NTC 16-05-01	Telephone Use and Control
NTC 17-01-01	Personal Property Control
NTC 17-01-02	Authorized Inmate Personal Property
NTC 17-01-03	Unauthorized Inmate Property
NTC 17-01-04	Disposition of Unauthorized Property
NTC 17-03-01	Assessment/Orientation
NTC 18-01-01	Pre-Parole Progress Report
NTC 18-01-02	Parole Eligibility Dates
NTC 18-02-01	Classification
NTC 18-03-01	Special Notice Form
NTC 18-05-01	Transfers to Other Institutions
NTC 18-05-02	Transfer of Inmates to Kentucky Correctional Psychiatric Center
NTC 19-01-01	Inmate Work Program
NTC 20-01-01	Academic School Program
NTC 21-01-01	Library Services
NTC 22-03-01	Conducting Inmate Organizational Meetings and Programs
NTC 23-01-01	Religious Services
NTC 23-03-01	Marriage of Inmates
NTC 24-04-01	Honor Status
NTC 24-05-01	Unit Management
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
NTC 25-03-01	Inmate Release Procedure
NTC 26-01-02	Certification of Volunteers and Guests

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: April 11, 1986
FILED WITH LRC: April 11, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22, 1986 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: 219 employees of the Northpoint Training Center, 668 inmates, 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: Monthly 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.

CORRECTIONS CABINET

501 KAR 6:070. Kentucky Correctional Instution for Women.

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 April 14, 1986 and hereinafter should be referred to as Kentucky Correctional Institution for Women 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.

KCIW 01-06-01	Legal Assistance for Corrections Staff
KCIW 01-08-01	News Media Access
KCIW 02-01-01	Comprehensive Insurance Coverage
KCIW 02-02-01	Fiscal Management: Audits
KCIW 02-02-03	Fiscal Management: Checks
KCIW 02-02-04	Institution Purchasing Procedures
KCIW 02-03-01	Inventory Control of Non-Expendable Personal Property
KCIW 02-03-03	Criteria for Selection of Bidders and Vendors
KCIW 02-04-01	Accounting Procedures
KCIW 02-05-01	Inmate Canteen/Staff Canteen
KCIW 02-07-01	Release of C.E.T.A. Money Earned
KCIW 03-01-01	Travel Expense Reimbursement
KCIW 03-02-01	General Orders for Staff
KCIW 03-02-02	Inclement Weather and Emergency Conditions
KCIW 03-03-01	Employee Grievance Procedure
KCIW 03-05-01	Employee Personnel File
KCIW 03-06-01	Affirmative Action and the Equal Employment Opportunity Complaint Procedure
KCIW 03-08-01	Employee Performance Evaluations
KCIW 03-09-01	Payroll and Personnel Manning Records
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
KCIW 06-01-02	Transfers to Community Centers and the Minimum Security Unit
KCIW 06-01-03	Storage of Expunged Records
KCIW 10-01-01	Special Management Unit General Operation and Regulations
KCIW 10-01-02	Special Management Unit Programs, Placement and Review
KCIW 11-01-01	Food Service Operation Inspections
KCIW 11-01-02	Budgeting, Accounting, and Purchasing Procedures for Food Products
KCIW 11-02-01	Menu Preparation/Special Diets
KCIW 11-03-01	General Guidelines for Food Service Operations Manager
KCIW 11-03-02	General Guidelines for Food Service Workers
KCIW 11-04-01	Health Standards, Regulations for Food Service Workers
KCIW 12-01-01	Control of Pests and Vermin
KCIW 12-02-01	Laundry Facilities/Clothing Issuance
KCIW 12-02-03	Donated Items
KCIW 12-04-01	Sanitation and General Living Conditions
KCIW 13-01-01	Provision of Medical and Dental Care
KCIW 13-01-02	Preliminary Health Screening and Appraisal
KCIW 13-01-03	Use of Pharmaceutical Products
KCIW 13-03-01	Emergency Care
KCIW 13-03-02	Infirmary Care and Outside Services
KCIW 13-03-03	Outside Hospital Security
KCIW 13-04-01	Medical Alert System
KCIW 13-04-02	Psychiatric/Psychological Services
KCIW 13-06-01	Informed Consent
KCIW 13-07-01	Detoxification and Alcohol or Chemical Dependency Guidelines
KCIW 13-08-01	Medical Exams for New Employees
KCIW 14-01-02	Inmate Rights
KCIW 14-02-01	Access to Attorneys and Designated Counsel Substitutes
KCIW 14-03-01	Inmates Are Not Subject to Discrimination Based on Race, Religion, National Origin, Sex, Handicap, or Political Beliefs
KCIW 14-04-01	Inmate Grievance Procedure
KCIW 15-01-01	Offenses and Penalties
KCIW 15-01-02	Adjustment Committee Procedures and Programs
KCIW 15-03-01	Inmate Rule Book
KCIW 15-04-01	Incentive Levels System
KCIW 16-01-01	Inmate Correspondence
KCIW 16-01-02	Inmate Mail Distribution
KCIW 16-01-03	Staff Mail
KCIW 16-02-01	Inmate Access to Telephone
KCIW 16-02-02	Intra-Institution Phone Calls
KCIW 16-03-01	Inmate Visiting Regulations
KCIW 16-03-02	Unauthorized Items for Picnic Lunches, Food Packages and Regular Packages
KCIW 16-04-01	Inmate Indigent Fund
KCIW 16-05-01	Vendor Packages, Appliance Orders and Drug Store Orders
KCIW 17-01-01	Assessment Center Operation and Reception Programs
KCIW 17-01-02	Assessment/Classification Center Operations, Rules and Regulations
KCIW 17-01-03	Assessment and Classification Unit Property Guidelines
KCIW 17-02-01	Identification Department Admissions
KCIW 17-03-01	Notifying Inmates Families of Admission and Procedures for Mail and Visiting
KCIW 17-05-01	Inmate Personal Property
KCIW 18-01-02	Institutional Housing Assignments
KCIW 18-02-01	Classification Procedures
KCIW 18-05-01	Special Needs Inmates
KCIW 18-06-01	Institutional Status Codes
KCIW 19-01-01	Inmate Work/Program Assignments
KCIW 19-03-01	Landscape and Maintenance Work Details
KCIW 20-01-01	Education Programs
KCIW 20-01-03	Vocational Education: Curriculum Flexible Schedule, Up-grade Programs and Release Preparation Program
KCIW 20-01-04	Entry - Exit Vocational School
KCIW 20-01-05	Vocational Programs: Approved, Assessed and Contain Guidelines for Vocational Records
KCIW 20-01-06	Vocational Education: Staffing Patterns/Requirements
KCIW 20-01-07	Vocational Counselor
KCIW 20-01-08	Vocational Education: Community Resources and the Integration with Academic Progress
KCIW 20-01-09	Vocational Education: Support Equipment
KCIW 20-01-10	Control of Flammable, Hazardous, Toxic and Caustic Materials in the Vocational Area

KCIW 22-01-04 Inmate Club Activities
KCIW 23-01-01 Religious Services
KCIW 25-01-01 Pre-Parole Progress Report
KCIW 25-02-01 Temporary Release/Community Center
KCIW 25-02-02 Furloughs
KCIW 25-03-01 Escorted Leave into the Community

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: April 11, 1986
FILED WITH LRC: April 11, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22, 1986 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: 77 employees of the Kentucky Correctional Institution for Women, 161 inmates, 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: Monthly 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.

CORRECTIONS CABINET

501 KAR 6:080. Corrections Cabinet Manuals.

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 April 14, 1986 and hereinafter should be referred to as Corrections Cabinet Manuals. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

Offender Records Manual - None.
Stock Procedure Manual - None.
Food Services Manual - None.
Classification Manual - None.

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: April 11, 1986
FILED WITH LRC: April 11, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22, 1986 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: 2,087 employees of the Corrections Cabinet, 4,724 inmates, 3,386 parolees, 5,256 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: Monthly 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.

CORRECTIONS CABINET

501 KAR 6:090. Frankfort Career Development Center.

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 April 14, 1986 and hereinafter should be referred to as Frankfort Career Development Center 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.

FCDC 16-01-01 Inmate Visiting
FCDC 17-01-01 Inmate Property Control
FCDC 22-01-01 Privilege Trips

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: April 11, 1986
FILED WITH LRC: April 11, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22, 1986 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: 23 employees of the Frankfort Career Development Center, 67 inmates, 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: Monthly 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.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Financial Institutions
Division of Securities

808 KAR 10:240. Registration exemptions - sale of business.

RELATES TO KRS 292.410(1)(q)
PURSUANT TO: KRS 13A.350, 292.500(3)
NECESSITY AND FUNCTION: To declare that registration is not necessary in the public interest for certain business transactions pursuant to KRS 292.410(1)(q).

Section 1. Pursuant to KRS 202.410(1)(q), the director having found that registration is not necessary or appropriate in the public interest or for the protection of investors, the following class of transactions is determined to be exempt from the registration provisions of KRS 292.330 through 292.390: The offer or sale of 100 percent of the ownership interest in any corporation provided that:
(1) No less than 100 percent of the stock of the corporation is either offered or sold; and
(2) The stock is sold to no more than one (1) individual or pre-existing entity.

RONDA S. PAUL, Director
APPROVED BY AGENCY: April 10, 1986
FILED WITH LRC: April 10, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for Monday, May 26, 1986, at 10 a.m., Department of Financial Institutions, Division of Securities, 911 Leawood Drive, Frankfort, Kentucky 40601. If no written notice of intent to attend and testify at the public hearing is received within five days before the scheduled hearing, the hearing will be cancelled. Those interested in attending this hearing shall notify in writing: William E. Doyle, Department of Financial Institutions, Division of Securities, 911 Leawood Drive, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: William E. Doyle
(1) Type and number of entities affected: Small businesses will be easier to sell in compliance with KRS Chapter 292. Number indeterminable.
(a) Direct and indirect costs or savings to those affected:
1. First year: Indeterminable.
2. Continuing costs or savings: Indeterminable.
3. Additional factors increasing or decreasing costs (note any effects upon competition): Self executing exemption facilitates the sale of small business by reducing the Securities Division requirements for the transaction.
(b) Reporting and paperwork requirements: Eliminated.

(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: Indeterminable.
2. Continuing costs or savings: Indeterminable.
3. Additional factors increasing or decreasing costs: Costs of processing exemption claims eliminated.
(b) Reporting and paperwork requirements: Eliminated.
(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: This regulation will facilitate the sale of small businesses without causing any harm or lack of protection for the general public.

Tiering:
Was tiering applied? Yes.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Harness Racing Commission

811 KAR 1:225. Substance abuse by commission employees and licensees.

RELATES TO: KRS 230.630, 230.640
PURSUANT TO: KRS Chapter 13A, 230.640(2)
NECESSITY AND FUNCTION: To regulate the eligibility of officials and licensees to participate in harness racing. The function of the regulation is to provide for the testing of officials and licensees for alcohol and drugs.

Section 1. (1) No licensee of this commission nor employee of any racing association licensed by this commission shall have present within his/her body while on the grounds of said licensed association any amount of alcohol which would constitute legal impairment or intoxication.
(2) A breathalyzer reading of .05 percent blood alcohol content or more shall constitute legal impairment or intoxication.
(3) Every extended pari-mutuel track shall be equipped with a breathalyzer device for the detection of alcohol.
(4) The deputy commissioner or his assistant may in his discretion direct all drivers, judges, starters and marshals licensed by this commission to submit to a blanket breathalyzer test. In the event such a blanket test is ordered by the deputy commissioner or his assistant, it must be administered across the board to all members of the class of licensees who are on the premises of the association. All licensees in the affected class of licensees must, when so ordered, submit to the breathalyzer examination. In the event a licensee refuses to take the breathalyzer examination, the licensee shall not be permitted to continue his/her duties for the remainder of the day. In the event a licensee takes the test as directed and the results thereof show a reading of .05 percent alcohol content or more, said licensee shall likewise not be permitted to continue his/her duties for that day.
(5) A harness racing judge or a designated harness racing commission representative may with reasonable cause direct any licensee of this commission or employee of an association licensed by this commission to submit to a breathalyzer test for the detection of alcohol. In the event a licensee or employee refuses to take the breathalyzer examination, the licensee or employee shall not be permitted to continue his/her duties for the remainder of the day. In the event said licensee or employee takes the test as directed and the results thereof show a reading of .05 percent alcohol or more, said licensee or employee shall not be permitted to continue his/her duties for that day.
(6) Any licensee or employee who is suspended for one (1) day by the deputy commissioner, or his assistant or by a judge or harness racing commission representative, either for failure to take a breathalyzer examination or because the breathalyzer examination has a reading of .05 percent alcohol content or more, shall, after a hearing before the judges or commission, be subject to fine or suspension, or both, by the judges or commission for alcohol intoxication. A refusal by a licensee or employee to submit to the breathalyzer test may be introduced as evidence against any licensee or employee involved at this hearing. In the event the harness racing judges render such a decision, the ruling is appealable to the commission, as is the case in any other fine suspension imposed by the judges.
(7) For the second violation of subsection (1) of this section, the licensee or employee shall be suspended from racing until such time as his/her condition has been professionally evaluated. If said professional evaluation shows that the licensee's or employee's condition is non-addictive and the commission concurs with this evaluation, then the commission shall permit said licensee or employee to participate in racing so long as the participation would not be detrimental to the best interest of racing, provided that he/she can produce a negative test result and agrees to further testing in the discretion of the judges or designated Harness Racing Commission representative, so as to ensure his/her unimpairment. If said professional evaluation reveals that the licensee's or employee's condition is addictive, and this commission concurs with this evaluation and further determines that participation by the licensee or employee would be detrimental to the best interests of racing, then this commission shall suspend the licensee or employee from harness racing until such time as he/she can produce a negative test result and introduce documentary proof that he/she has successfully completed a certified alcohol rehabilitation program approved by the Harness Racing Commission. Said licensee or employee must agree to further testing in the discretion of the judges or Harness Racing Commission representative, to ensure his/her unimpairment.
(8) For the third violation of subsection (1) of this section, the licensee or employee involved shall have his/her license revoked. The licensee or employee shall be allowed to enroll in a certified alcohol rehabilitation program approved by the Kentucky Harness Racing Commission and shall apply for reinstatement

only after completion of the rehabilitation program. The reinstatement of the licensee or employee and conditions of reinstatement are within the discretion of the Harness Racing Commission.

Section 2. (1) No licensee of this commission or employee of any racing association licensed by this commission shall have present within his/her body while on the grounds of said licensed association any controlled substance as listed in KRS Chapter 218A, or in Schedules I-V of Title 21 U.S. Code 812. No licensee of this commission or employee of any racing association licensed by this commission shall have present within his/her body while on the grounds of said licensed association any prescription legend drugs, unless said prescription legend drug was obtained directly from or pursuant to a valid prescription of a duly licensed physician who is acting in the course of his/her professional practice.

(2) A harness racing judge or a designated Harness Racing Commission representative may, upon reasonable cause, direct any licensee or employee of an association licensed by this commission to deliver a specimen of urine in the presence of the said harness racing judge or commission representative or subject himself/herself to the taking of a sample of blood or other body fluid by the track physician or other duly licensed physician appointed by the Harness Racing Commission for the detection of controlled substances or drugs. In the event a licensee or employee shall refuse to deliver a specimen of urine in the presence of the harness racing judge or commission representative or subject himself/herself to the taking of a sample of blood or other body fluid by the track physician or other duly licensed physician appointed by the Harness Racing Commission, the licensee or employee shall not be permitted to continue his/her duties for the remainder of the day. In the event said licensee or employee of an association licensed by this commission shall take the urine or blood test as directed by the judge or Harness Racing Commission representative, the licensee or employee shall be suspended from his/her duties for that day. The test results shall be filed with harness racing judges at the racing association involved.

(3) In the event a licensee or employee is suspended by a judge or harness racing commission representative for a day, said licensee or employee shall, after a hearing before the judges or commission, be subject to a fine or suspension, or both, by the judges or commission, for the presence of the illegal drug in his/her body. A refusal by a licensee or employee to deliver a specimen of urine in the presence of the harness racing judge or commission representative or subject himself/herself to the taking of a sample of blood or other body fluid by the track physician or other duly licensed physician appointed by the Harness Racing Commission may be introduced as evidence against the licensee or employee involved. In the event said decision is rendered by the harness racing judges, it is appealable to the commission as is the case with any other fine or suspension imposed by the judges.

(4) In the event the commission determines that there has been violation of subsection 2 of this section, the commission shall suspend said licensee or employee until such time as he/she shall provide a professional evaluation to this commission. In the event said professional evaluation states that the licensee's or employee's condition is non-addictive, and this commission concurs with this conclusion and further determines that the licensee's or employee's participation in racing is not detrimental to the best interests of harness racing, then said commission shall permit said licensee or employee to participate in harness racing, provided he/she can produce a negative test result and agrees to further testing in the discretion of the judges or designated Harness Racing Commission representative to ensure his/her unimpairment. In the event said professional evaluation indicates that the licensee's or employee's condition is addictive, and this commission after having considered same concurs with the evaluation and further determines that the licensee's or employee's continued participation in racing is detrimental to the best interests of racing, then this commission shall suspend said licensee or employee from participation in harness racing until such time as he/she can produce a negative test result and show documentary proof that he/she has successfully completed a certified drug rehabilitation program approved by the Harness Racing Commission. Said licensee or employee must agree to further testing at the discretion of the judges or Harness Racing Commission representative to ensure his/her unimpairment.

(5) For the second violation of subsection (1) of this section, the licensee or employee involved shall have his/her license revoked. The licensee or employee shall be allowed to enroll in a certified drug rehabilitation program approved by the Kentucky Harness Racing Commission, and shall apply for reinstatement only after completion of the rehabilitation program. The reinstatement of the licensee or employee and conditions of reinstatement are within the discretion of the Harness Racing Commission.

(6) In the event a sample of blood or other body fluids is taken, the quantity shall be sufficient to enable the sample to be split.

Section 3. The expense of the testing conducted to enforce this regulation shall be borne either by the licensed racing association, or, the individual licensee or employee involved. In the event the tests produce a negative result, the expense shall be paid by the licensed racing association involved. In the event the testing produces a positive result showing the presence of .05 percent alcohol content, or the presence of any controlled substance or legend drug, then the expense shall be borne by the licensee or employee involved.

CARL B. LARSEN, Executive Director
ROBERT DAVIS, Secretary
APPROVED BY AGENCY: April 3, 1986
FILED WITH LRC: April 14, 1986 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on this regulation on May 21, 1986 at 10 a.m. at the office of the Kentucky Harness Racing Commission. Anyone interested in attending this hearing, shall notify in writing Carl B. Larsen, Executive Director, Kentucky Harness Racing Commission, Suite 300, 535 West Second Street, Lexington, Kentucky, 40508, at least five days before the hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl B. Larsen
(1) Type and number of entities affected: N/A
(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:
(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:
(3) Assessment of anticipated effect on state and local revenues: N/A
(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. N/A

CABINET FOR HUMAN RESOURCES
Office of Inspector General

902 KAR 20:210. General health services licensure.

RELATES TO: KRS 216B.010 to 216B.131, 216B.990(1),(2)
PURSUANT TO: KRS 194.050, 216B.040(2), 216.105, Executive Order 85-761
NECESSITY AND FUNCTION: KRS 216B.040 and 216B.105 mandate that the Cabinet for Human Resources regulate health facilities. This regulation provides minimum licensure requirements for persons who have been issued a certificate of need to establish certain health services for which there is not a distinct licensure category under the provisions of 902 KAR 20:008 and there are no licensure regulations promulgated pursuant to KRS 216B.040.

Section 1. Definitions:
(1) "Authority" means the Kentucky Certificate of Need Authority.
(2) "Cabinet" means the Kentucky Cabinet for Human Resources.
(3) "licensure agency" means the Division for Licensing and Regulation in the Office of Inspector General.

Section 2. Applicability. Persons who have been issued a certificate of need for the establishment of a health service for which there is, in the opinion of the cabinet, not an appropriate licensure regulation, shall be licensed through one (1) of the procedures specified in Section 4 and 5 of this regulation, or until the licensure agency develops specific licensure regulations applicable to the health service in question.

Section 3. General Licensure Procedures. The following provisions shall apply to all applicants seeking licensure under this regulation:
(1) Expiration. Licenses issued under the provisions of this regulation shall expire and not be renewed upon the first annual relicensure date following promulgation of specific licensure regulations by the licensure agency which are applicable to the health service in question. A new license shall be issued if the applicant for licensure complies with the requirements of the licensure regulation promulgated by the licensure agency applicable to the health service in question.
(2) License procedures and fees. The applicant for licensure shall follow the licensure procedures specified in 902 KAR 20:008, Licenses procedures and fee schedule, in addition to the procedures specified in this regulation. The annual fee for services licensed under Section 4 of this regulation shall be the full amount specified in 902 KAR 20:008, License procedures and fee schedule, for the specific category under which it is licensed. The annual licensure fee (including renewals) for services licensed under the procedures in Section 5 of this regulation shall be $100.

Section 4. Alternative Licensure Procedure One. The licensure agency may elect to license the service utilizing a portion of the requirements of one of its existing licensure regulations which is determined to be applicable by the licensure agency. In such cases the licensure agency, following a site visit or visits to the applicant's facility, shall ascertain which of the requirements of the existing regulation are applicable and which requirements shall be waived due to their being nonapplicable to the service in question. Licenses issued in this manner shall cite the applicable existing health service licensure regulation as the authority for licensure and bear the title of that category of health service with an indication that waivers have been granted and that the service is of a special or limited purpose.

Section 5. Alternative Licensure Procedure Two. (1) Licensure. If the procedures specified in Section 4 of this regulation are not appropriate, in the opinion of the cabinet, the licensure agency may elect to license the service under the requirements contained in this section. Licenses issued in this manner shall cite this regulation as the authority for licensure and bear the title of the category of health service specified on the applicant's certificate of need.
(2) Administration and operation.
(a) Licensee.
1. The licensee shall be responsible for the management and operation of the service and for compliance with federal, state and local laws and regulations pertaining to its operation.
2. The licensee shall appoint an administrator whose qualifications, responsibilities, authority and accountability are defined in writing.
(b) Administrator.
1. The administrator shall be responsible for

the daily management and operation of the service.

2. In the absence of the administrator, responsibility shall be delegated to a similarly qualified staff person.

(c) Administrative records and reports.

1. Administrative reports shall be established, maintained and utilized as necessary to guide the operation, measure productivity and reflect the programs of the facility. Such reports shall include financial records and reports, personnel records, incident investigation reports and other pertinent reports made in the regular course of business.

2. Licensure inspection reports and plans of correction shall be made available to the public upon request at the administrative offices of the service.

(d) Policies. The licensee shall adopt written administrative and patient care policies covering all aspects of operation including:

1. A description of the organizational structure, staffing and allocation of responsibility and accountability;

2. A description of referral linkages with physician(s), inpatient facilities and other providers;

3. Policies and procedures for the guidance and control of personnel performances;

4. A description of the services provided;

5. Procedures for maintenance of administrative and patient care records and reports;

6. A policy approved by a physician concerning procedures for handling emergency medical situations;

7. Procedures to be followed in the storage, handling, and administration of drugs and biologicals, if applicable;

8. Procedures for review and evaluation of the services provided at least annually.

(e) Personnel.

1. The facility shall employ a sufficient number of qualified personnel to provide effective patient care and all other related services. The licensee shall establish written personnel policies which are available to all employees and are reviewed and revised on an annual basis. If the staff/patient ratio does not meet the needs of the patients, the Division of Licensing and Regulation shall determine and inform the program administrator in writing how many additional personnel are to be added and of what job classification, and shall give the basis for this determination.

2. There shall be a written job description for each position which shall be reviewed and revised as necessary.

3. There shall be an individual personnel record for each person employed which shall include: documentation of education, training and experience of the individual, a copy of the current license or certification credentials, if applicable, and records of performance evaluation.

4. Personnel shall be legally and professionally qualified to perform the duties and functions assigned to them as defined in their respective licensure laws and regulations and accepted professional standards established by their peers.

(f) Medical record.

1. A medical record shall be maintained, in accordance with accepted professional principles, for every patient served by the facility.

2. The medical record shall contain sufficient information to identify the patient, justify the diagnosis and treatment, and document the results of treatment. The records shall contain the following information:

a. Identification data and consent forms;

b. Pertinent medical history;

c. Description of each medical visit or contact including the reason for the contact, assessment of health status and health needs of the patient;

d. Reports of all physical examinations, laboratory, x-ray and other test findings;

e. Diagnosis;

f. Signed orders for diagnostic tests and treatments including medications prescribed;

g. Record of services provided including medications and treatments prescribed;

h. Progress notes documenting the results of treatment;

i. Documentation of all referrals made including the reason for the referral, name of person or service to whom patient was referred and any information obtained from the referral source;

j. Discharge summary or information on final disposition of the patient completed within fifteen (15) days of the last patient contact.

3. All entries into the medical record shall be signed by the person making the entry.

4. Confidentiality of medical records shall be maintained at all times.

5. Provision shall be made for written designation of specific locations for the storage of medical records in the event the facility ceases to operate because of disaster, or for any other reason. The licensee shall safeguard the record and its content against loss, defacement and tampering.

6. All medical records shall be retained for a minimum of five (5) years from the conclusion of treatment, or in the case of a minor, three (3) years after the patient reaches the age of majority under state law, whichever is longer.

(3) Scope. The scope of services provided by the licensee shall be limited to those described in the licensee's certificate of need application and approved by the authority.

(4) Physical environment.

(a) Accessibility. The facility shall meet requirements for making buildings and facilities accessible to and usable by the physically handicapped pursuant to KRS 198B.260 and regulations promulgated thereunder.

(b) Fire safety. The facility shall be approved by the Fire Marshal's office before licensing and relicensure is granted by the licensure agency.

(c) Maintenance. The licensee shall establish a written preventive maintenance program to ensure that:

1. Equipment is operative and properly calibrated. If the licensee provides radiology services it shall have a current license or registration and operators shall be appropriately certified pursuant to KRS 211.852 and any regulations promulgated thereunder; and

2. The interior and exterior of the building shall be clean and maintained free of any defects which are a potential hazard to patients, personnel and the public.

WILLIAM M. GARDNER, Inspector General
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 1, 1986
FILED WITH LRC: April 15, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 23, 1986, at 9 a.m., in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 18, 1986, 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: Delano Miller
(1) Type and number of entities affected: New or innovative services and facilities could be licensed under the proposed licensure category.
(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: Facilities or services would be licensed through one of the two procedures provided for in the regulation.
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: N/A
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: N/A
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Until recently, there were instances where certificates of need were issued for services which did not have a specific licensure category. Another alternative would be to promulgate regulations for each new technology.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: Not in conflict.
(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. These are licensure regulations. All services or facilities licensed under this category must meet the same regulations.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:007. Documentation of medical assistance services.

RELATES TO: KRS 205.520
PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth provisions relating to the requirement for documentation of medical assistance services provided by providers participating in the medical assistance program to eligible medical assistance recipients.

Section 1. Requirement for Documentation. All providers participating in the Kentucky Medical Assistance Program (KMAP) must maintain documentation of services provided eligible medical assistance recipients when such services are billed to the KMAP. Documentation must be retained for not less than five (5) years from the date of service. Copies of claims submitted to the KMAP must be retained for not less than two (2) years following the date of submittal.

Section 2. Adequacy of Documentation. Pursuant to federal regulations, the KMAP pays only for services which are medically indicated. Minimal required documentation consists of the following items.
(1) The patient's medical record (or other provider file, as appropriate) must show that the service billed for was actually performed.
(2) The record should show that the service provided was medically indicated. Medical necessity should be apparent from the diagnosis indicated and/or laboratory tests performed.
(3) For hospital (inpatient and outpatient), pharmacy, home health agency, and nursing home (skilled nursing, intermediate care, and intermediate care for the mentally retarded) services, appropriate provider orders must be in the record to substantiate the necessity of and order for the service.

Section 3. Refunds Based on Lack of Documentation. When a provider fails to maintain adequate documentation that a billed service was actually performed and that medical necessity existed, the KMAP shall be entitled to a refund from the provider of any reimbursement made for such service by the KMAP.

Section 4. Fraud Related to Documentation. When it appears to the cabinet that a participating provider has deliberately acted in such a manner as to contravene the requirements relating to documentation of medical assistance services contained in this regulation, the cabinet may refer the matter to the Medicaid Fraud Control Unit of the Attorney General's Office for resolution.

FONTAINE BANKS, Acting Deputy Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 2, 1986
FILED WITH LRC: April 15, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 23, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 18, 1986 of their desire to appear and testify at the

hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler
(1) Type and number of entities affected: All providers participating in the Medicaid Program.
(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: None

Tiering:
Was tiering applied? No. Not applicable for Medicaid regulations.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the April 17, 1986 Meeting

The April meeting of the Administrative Regulation Review Subcommittee was held on Thursday, April 17, 1986 at 10:00 a.m. in Room 103. Representative Jim Bruce, Acting Chairman, called the meeting to order, and the secretary called the roll. On motion of Senator Pat McCuiston, seconded by Representative Ed Holloway, the minutes of the March 3-4, 1986 meeting were approved.

Present were:

Members: Representative Jim Bruce, Acting Chairman; Senators Harold Haering and Pat McCuiston; Representatives Ed Holloway and Joe Meyer.

Guests: David Terry, University of Kentucky, Agricultural Experiment Station; William F. Sparrow, C. Richard Warner, J. C. Warner, Kentucky Fertilizer & Ag. Chemical Association; Sarah M. Jackson, Board of Ophthalmic Dispensers and Board of Examiners for Speech Pathology and Audiology; Nathan Goldman, Board of Veterinary Examiners; Dave Nicholas, Division of Occupations and Professions; Mary Romelfanger, Bill Shouse, Bernadette Sutherland, Pamela Wells, Board of Nursing; William Kline, Department of State Police; Cathy Snell, Justice Cabinet; Gary Bale, Department of Education; Howard Jones, Charles McDowell, Sue G. Simon, Department of the Blind; Patrick Watts, Department of Insurance; George Geoghegan, Harness Racing Commission; Betty Beshear, Roy Butler, Barbara Coleman, Ked R. Fitzpatrick, Vic Gausepohl, Gary Grubbs, Randall Hancock, Margaret Hockensmith, Cliff Howard, Janet Johnson, Eugenia Jump, Peggy S. Kidd, Ellis O. Maggard, Patrick Rickard, Lydia Roberts, Mike Robinson, Jesse Rowe, Gary L. Smith, Phillip R. Spangler, Larry Taylor, Mark Yancey, Cabinet for Human Resources

LRC Staff: Susan Wunderlich, Joe Hood, Gregory Karambellas, Donna Valencia, and Carla Arnold.

Press: Jack Brammer, Lexington Herald-Leader; Ken Marshall, WKYT-TV; Barry Peel, Leslie Shearer, WTVQ-TV; Bill Straub, Kentucky Post

The Administrative Regulation Review Subcommittee met on April 17, 1986, and submits the following report:

The Subcommittee determined that the following regulations, amended as agreed by the subcommittee and promulgating body, complied with KRS Chapter 13A:

Agricultural Experiment Station: Fertilizer
12 KAR 4:140 (Monetary penalties.) The subcommittee and agency agreed to the following substantive amendment to clarify the number of investigational allowances: "Two (2) deficiencies that are less than three (3) investigational allowances; or, no more than one (1) deficiency that is equal to or greater than three (3) but less than four (4) investigational allowances."

Justice Cabinet: Peace Officer Death Benefits
500 KAR 1:010 (Definitions.) This regulation was technically amended by the agency and subcommittee to clarify the definition of "full time".

Education and Humanities Cabinet: Department for the Blind: Blind
720 KAR 1:010 (Federal vocational rehabilitation program.) The subcommittee and agency agreed to technically amend the reference material adopted in this regulation.

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

Agricultural Experiment Station: Fertilizer
12 KAR 4:110 (Terms and definitions.)

General Government Cabinet: Board of Ophthalmic Dispensers
201 KAR 13:011 (Regulations to be posted.)
201 KAR 13:070 (License revocation.)

Board of Veterinary Examiners
201 KAR 16:020 (Examination for licensing; reciprocity; fees; re-examinations.)
201 KAR 16:060 (Procedure for denial, suspension, nonrenewal or revocation hearings.)
Representatives Bruce and Meyer stated that a review of this and other administrative regulations relating to hearings before administrative bodies pointed out the need for a uniform act governing administrative hearings. The Subcommittee approve a motion for a bill request relating to an administrative practices act. They stated that the Subcommittee may hold hearings on such legislation and would welcome comments and suggestions from agencies.

Finance and Administration Cabinet: Division of Occupations and Professions: Board of Examiners for Speech Pathology and Audiology
201 KAR 17:070 (Complaint procedure.)
201 KAR 17:080 (Procedures for disciplinary hearings.)

General Government Cabinet: Board of Nursing
201 KAR 20:056 (Advanced registered nurse practitioner registration, program requirements, recognition of a national certifying organization.)

Justice Cabinet:Peace Officer Death Benefits
500 KAR 1:020 (Filing and processing of death benefit claims.)
500 KAR 1:030 (Request for hearing.)
Department of State Police: Law Information Network of Kentucky
502 KAR 40:010 (Law Information Network of Kentucky.)
502 KAR 40:020 (Agreements for the legal exchange of criminal justice information.)
502 KAR 40:030 (Criminal Justice Information Exchange User Agreement.)
502 KAR 40:040 (LINK User Agencies to Initiate Agreement with Satellite Agencies.)

Education and Humanities Cabinet: Department of Education: Office of Education for Exceptional Children: Exceptional and Handicapped Programs
707 KAR 1:003 (Annual program plan for the administration of the Education of the Handicapped Act.)

Public Protection and Regulation Cabinet: Department of Insurance: Health Maintenance Organizations
806 KAR 38:030 (Contract filing, approval.)
Harness Racing Commission: Harness Racing Rules
811 KAR 1:220 (Harness racing at county fairs.)

Cabinet for Human Resources: Department for Health Services: Maternal and Child Health
902 KAR 4:060 (Kentucky state plan of program operations and administration for the Special Supplemental Food Program for Women, Infants, and Children (WIC).)
Local Boards of Health
902 KAR 8:020 (Policies and procedures for local health department operations.)
Representative Bruce asked what the change to state testing of private water sources would cost the state in personnel and administrative costs. The agency representative replied that the cost would be minimal.

Hospitalization of Mentally Ill and Mentally Retarded
902 KAR 12:080 (Policies and procedures for mental health/mental retardation facilities.)
Department for Employment Services: Unemployment Insurance
903 KAR 5:260 (Unemployment insurance procedures.)
903 KAR 5:290 (Employer contribution rates.)
Department for Social Insurance: Medical Assistance
904 KAR 1:250 (Incorporation by reference of materials relating to the Medical Assistance Program.)
904 KAR 1:320 (Kentucky patient access and care system.)
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 Aid to Families with Dependent Children Program.)
904 KAR 2:170 (Incorporation by reference of materials relating to the Child Support Program.)
Food Stamp Program
904 KAR 3:090 (Incorporation by reference of materials relating to the Food Stamp Program.)
Department for Social Services: Child Welfare
905 KAR 1:180 (DSS policy and procedures manual.)
Children's Residential Services
905 KAR 7:080 (Children's treatment services facility manual.)
905 KAR 7:200 (Re-Ed Treatment policy/procedural manual.)
905 KAR 7:210 (Central Kentucky Re-Ed Center policy and procedural manual.)
Office of Inspector General
906 KAR 1:030 (Hearings concerning employment agencies.)

The administrative agency withdrew the following regulations:

Cabinet for Human Resources: Department for Social Insurance: Medical Assistance
904 KAR 1:013 (Payments for acute care and mental hospital inpatient services.)
904 KAR 1:036 (Amounts payable for skilled nursing and intermediate care facility services.)

The Subcommittee had no objections to emergency regulations which had been filed.

Other Business:

House Bill 310
Representative Bruce and Senator McCuiston recommended that subcommittee staff prepare an analysis of House Bill 310 for discussion at the next meeting of the Subcommittee.

The Subcommittee adjourned at 11:15 a.m. until May 5, 1986.

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

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